

Can my landlord lock me out of my home?

No, your landlord usually cannot lock you out. As long as you haven't abandoned your home, your landlord cannot change the locks, install a deadbolt, take off doors, or do anything to stop you from entering your home. However, your landlord CAN do these things if he has a court order that says he can.

The only exception to this rule is if you have not paid or offered to pay your rent AND your home has been abandoned. If it looks like you don't live there anymore (for example, your things are gone and you have not been there for awhile), the home may be considered abandoned.

Can my landlord shut off my utilities if I haven't paid my rent?

No, not unless your landlord has a court order allowing him to shut off your utilities, or you have abandoned your home. However, the landlord may be able to shut off your utilities if there is an emergency, to make repairs, or for necessary construction. The landlord does not have to pay for the utilities, unless the landlord has agreed to do so.

Can my landlord take my things out of my home, or stop me from getting my things, if I don't pay my rent?

No, generally your landlord cannot take your things or stop you from getting your things even if you did not pay your rent.

There are exceptions to this rule. Your landlord **may** be able to take your things or stop you from getting your things if:

- Your landlord has a court order that allows him to take or sell your things; or
- You sign an agreement with your landlord, separate from your lease, that your landlord may hold your things in exchange for the landlord not evicting you.

Even if the landlord has a court order that allows him to take your property, you can get certain things known as "exempt" items returned to you immediately without paying any money. You can get: medically necessary items, items used in your business, a week's supply of clothing for household members, blankets, and things needed for school.

What can I do if my landlord has wrongfully locked me out of my apartment, shut off my utilities, or taken my things?

You need to get an EMERGENCY ORDER. The best way to get one is to talk to an attorney who can help you. You can also go to your local small claims court for an emergency order. The emergency order can tell your landlord to let you back in your home, turn on your utilities, or give your things back to you.

To get an emergency order, you must file a sworn written statement with the court. In a sworn statement, you promise everything in it is true. You need to tell the court exactly what your landlord has done, or threatened to do, and what problems you are having because of your landlord's actions. Include any costs you have had to pay because of your landlord's actions (such as hotel bills). When you ask for an emergency order, the court must set an emergency hearing within 3 business days.

What will happen at the emergency hearing?

The court can allow you back into your home and/or order the landlord to give your things back if you prove that:

- Your landlord threatened to lock you out or did lock you out, (or removed the doors or windows or shut off your utilities); AND
- You will suffer immediate and serious damage.

Can my landlord get an emergency order, too?

Yes. Your landlord can get an emergency order if he proves that you have committed or threatened to commit waste (damages) to your home, and that he has suffered immediate and serious damages because of your actions. Waste does NOT include failing to pay your rent. Your landlord can get an emergency order that tells you to:

- Move from your home; or
- Stop committing damage to your home.

My landlord got an emergency order evicting me, but I didn't know about the hearing. Is there anything that I can do?

When a landlord asks for an emergency hearing and order, the court clerk must give you notice of the date, time and place of the hearing. If you don't get notice of the hearing, you can ask the

court to set aside the emergency order, and give you a new hearing. If this happens to you, you should contact a private attorney or your local legal services office.

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Fort Wayne: (260) 424-9155
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New Albany: (812) 945-4123
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Laws and Policies change. Please look at the last revised date to make sure the information is still current.

Information Available on the web
www.indianajustice.org