



Tenant Hotline
Phone: 612-728-5767
Online: [homelinemn.org/email](mailto:homelinemn.org)

Minnesota Landlord/Tenant Law During the COVID-19 Pandemic

July 15, 2020 — 1:30-3:00pm

Managing Attorney & Tenant Hotline Director Michael Vraa

Executive Director Eric Hauge

Special Guest: 4th Judicial District Court Referee Melissa J. Houghtaling

What is HOME Line?

- HOME Line is a statewide nonprofit organization providing free legal, educational, and advocacy services to Minnesota renters. We have advised approximately 250,000 renters since 1992.
- Our primary program is a free and confidential legal hotline any Minnesota renter can contact us to receive legal advice specific to their situation, in 4 languages.
- HOME Line has a staff of 18, including attorneys, tenant advocates, and tenant organizers. We also rely on volunteers and interns.



HOME Line COVID-19 Webinars

Next week:

**Wednesday, July 22nd, 90-minute presentation
1:30 – 3:00 pm for both tenants and landlords.**

**We'll be covering the details of Governor Walz's
Executive Order 20-79 that was issued yesterday
and goes into effect on August 4, 2020.**

Registration links and more on our website:
homelinemn.org — “COVID-19” tab at top right



Current Eviction Moratorium

- Minnesota Moratorium
 - Governor's Executive Orders—August 12, 2020 is current Peacetime Emergency Declaration End
 - Renewed by Governor four times already
 - New EO 20-79 will replace EO 20-14 & 20-73 on August 4
- Federal Prohibition
 - CARES Act
 - July 25, 2020 ban for affected housing
 - 20-50% of MN rentals?
 - 30-day notice required as well, late August is the earliest case can be filed



4TH JUDICIAL DISTRICT HOUSING COURT POST-PEACETIME EMERGENCY PLAN

Referee Melissa J. Houghtaling
July 15, 2020



OBJECTIVES

- Overview of the current status of cases and backlog.
- Discuss the process for expungements.
- Discuss court safety initiatives.
- Discuss post-peacetime emergency resumption plans and predictions.
- Provide resources.

CURRENT CASE STATUS & BACKLOG

CASES CURRENTLY BEING SCHEDULED

- Emergency Tenant Remedies Actions
- Rent Escrow Matters
- Commercial Evictions (caveat-the writ of recovery is stayed until the lifting of the peacetime emergency)
- Residential Eviction Actions that:
 - Allege a violation of Minn. Stat. 504B.171 *or*
 - Allege an exception to Executive Orders 20-14 and 20-73
 - “where the tenant seriously endangers the safety of other residents, or where the tenant seriously endangers the safety of others on the premises, including the common area and the curtilage of the premises, if the serious endangerment of others who are not residents is a material violation of the lease”
- NEW! Executive Order 20-79 – effective August 4, 2020, landlord must provide 7-days written notice of intent to file an eviction action

BACKLOG & FILING

- 315 Eviction Cases that were suspended in March/April 2020 or have been filed but do not qualify as an exception to Governor Walz's executive orders will be the first to be scheduled upon resumption of services
 - Approximately 140 of those cases are *newly filed* in violation of Executive Orders 20-14 and 20-73
 - Court Administration is required to accept all filings and cannot give legal advice
 - The Court has designated cases that are not given a hearing at this time as "confidential"
 - Despite court administration accepting a filing, the landlord is still in violation of the moratorium on eviction actions and the cases will most likely be dismissed upon resumption of hearings
 - Filing now does not get you "first in line" it only subjects you to the potential criminal consequences as outlined in 20-14 and 20-73:
 - A person who willfully violates Executive Order 20-14 is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days. The Attorney General may also seek any relief available pursuant to Minnesota Statutes 2019, section 8.31.

EXPUNGEMENTS

- The Court will continue to consider request for eviction expungements.
- We will be reviewing these motions without a hearing (administratively) unless the non-moving party files an objection
- The moving party is required to comply with all motion rules and must serve the non-moving party and file proof of service with the court before an administrative review will take place
- If an objection is filed by the non-moving party, the court will set up a telephone hearing (the parties *must* notify the court of a phone number to be reached at for the telephone hearing)
- We are in the process of scheduling previously filed expungement motions where an objection was received and scheduling the administrative review of expungements that had not previously been scheduled

COURTHOUSE SAFETY INITIATIVES

The safety of all court participants, employees, and staff is of the utmost importance. New safety steps in the 4th Judicial District include:

- 1) Masks required in all government buildings (the judicial officer has discretion regarding masks in the courtroom but masks must remain on unless permission to remove is granted);
- 2) Plexi-glass installed at counters and in courtrooms
- 3) Courtrooms limited to no more than 10 people so long as social distance can be maintained
- 4) Floors, tables, seating, elevators marked to indicate where to sit/stand

POST PEACETIME EMERGENCY RESUMPTION

- Timelines
- Initial appearances will no longer be mass calendars
 - Calendars will be more frequent (possibly every day both morning and afternoon) – we are coordinating with other metro districts
 - Calendars will be smaller and each case will be noticed for a specific time
 - Parties may appear via Zoom, telephone, or in-person if they do not have access to technology – remote participation is encouraged
- CARES Act Affirmation
- 7-day adjournment for the 60 day period following the expiration of the peacetime emergency
 - Ch. 74, HF 4556, Sec. 16 - **suspending** all civil court filing deadlines, **statutes of limitations**, and other time periods prescribed by **state law**

PREDICTIONS

- In 2019, Hennepin County Housing Court had between 450-550 new residential eviction filings each month.
- If we average each month, that is approximately 500 new residential eviction filings per month. That leaves the possibility of **2,000** unfiled residential eviction actions waiting for the suspension to be lifted (4 months) and could be filed in the first few days.
- We are anticipating that after the CARES Act protections expire (currently set for end of July with a 30 day notice requirement) and the Minnesota moratorium expires (currently set for August 12), we could see numbers rivaling if not exceeding the 2008/2009 economic recession.
 - Approximately 5,500-6,000 residential eviction actions filed annually in the 4th Judicial District since 2017.
 - 2008 there were 10,988 residential eviction filings
 - 2009 there were 9,600 residential eviction filings
 - The numbers could be even greater

RESOURCES

- **Hennepin County Emergency Rental Assistance program** – still a significant amount of the \$15 million in CARES Act funding available - 612-348-3000, 8 a.m. to 8 p.m., 7 days a week
- **Tenant Resource Center** - taking calls 24 hours a day, seven days a week at 612-302-3180
- **Conflict Resolution Center** - 612-822-9883, email at mediation@crcminnesota.org
- **Community Mediation & Restorative Services** – 763-561-0033, email at staff@cmrsmn.org
- **Minnesota Assistance Council for Veterans (MACV):** intake@mac-v.org 612-726-1327
- **Legal Assistance** - 612-334-5970 (Legal Aid and Disability Law Center working with Volunteer Lawyers Network)
- **HOMELine**
- **NEW!- Governor Walz has announced \$100 million for a program to provide housing assistance – more details on how to access should be available in the weeks to come**

QUESTIONS





Q & A

Tenant Hotline:

Phone: 612-728-5767

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- HOME Line ofrece servicios en español. Para Español, llame al 612-255-8870.
- HOME Line waxay bixisaa adeeg ku baxa Afka-Soomaaliga. Af- Soomaali wac 612-255-8860.
- Peb lub koom haum HOME Line muaj neeg txhais lus Hmoob. Hais lus Hmoob, Hu 612-255-7104.

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Thank You