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What to do about eviction



Kansas Eviction Process Explained: From Notices to

Court Hearings

Need Legal Assistance?

Contact Kansas Legal Services at 316-267-3975 or apply online.

For general information on tenant rights, visit: <u>Tenant Issues and</u> Rights for Kansas Renters.

How does eviction work?

A landlord CANNOT evict you by shutting off utilities, or by changing the locks.

 If this happens, you might be able to sue your landlord in small claims court and get up to one and one-half (1-1/2) month's rent.

3-Day Notice (Non-Payment or Lease End)

A landlord **CAN** evict you by giving you **3 days notice to** leave the property.

- This applies for not paying rent or staying after your lease ends.
- Action Required: If you do not leave or pay the rent within 3 days, the landlord will start the eviction lawsuit.

14-Day Notice (Lease Violation/Noncompliance)

For material noncompliance with the lease (e.g., unauthorized pets, unauthorized occupants) other than non-payment of rent:

- → The landlord must serve you with a Kansas eviction notice of 14 days to comply with the violated part of the lease.
- The notice must state the lease will end 14 days after service unless the issue is fixed.

- If you fix the problem, send the landlord a written letter detailing how (e.g., "I removed the pet").
- Critical: If you do not fix the issue, you must vacate within the following 30 days or legal action will begin.
- If you get a second violation notice, you don't get a second chance to fix it, even if you fixed the first problem.

If the Landlord Starts Legal Action

Receiving the Summons and Petition

- → You will receive a Petition (why you are being evicted, amount owed) and a Summons (when you must go to Court).
- This may be received by mail, by the Sheriff, or taped to your front door.
- The Court date on the Summons will happen within 14 days after you get the Petition.

△ CRITICAL: DO NOT MISS COURT

IF you do not go to court on this first date, the landlord automatically wins (called default) and gets everything they asked for (money owed and possession of the property).

Filing an Answer and Defenses

IF you disagree with the petition (money or possession), you should go to the first court hearing and can file an **Answer** before the trial.

→ In the Answer, you state the facts and any legal defenses you have against the claims.

- Examples of Defenses:
 - The landlord accepted partial rent, so you don't owe the whole amount.
 - The unit was not livable (requires proof like a housing inspection and notice to the landlord).
 - The landlord failed to fix an unsafe or unsanitary condition despite written notice.

 You were evicted based on discrimination (religion, gender, or disability).

A date for an **eviction trial** will be set at the first court hearing, usually no later than 8 days later. The landlord must prove you failed to pay rent or did not fix the lease violation.

IF the landlord wins, the court will issue a judgment of possession, and you will be given a certain time to move out (possibly as little as 24 hours).

What if the Landlord Refuses Rent?

The rent is legally "paid" when you properly send it, even if the landlord won't accept it in person.

- → The rent is considered "paid" when you put it in the mailbox, stamped and addressed to the landlord.
- You can also put it in a landlord's dropbox. Do NOT put it in the landlord's mailbox (only the US Post Office can do that).
- Proof is Key: Use a money order with the date on it, and always take a picture of the check/money order showing

the date and/or a picture of yourself mailing it within the 3-day window.

What About Personal Property Left Behind?

If you left personal property behind, the landlord can take your belongings, place it in storage (at your cost), sell it, or get rid of it 30 days after taking possession.

Landlord Requirement: Within 15 days, the landlord must publish notice in the newspaper (your name, description of property, disposal date) AND mail a copy of the notice to your last known address.

You have **30 days** to claim your property, but you must pay for any costs the landlord incurred (storage, publishing notice, etc.).

Property Taken While I Was Moving Out?

IF the landlord illegally takes your property while you're still living in the unit:

- → You must make a written request for them to return your property or give you access to it.
- Give a deadline and keep a copy of your written request for your records.

What is the Fair Housing Act?

The Fair Housing Act prohibits discrimination in the sale or rental of housing and other discriminatory practices.

- The landlord MAY NOT discriminate against tenants on the basis of race, gender, religion, familial status, disability, or ethnicity.
 - A landlord CAN consider criminal history, credit rating, and financial stability.
- The act requires landlords to make reasonable
 accommodations for individuals with disabilities (e.g.,
 changes to rules or services) that are necessary for the person to
 have equal opportunity to use the dwelling.

→ For more details, Read about <u>Fair Housing Rights that</u>
 <u>Protect You Under the Law.</u>

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