



Lock-Outs and Shut-Offs to Evict Are Illegal

What is a lock-out or shut-off?

A lock-out is when your landlord forces you out of your home without going to court first, like if they change or take off your locks. **It is illegal.** If a landlord tries to get you out by shutting off water, heat or electricity that is a shut-off and is also illegal.

A landlord can only evict you by filing a court case, called an eviction action. If this happens, you are served with court papers. In court you have a chance to tell your side of the story.

If you lose in court, or do not show up to court, the landlord gets an order called a Writ of Recovery. The sheriff posts the Writ on your door, telling you to leave within 24 hours. If you do not leave in that time, the sheriff or police can come back, move you out, change the locks and supervise moving your things to storage.



A landlord can never force you out of your home without a Writ and a law officer. The landlord can't change the locks, shut off your utilities, move your property outside, take off or board up doors and windows, or do anything else to make you leave. The landlord can *ask* or *tell* you to move, but a landlord cannot *force* you to move unless they go to court.

If you and your landlord sign a lease, but then the landlord won't let you move in, that may also be an illegal lock-out.

What if my landlord is threatening to lock me out?

Tell your landlord that you know lockouts are illegal and they would have to evict you to force you to move. If your landlord is threatening to lock you out, always carry your ID and copies of things that show you are a current tenant. These could be things like a copy of your lease, copies of utility bills, and rent receipts. It is good to have these in case you are locked out and have to call the police to get back in.

What should I do if I am locked out?

Call the landlord. Explain that a lockout is a crime and they can get jail time and a fine (Minnesota Statutes [504B.225](#) and [609.606](#)). Ask to be let back in. Take this fact sheet to the landlord if you have to. Remain calm at all times. If you talk to the landlord in person, bring a witness.

If the landlord refuses, call the police. Explain what happened. Say that you know that a lock-out is a criminal misdemeanor. Ask them to call the landlord and meet you and the landlord at the property to let you in. Show them this fact sheet when they come to your house. Show them the proof that you live there, like an ID, utility bill or lease.



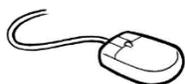
If that does not work, or if you can't find the landlord, call a lawyer.

If you have a low income, call your legal aid office. Often, a call from a lawyer to the landlord will solve the problem.

How do I file a lock-out case in court?

If you have a lawyer or not, you can go to court and very quickly get an order to get you back into your home. Some courts have a form like the one attached. [You can also find them online.](#) Fill out the form and take it to your county courthouse. Bring something that shows that you live on the property, like your lease, driver's license, or utility bill. Ask to see a judge as soon as possible.

If you have a low income, ask at the court for a court fee waiver or "inability to pay" (IFP) form. This form asks the court to waive your fees.



You can [create an IFP online](#) using an easy step-by-step interview.

Go to www.lawhelpmn.org/forms.

→ Click on *Court Fee Waiver (IFP)*

When you go to court bring proof of your income, like pay stubs, or proof of government assistance.

Your landlord may claim that you abandoned the apartment. If your things are there and you did not tell the landlord you are leaving, then you did not abandon the apartment. The landlord must file an eviction case in court before moving your things or changing the locks.

You might have the right to be let in the property even if you never moved in. If you signed a lease and gave money to the landlord for rent or a security deposit, the landlord must let you move into the property on the date the lease starts. If the landlord refuses to let you in, you have the right to start a lockout action and be let into the property.

Even people who live in temporary housing can't be locked out. You have the right not to be locked out of your home even if your home is in an assisted living building, a sober house, a homeless shelter, and other types of housing. The landlords who run buildings like these might say they can make you leave without going through an eviction. They are wrong. Even if you live in temporary housing, you have the rights in this fact sheet. You can ask the court to order the sheriff to help you get back in right away.

You can also ask the court to set a hearing to decide if the landlord should pay you money (damages) for locking you out. The court should sign an order for you to take to the sheriff. The sheriff can let you back in, even if they have to break in.

Your damages are the money you lost or had to spend because of the lock-out. Tell the court about any damaged property, missed work, missed appointments, motel bills, gas and food expenses, or other costs. Keep receipts and bring them to court.

You can also get triple damages (3 times your damages), or \$500, whichever is more, plus attorney's fees, *if*:

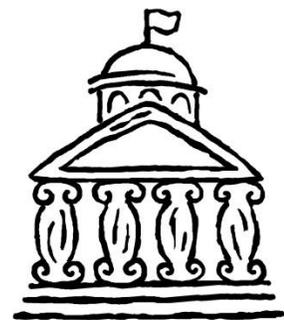
- The landlord shuts off your electricity, water, heat, or gas AND you told the landlord about it, but the landlord did not try to get your utilities turned back on within a reasonable time.

OR

- The landlord acted in "bad faith." Bad faith usually means lying, cheating, or knowing that something is wrong but doing it anyway.

If you win money damages, ask the court to let you collect it by taking it off your rent. Get a copy of the order. If your landlord files an eviction case against you for unpaid rent, show the judge the lockout case order.

If you don't go to court to get back in, you can sue your landlord later in Conciliation Court. Be sure to save all your evidence and keep track of any witnesses. The sooner you act the better. Remember that if you owe your landlord any money, they can "counterclaim" for their damages if you file a case. See our fact sheet [Conciliation Court](#).



Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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COUNTY OF _____

Plaintiff (Tenant)

LOCK-OUT PETITION

Vs.

FILE NO.

Defendant (Landlord)

Plaintiff states under oath:

1. My address is _____

2. My landlord's name is _____

3. My landlord's address is _____

4. The monthly rent is \$ _____

5. I have not abandoned my home. I was last there on _____ At that time, my personal property was still there.

6. The landlord has forced me out of my home by doing the following:

7. The landlord did not go to eviction court for a Writ of Recovery (Minn. Stat. 504B.345), or the landlord did go to court, but did not have the sheriff act on the Writ (Minn. Stat. 504B.365).

8. I am entitled to triple damages or \$500, whichever is more, plus attorney's fees (Minn. Stat. 504B.231, 504B.221) because:

“ The landlord shut off my electricity, water, heat, or gas. I told him/her about it, but s/he did not try to restore service within a reasonable time.

and/or

“ The landlord has shown bad faith by:

9. My monthly income is \$ _____ I can't afford to post money as security in this case.

10. I respectfully ask the court for an order:

- A. To restore me to my home.
- B. To have the sheriff serve the court's order on the landlord.
- C. To have the sheriff to restore me to my home immediately, with or without the cooperation of my landlord.
- D. Set a hearing under Minn. Stat. 504B.375 to hear my claims for possession.
- E. Set a hearing under Minn. Stat. 504B.225 and .231 to hear my claims for damages, costs, and attorney's fees.
- F. Award me costs if I win.
- G. Allow me to deduct any money judgment against the landlord from my rent.
- H. Rule that I do not have to pay security.

I certify that, to the best of my knowledge:

- This document is not being filed for an improper reason, such as harassment or delay; and
- My claims are supported by the law; and
- There is evidence for my claims and/or my denials.

I know that I may be fined or sanctioned by the court if this certification is false.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

This document was signed in _____ County, State of Minnesota

Date: _____ Signed: _____