

# EVICITION ESSENTIALS

An eviction is a legal proceeding in which a landlord asks a court to order the tenant to leave the property.

## 3-DAY NOTICE TO VACATE

This is the first step in an eviction. It must be in writing. The law does not require the tenant to leave in 3 days.

## SUMMONS AND COMPLAINT

This is the second step in the eviction process. These have to be in writing and served by the Sheriff's Office or an official document server.

*Not all complaints are initially filed at the courthouse.*

**Tenant MUST give a written response to the Summons and Complaint within FOUR (4) days from the date it is received or they will likely be evicted.**

*Check with the Clerk of Court to see if the complaint was filed there. If it was, submit the response at Clerk's office, as well as with Landlord or their lawyer.*

*If the complaint was NOT filed with the Clerk of Court, Tenant must give the response to the Landlord or the lawyer.*

**Once Tenant gives the response to Landlord (or the lawyer) and to the Clerk of Court, an eviction hearing will be set.**

*Tenant must keep in touch with the Clerk of Court to get the hearing date.*

**DO NOT MISS THE HEARING**

## JUDGMENT AND LOCK-OUT

**If Tenant does not respond to Summons and Complaint or appear in court, a DEFAULT JUDGMENT will be entered.**

This will result in an eviction, with an order for a lock-out date, to be carried out by the Sherriff's Office.

The ONLY time a lock-out is legal is when a Judge signs an order evicting Tenant.

## NOTE

It is **NOT** a defense to an eviction that Landlord did not maintain the property.

Landlords are required to keep property livable and in good repair.

If Landlord does not do this, the law has specific steps Tenant can follow to have the problem fixed.



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**(605) 367-8745**  
TRS Relay (7-1-1) & VRS calls accepted

This information is not intended to be legal advice.

If you have more questions about evictions or Fair Housing, contact the Human Relations Office of the City of Sioux Falls.

## COMMON GROUNDS FOR EVICTION

- Tenant doesn't pay rent.
- Tenant stays on the property after the lease has ended.
- Tenant violates the lease or damages the property.

CITY OF  
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