

COVID Housing Protections

This material was created by Montana Legal Services Association. This information is not meant to be legal advice.

If you're having issues with your landlord, you can find legal information at [MontanaLawHelp.org](https://montanalawhelp.org).

You can apply for help at mtlsa.org or by calling 800-666-6899.



What protections exist for renters because of COVID-19?

These protections exist for renters in Montana:

1. The CDC order halts some evictions through June 30, 2021.
2. The federal CARES Act requires a landlord of a “federally covered” rental to provide the renter with a 30-day advance notice of eviction for nonpayment of rent, instead of the usual 3-day or 7-day eviction notice.

Where can I get help paying my rent and other bills?

The Emergency Rental Assistance program is now available for Montanans who have lost household income as a direct or indirect result of the COVID-19 pandemic and are at risk of housing instability. This program is run through the state of Montana.

You can apply at housing.mt.gov.

Can I report my landlord for evicting me in violation of these protections?

The Federal Trade Commission (FTC) and Consumer Financial Protection Bureau (CFPB) are tracking reports of illegal evictions to ensure landlords and property owners are following federal, state, and local moratoriums. The CFPB and FTC will enforce penalties against landlords who violate eviction moratoriums. Filing a complaint with the FTC or CFPB **isn't** the same as filing a written Answer to an eviction lawsuit. If you've been served with eviction court papers, you should still file a written Answer to the lawsuit with the Clerk of Court where the case is filed.

Laws are constantly shifting and changing. Please check [MontanaLawHelp.org](https://montanalawhelp.org) for updates, or contact MLSA if you're worried about losing your housing.

The Eviction Process

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What are the steps to an eviction?

At a minimum, these are the steps to getting evicted:

1. Your landlord gives you notice terminating your rental agreement.
2. If you do not move out by the date given in the notice, the landlord can file an eviction lawsuit against you. You will usually be served by law enforcement or a process server with the court papers.
3. You must file a written Answer with the Clerk of Court within **ten business days** of being served with the court papers, or you lose your right to defend yourself in court. After you file an answer with the Court, the Judge will set a hearing date.
4. At the hearing, your landlord must prove that the eviction is lawful.

What happens if I don't move out after getting a notice to vacate?

If you don't move out after you've been given notice, the landlord may file in court. If you lose in court, you could be responsible for up to three times the monthly rent or treble (3x) damages as well as the landlord's attorney fees. You should talk to an attorney if you are given any sort of notice by your landlord to move out.

My landlord said that they could call and get me arrested if I don't leave, is that true?

If you are on the rental agreement, law enforcement cannot remove you from a property without a court order. The landlord's steps to getting a court order are listed above. It takes time. Your landlord also can't do things to try and force you out without a court order, like changing your locks or shutting off your utilities.

When can law enforcement remove me from my home?

You can only be removed from the rental if there is a writ of possession issued by the court that presided over the eviction lawsuit. Law enforcement will provide this writ to you, the writ will provide you a final date for you to be out of the unit.

Rental Lockouts

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My landlord has threatened to lock me out of my apartment. What can I do?

1. Be firm but cordial in telling the landlord that locking a tenant out of the premises, without a court order, is improper and violates Montana's landlord and tenant laws. See Montana Code Annotated (MCA) §70-24-411.
2. If the landlord locks you out anyway, you can sue them. If you win, the Judge may order the landlord to pay you up to 3x your monthly rent.
3. Keep copies of your lease or rental agreement with you. Normally, police or sheriff's officers will not help a landlord unless the landlord has a court order. If the police come to force you out, you must prove you are renting there, and not a trespasser. If you don't have a written rental agreement, keep copies of your rental receipts handy.

The landlord says he's going to call the police to get me out. What should I do?

Nothing. Most landlords understand that you cannot be physically removed from a rental unit without a court order. See the answer to the previous question, above.

What if the landlord locks me out anyway?

If the landlord locks you out, and you believe there is no court order, contact an attorney.

Please check MontanaLawHelp.org for more information, or contact MLSA if you're worried about losing your housing.