



Renters' Rights in Eviction if you were Detained or Afraid to Leave your Home

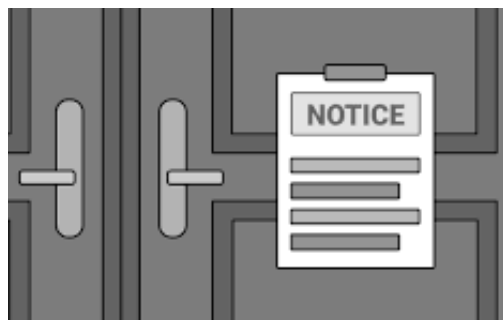
This fact sheet talks about what to do if you are facing eviction because you were detained by immigration. Or if you were afraid to leave your home because of immigration enforcement.

I am behind on rent because I was detained or afraid to go to work. Can my landlord force me out of my home?

If you have not left the property, a landlord can only get you out by filing a court case, called an **eviction action**. It doesn't matter what your immigration status is. If this happens, you or your family should be served with court papers. The papers might be given to you or posted on your door. The papers must have a court date for the eviction hearing. See our fact sheet [Evictions](#).

If you leave the property for a while, but plan on returning, tell your landlord that you are not leaving and that you plan on still being a tenant.

If your landlord forces you out of your home without going to court first, like if they change or take off your locks, that is called a lock-out. **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, even if you are behind on rent.



If you get locked out or shut-off, call your landlord and tell them that is a crime under [Minnesota Statute 504B.225](#). If they don't let you back in, call the police. If that doesn't work, call your legal aid office at 1-(877) 696-6529.

What can I do if I'm behind on rent?

If you are behind on rent and at risk of eviction, try to get help right away. If your landlord wants to file an eviction action against you for nonpayment of rent, they must give you a 14-day notice before they file that eviction action. The notice must include the total amount due and a list of the specific things that are due. Your landlord must deliver or mail the notice to you. You can use the notice to help get rental assistance. Some cities require a longer notice before your landlord can file. In Minneapolis, Saint Louis Park, Brooklyn Center, if you owe rent, your landlord has to give you a notice 30 days before they file an eviction.

Note: Richfield is a 30 day notice until May 18.

If you can pay the amount that your landlord says is due you can avoid an eviction filing for nonpayment of rent. Your community may have rent help organizations. Ask around.

If you can't pay the amount that they say you owe before the end of the notice period and/or if you disagree with the amount that they say you owe, you can try to work out a deal with your landlord so that they don't file an eviction case in court.

If you make a deal, put it in writing. Make sure you and your landlord sign it.

If your landlord files an eviction before the deal is completed, bring the agreement to court on the hearing date. Ask the court to approve it. You should also try to get the case record expunged (erased) as part of the settlement. **Don't skip court, even if you have made a deal.** The landlord can still show up, and if you are not there, the judge might order the eviction.

If you have a low income, call your legal aid office at 1-(877) 696-6529. You can find more resources, legal aid offices, and other help online at: www.LawHelpMN.org. You don't need a lawyer to work out a deal with your landlord, but it helps. You should know the law and your rights.

What if my landlord files an eviction action in court?

If your landlord already filed for eviction, they must give you a copy of the court papers. The papers are called a Summons and Complaint.

Minnesota law says your landlord has to give you the court papers in a specific way. If the landlord doesn't give them to you in the right way, you can ask for the case to be dismissed and expunged (erased). You must be served the court papers at least 7 days before the court hearing.

If you get a Summons and Complaint for an eviction, be on time for the hearing. If you don't go to your hearing, you lose your case immediately by not showing up. Go to the hearing even if you have no defense so that you can ask the court for up to 7 days to move if you have a hardship.

See our fact sheet [Evictions](#).

Go to the hearing even if your landlord says you don't need to!

If you don't go you lose automatically. If you owe rent money, bring all the money to court, plus any late fees that you owe, the landlord's filing fee, and the service fee. The filing fee ranges from about \$280 to \$400 depending on your county. The service fee can range from \$30 to a lot more - but it must be reasonable. The court might give you up to 7 days after the hearing to pay the fees, but you have to ask. You can also bring a "guarantee" letter from a government or non-profit agency that promises to pay the landlord.

If you have a low income, call your legal aid office at 1 (877) 696-6529. You can find more resources, legal aid offices and other help online at: www.LawHelpMN.org. You don't need a lawyer to fight an eviction but having one helps. You should know the law and your rights.



Do I have to go to my hearing in-person?

If your case is scheduled for an in-person hearing, you have a right to ask for a remote hearing so that you don't need to go to the courthouse. You don't need to tell them your immigration status to get a remote hearing. The court has [instructions and forms](#) online to ask for a remote hearing. You can also call the court or talk to a lawyer about how to ask for a remote hearing.

If you have a low income, call your legal aid office at 1-(877) 696-6529. A lawyer can ask for a remote hearing for you.

If I lose an eviction action case, how long do I have to move out?

If you lose the eviction case, the judge issues a Writ of Recovery (eviction order) against you. The Writ tells you that you must move out of the property within 24 hours. If you don't move out within the 24 hours, a Sheriff's Deputy can come back and forcibly move you out of the apartment. Sometimes it may take the Sheriff more than 24 hours to come back.

If you think the court made a mistake, you have 15 days after your hearing to file an appeal. If a referee made the decision, you also have the right to have it reviewed by a judge but act quickly. Ask the court clerk for the forms. Get legal advice right away.



Unless you and your landlord agree to a longer time, the court can't give you more than 7 days to move. Tell the court why you need 7 days. Tell them if children, senior citizens, or persons with disabilities live in the home. You must ask for the time to get it.

The landlord has to have a sheriff or police officer deliver the Writ of Recovery to you or post it on your door. The Writ gives you 24 hours to move out. If you don't leave, the landlord sets a move-out day and time with the sheriff. The landlord must tell you when the sheriff is coming. The sheriff has to be there to supervise if your things are packed up and put in off-site storage by the landlord. Your property can also be stored on-site. If you were evicted, moved out, or abandoned your home and you left some of your things behind, there are rules about what the landlord can do with them. The landlord can't just throw your things out on the street. **You can still get your property back if you owe the landlord money** from when you lived there including rent, fees, or court costs. The landlord can ask for the money but can't keep your things because you have not paid it.

Does the eviction stay on my record?

Even if you lose in court, you can still get the eviction expunged later. It is harder to get it expunged if you lose, but it is possible.

When you ask for an expungement, make sure to explain to the judge or referee how having the eviction on your record has affected your life. See our fact sheet [Expunging an Eviction Case](#).

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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