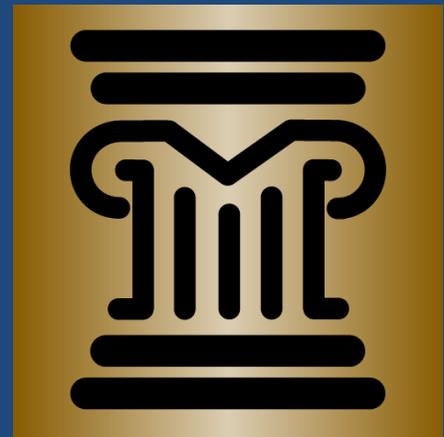


4TH JUDICIAL DISTRICT HOUSING COURT EVICTIION MORATORIUM OVERVIEW

Referee Melissa J. Houghtaling
May 11, 2021



CASES CURRENTLY BEING HEARD IN HOUSING COURT

- Expungements
- Emergency Tenant Remedies Actions
- Rent Escrow Matters
- Tenant Remedies Actions
- Lockouts
- Commercial Evictions
- Residential Eviction Actions that qualify as an exception to EO 20-79
- Hazardous Building Cases
- Nuisance Property Cases

COVID BACKLOG & FILING

- In a typical year, approximately 95% of housing court eviction filings are for non-payment of rent
- There were approximately 300+ Eviction Cases that were suspended in March/April 2020 or were filed but did not qualify as an exception to Governor Walz's executive orders
 - We have sent out notices of conditional dismissal – a handful have now been scheduled and most dismissed
 - Standing order for the 4th has designated cases that were filed in violation of the executive orders “confidential”
- The housing referees currently review every filing that is submitted to determine if the case should be scheduled for an initial appearance—i.e. qualifies as an exception
- Currently holding two “mini-mass” initial appearance calendars per week on Tuesdays and Thursdays with approximately 20 cases per week
 - pre-pandemic there were 3 initial appearance calendars per week with 45 cases per calendar – approx. 130 cases per week
- More trials due to complexity of issues, the Executive Orders, and more legal representation of tenants

QUESTION 1:

If there are violent incidents or drug related incidents committed by renters, are owners able to file eviction actions at this time?

ANSWER 1:

An owner is able to file an eviction for any situation that qualifies as an exception to the eviction moratorium. Those exceptions include:

1. Seriously endangers the safety of other residents;
2. Violates Minnesota Statutes 2019, section 504B.171, subdivision 1;
3. Remains in the property past the vacate date after receiving a notice to vacate or nonrenewal under paragraph 4 of this Executive Order; or
4. Materially violates a residential lease by the following actions on the premises, including the common area and the curtilage of the premises:
 - a) Seriously endangers the safety of others; or
 - b) Significantly damages property

MINN. STAT. § 504B.171, SUBD. 1

Covenants exist in all tenancy as it relates to unlawful activities. Specifically, the landlord and tenant agree that neither party will:

- Unlawfully allowed controlled substances in the premises or common area
- Allow prostitution or prostitution related activities
- Allow the unlawful use or possession of a firearm
- Allow stolen property or property obtained by robbery
- Or allow or commit domestic abuse, criminal sexual conduct, or harassment as defined by 609.749 against another tenant or authorized occupant

7 Day Eviction Pre-filing Notice in Writing

QUESTION 2:

Will there be “relief” for rental owners once the moratorium is lifted (filing of eviction actions for breaches of lease and nonpayment of rent) and what will that look like in Hennepin housing court?

ANSWER 2?

IT DEPENDS

QUESTION 3:

Are there any recommendations that housing court would like to offer to rental property managers and owners at this time ?

ANSWER 3

YES!

COMMUNITY RESOURCES

- **RentHelpMN.org**
 - Specific checklist for Landlords to help tenants apply and prepare
 - Past due rent since March 13, 2020 (April 1, 2020 rent) and 3 months advance rent, help with utility payments, other costs and fees.
- **Resource Center** - taking calls 24 hours a day, seven days a week at 612-302-3180 – Tenants and Landlords
- **Conflict Resolution Center** - 612-822-9883, email at mediation@crcminnesota.org
- **Community Mediation & Restorative Services** – 763-561-0033, email at staff@cmrsmn.org
- **LawHelpMN.org**
 - Legal information about evictions, repairs, expungements, and other topics for renters
- **HomeLine – homelinemn.org**
- **District Court Self-Help Center - (651) 435-6535**

QUESTIONS

