

Eviction workshop: Renters must prioritize staying out of court



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Editor's note: This story comes from the [Wichita Journalism Collaborative](#), a partnership of 11 organizations, including [The Journal](#).

Kansas Legal Services attorney Steve Minson gives some chilling advice for Wichita tenants facing an eviction hearing.

“I tell people to get important papers, banking information, identification paperwork, prescriptions, jewelry and any items of personal importance and lock them up somewhere besides the apartment before you head to the courthouse,” he said.

That's because if you lose the hearing, you might be removed and locked out without a chance to gather up your things, he told attendees at the Urban League's July Housing Workshop, which focused on Eviction Basics.

"Process servers in Sedgwick County are brutally aggressive," Minson said. "I've seen a woman removed from the property and not even allowed to put her shoes on," he said. "Another woman wasn't allowed to retrieve the urn containing her mother's ashes and I saw a man removed without his wallet and identification papers."

By law, the landlord must store a tenant's possessions for 30 days but can require payment of all past-due rent and assessed damages before releasing them.

The key message from Minson and his co-presenters, Assistant City Attorney Nate Johnson and Eviction Resolution Program director, Abigail Lessman was direct: Do everything you can to stay out of court or to settle without an eviction order.

An eviction not only causes angst of the moment. It makes it exponentially more difficult to secure housing. A majority of landlords will not rent to a tenant with a prior eviction.

Non-payment of rent is the top cause of eviction.

Johnson urged tenants to read the lease carefully. "Ask for a clarification and make sure to understand exactly what the responsibilities of the tenant and landlord are," he said.

"In Kansas, the law says you cannot withhold rent if the landlord has failed to fulfill his responsibility to keep repairs made and all appliances in service," Minson said. "The landlord does, by law, have to maintain heating and cooling systems that come with the home and he does have to keep all

provided appliances in working order. But a tenant cannot simply make or pay for a repair himself and deduct the cost from the rent.”

Minson said it is especially important that people moving to Kansas from other states be aware of that provision because the law is different in many other states.

No court, no eviction

Johnson stressed that a tenant can only be evicted after a court order.

In addition to non-payment of rent, a tenant can be evicted for failure to abide by provisions in the lease, such as no pets, no loud parties, or no “roommates” not on the lease. If the lease says lawn upkeep is the responsibility of the tenant, he can be evicted for failure to mow grass or remove weeds.

The Wichita City Council recently passed an ordinance making it illegal for landlords to evict a tenant, raise rent or reduce amenities in retaliation for a complaint about living conditions, for reporting unsafe conditions to the city or for joining or organizing a tenants’ union. Tenants can report retaliation and landlords face fines if found guilty.

Tenants facing eviction court have a couple of chances to stop the process. Before facing a judge, there is a settlement hearing during which attorneys for both parties could agree to a less damaging outcome. If both the landlord and the tenant are representing themselves, there’s the option of mediation.

The Kansas Legal Service’s Eviction Resolution Program can provide a referral to mediation that permits the landlord and tenant to meet with a neutral person, trained to help them reach an agreement.

Mediation can take place before or after a case is filed and can take place in person or online using a platform such as Zoom.

The Urban League's Landlord and Tenant workshops on the fourth Thursday of the month, focusing on Housing Issues. The August workshop will be Aug. 23 from 6 to 7:30 p.m.

The League also makes copies of the City of Wichita's Landlord and Tenant Handbook available at the League Office at 2418 E. Ninth Street. The Handbook is also available online on the city's website.

To learn more about Mediation, contact the Eviction Resolution Program at ERP@kscourts.org or 316-660-5659.

Kansas Legal Services may be able to provide free legal advice. Call 1-800-723-6953 or visit www.kansaslegalservices.org. KLS attorneys are also available at the Sedgwick County Law Library Self Help Center at 225 N. Market, Suite 210 on Wednesdays from 8:30 a.m. to 4:30 p.m.

P.J. Griekspoor is a long-time Wichita journalist who writes for the Wichita Journalism Collaborative.

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