



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

A Year With (Almost) No Evictions: Analyzing eviction cases filed during the pandemic

April 28, 2021 – 1:30-3:00pm

Tenant Advocate Leah DeGrazia

Housing Attorney Andrea Palumbo

Managing Attorney & Tenant Hotline Director Michael Vraa

Executive Director Eric Hauge

What is HOME Line?

- HOME Line is a statewide nonprofit organization providing free legal, educational, and advocacy services to Minnesota renters. We have advised over 260,000 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 23, including attorneys, tenant advocates, and tenant organizers. We also rely on volunteers and interns.



What is HOME Line?

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612-728-5767
Toll-free: 866-866-3546**

Para Español, llame al 612-255-8870

Af- Soomaali wac 612-255-8860

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Online: homelinemn.org/email



HOME Line COVID-19 Resources & Webinars

UPCOMING WEBINARS:

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Webinar Logistics

- Webinar format
- Applying for 1.5 General CLE Credits
- Focus on Q & A submitted in advance
- Materials
- Recording



COVID-19 Emergency Rental Assistance RentHelpMN.org / 2-1-1



**“I just want to
get caught up
on my bills.”**

GET RENT HELP MN TODAY

Visit renthelpmn.org or call 211

COVID-19 Emergency Rental Assistance



MN State Moratorium

- Minnesota's Eviction Moratorium - Tracks with Peacetime Emergency - in effect until May 14, 2021
 - EO 20-79: in effect on August 4, 2020
- Governor's authority has been challenged and upheld
 - State cases
 - Federal case - *Heights Apartments LLC and Walnut Trails LLLP v. Walz et al*



Federal Protection

- Coronavirus Aid, Relief, and Economic Security (CARES) Act - sunset date of 9/30/2020 - EXCEPT for requirement to give 30 day notice
- CDC Order - protection against eviction for nonpayment of rent only
 - Initial order in effect September 4, 2020 - December 31, 2020
 - Second Order in effect April 1, 2021 - June 30, 2021
 - Does not apply to MN at this time
 - Has been challenged



When will evictions be filed again?

- MN Legislature - proposals for ending moratorium
- District/housing courts making preparations for resumption of filings

A Year With (Almost) No Evictions

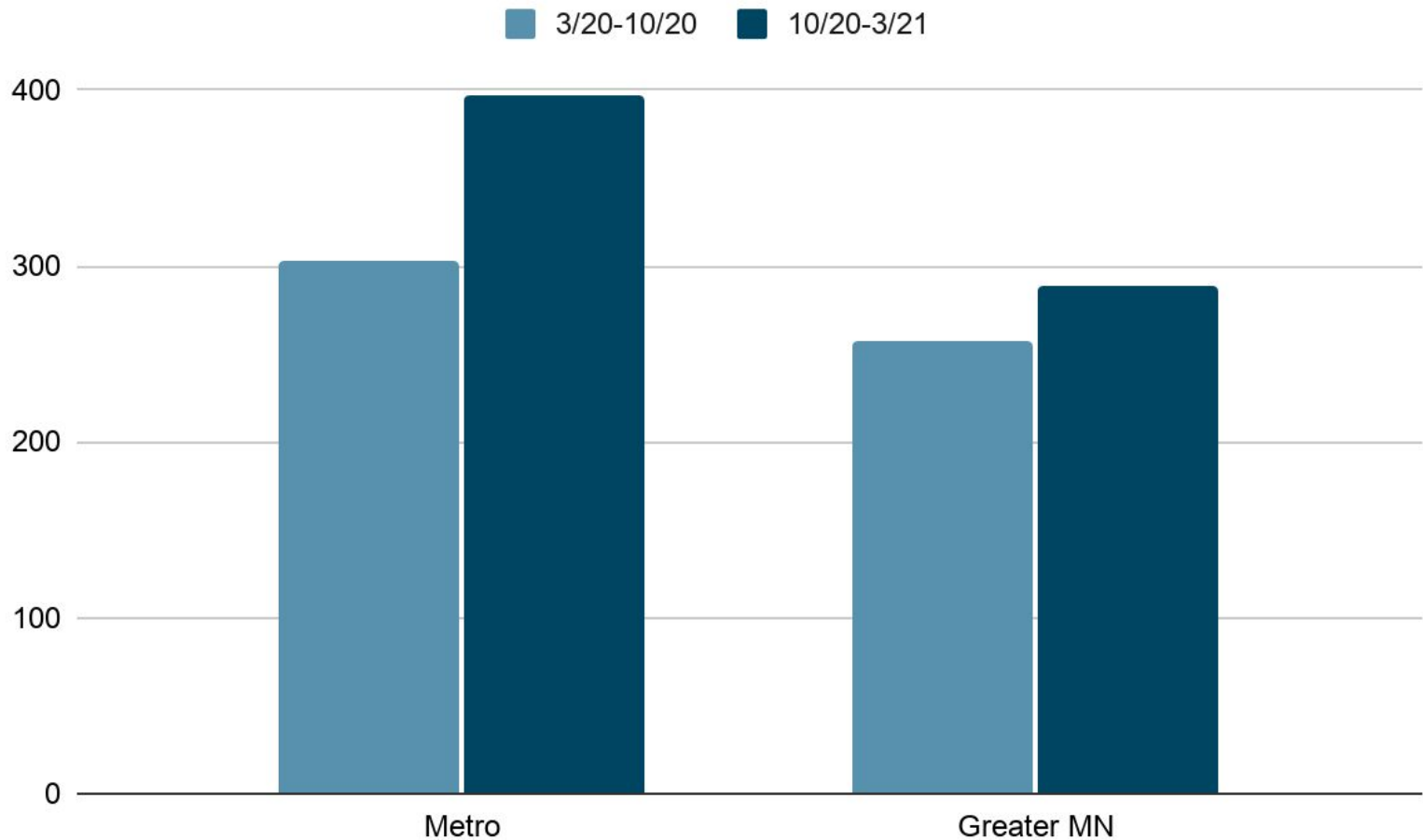
Leah DeGrazia, Tenant Advocate, Saeks Public Interest
Residency Program

&

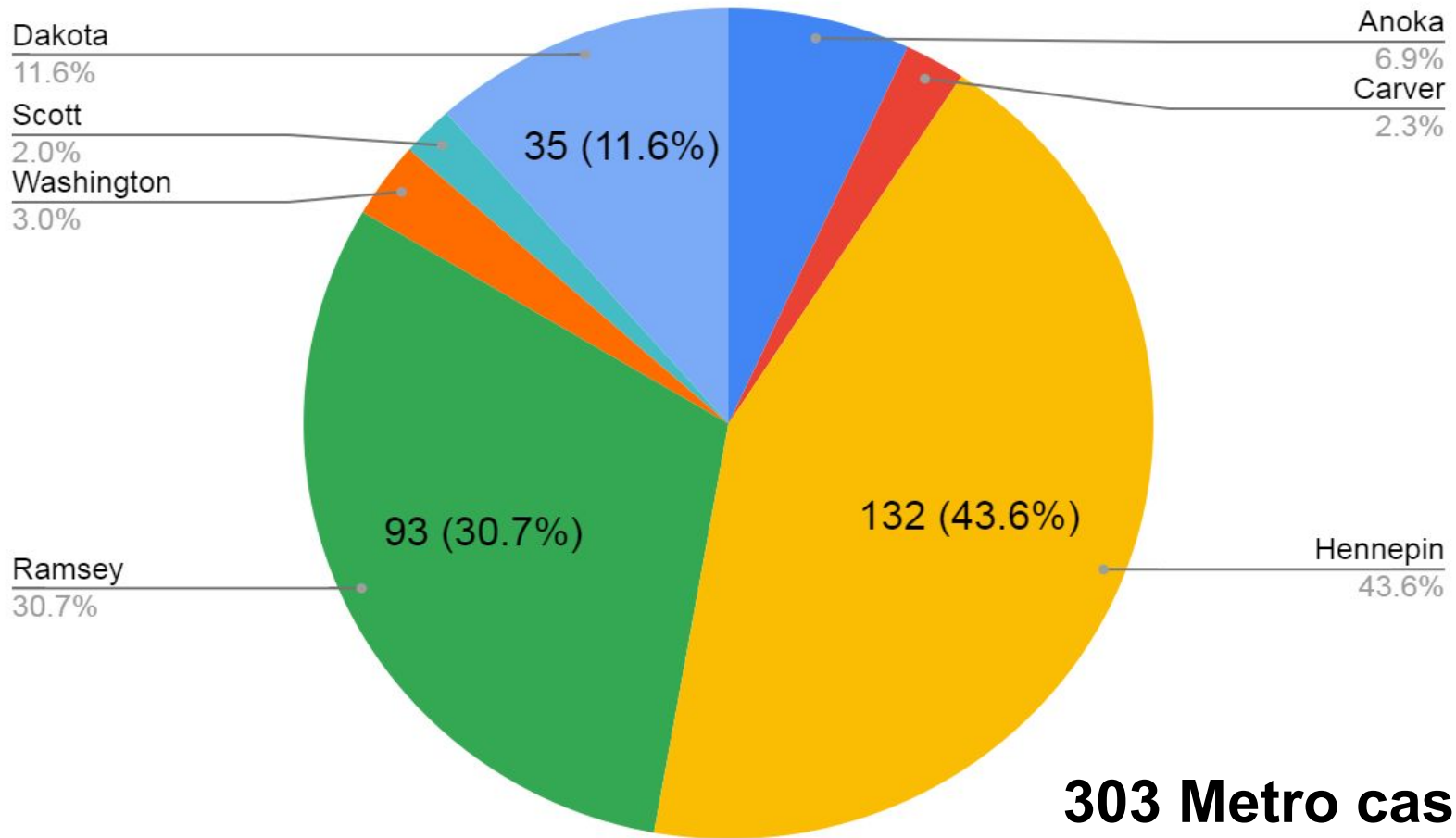
Andrea Palumbo, Housing Attorney



Total eviction cases filed



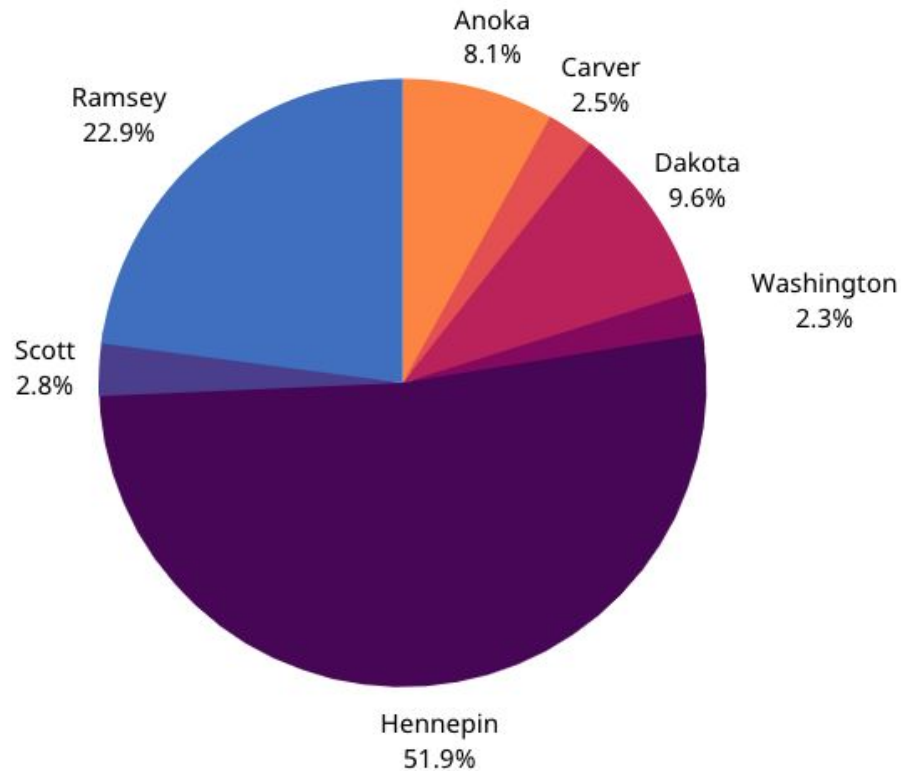
First Set of Metro Area Cases



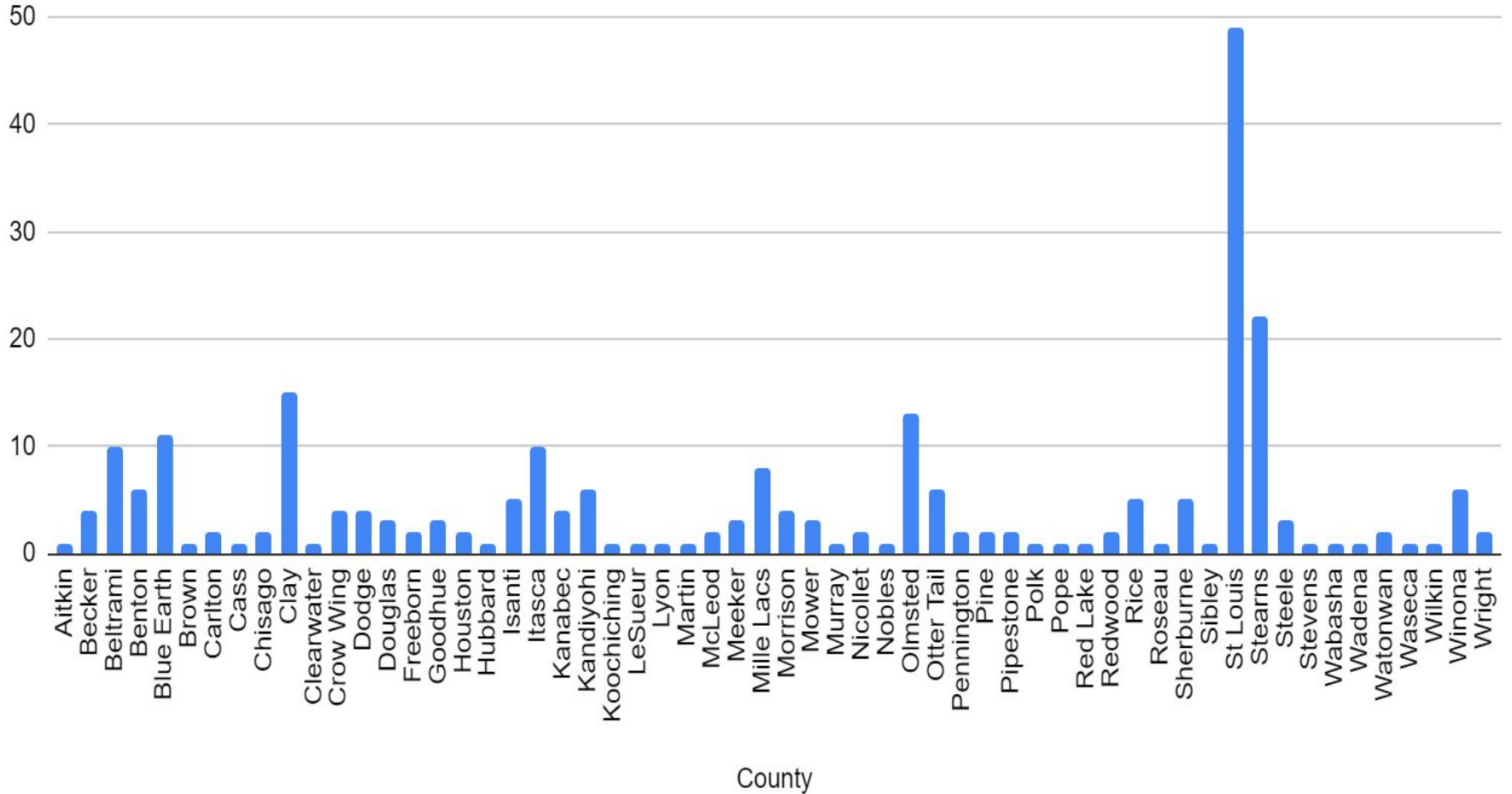
303 Metro cases

Second Set of Metro Area Cases

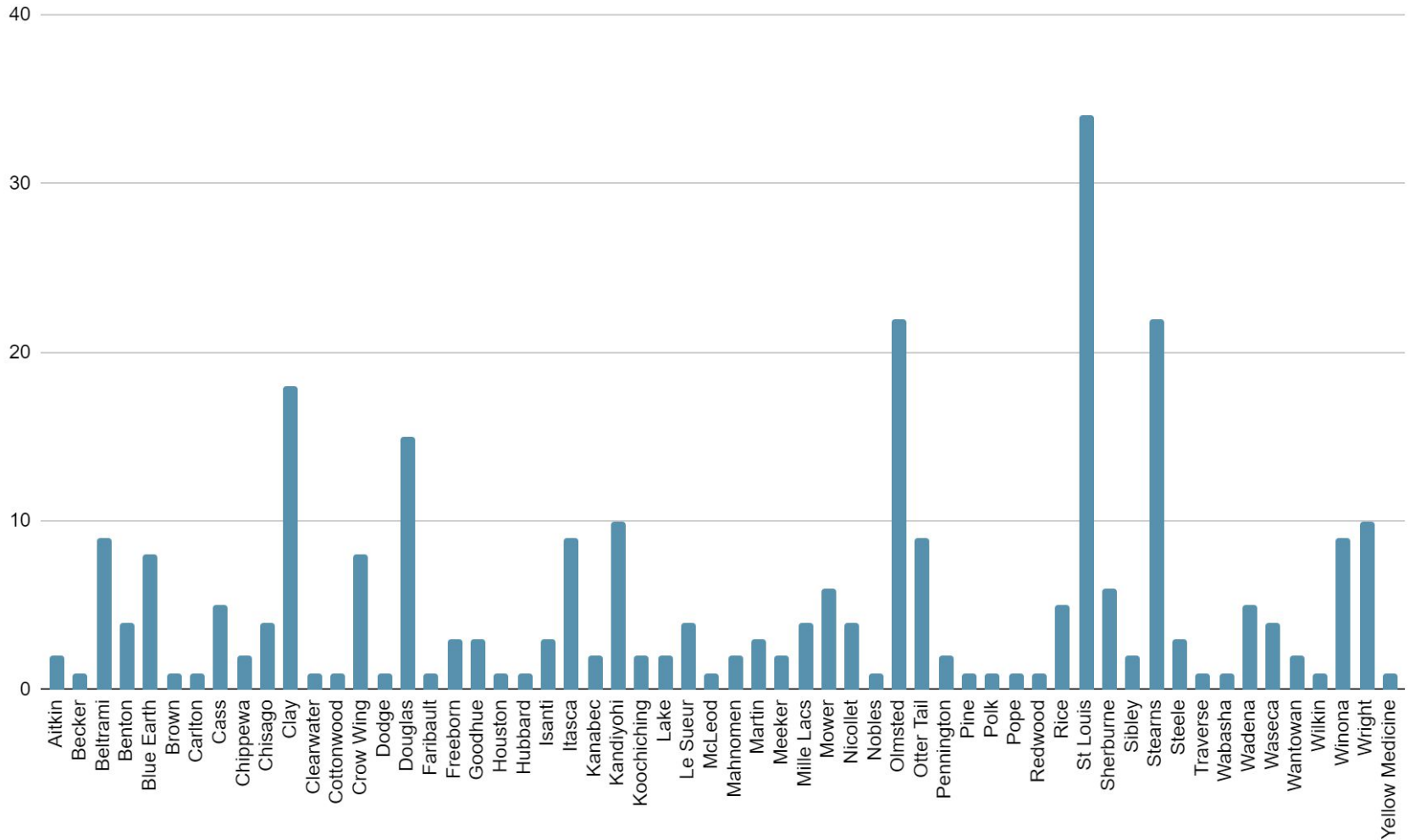
397 Metro Cases



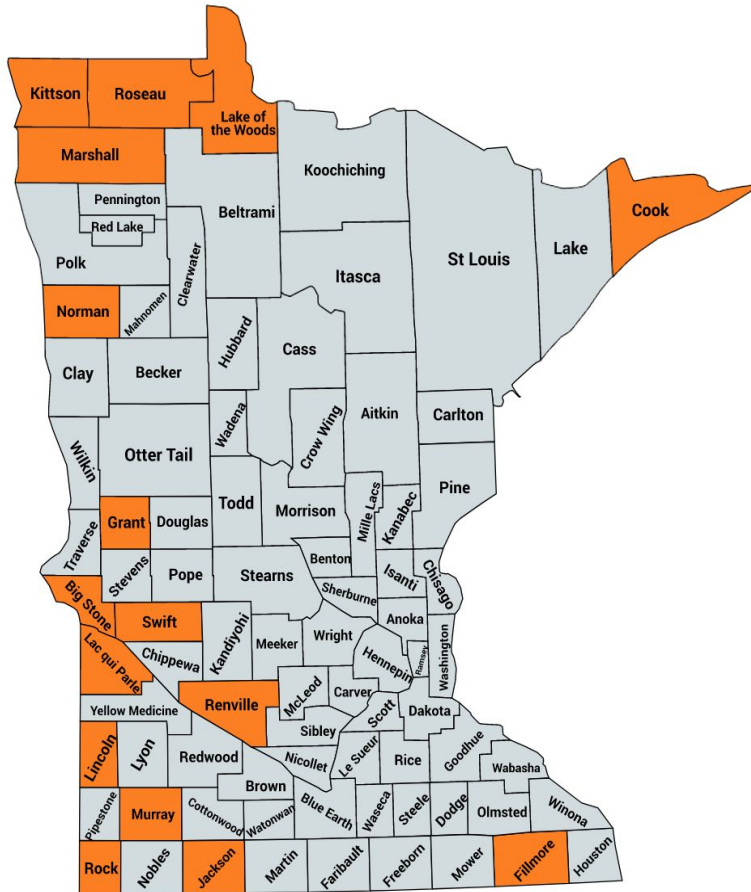
First Set of GM Counties



Second Set of GM Counties



16 Counties with NO cases filed for full 12-month period



Counties with no filings in orange

Big Stone

Cook

Fillmore

Grant

Jackson

Kittson

Lac qui parle

Lake of the Woods

Lincoln

Marshall

Murray

Norman

Renville

Rock

Roseau

Swift



Methodology

- I personally spent 40+ hours finding and reviewing every publicly-available record for eviction cases filed from October 17, 2020 through March 22, 2021
 - Evictions Filing Data Extract from MN Courts
 - MN Court Integration Services (MNCIS)
 - MN Court Records Online (MCRO)
- 686 cases filed in 66 counties 10/17 - 3/22
- 171 records not available in MCRO
 - Presumably hidden or expunged
- 515 public records reviewed

Overview of 515 Cases

10/17/20 - 03/22/21

- 515 records from across MN reviewed in MCRO
- Reviewed these cases looking for
 - EO 20-79 exception claimed
 - Reason(s) for eviction/details in complaint
 - Whether non-payment claimed
 - Ultimate disposition (eviction judgment, dismissed, settled, etc.)
- 187 claimed multiple EO 20-79 exceptions
- 328 claimed just one EO 20-79 exception
- 15 no exception claimed in complaint
 - Often “squatters” or unauthorized tenant
- 84 cases explicitly claimed non-payment of rent as a reason for eviction

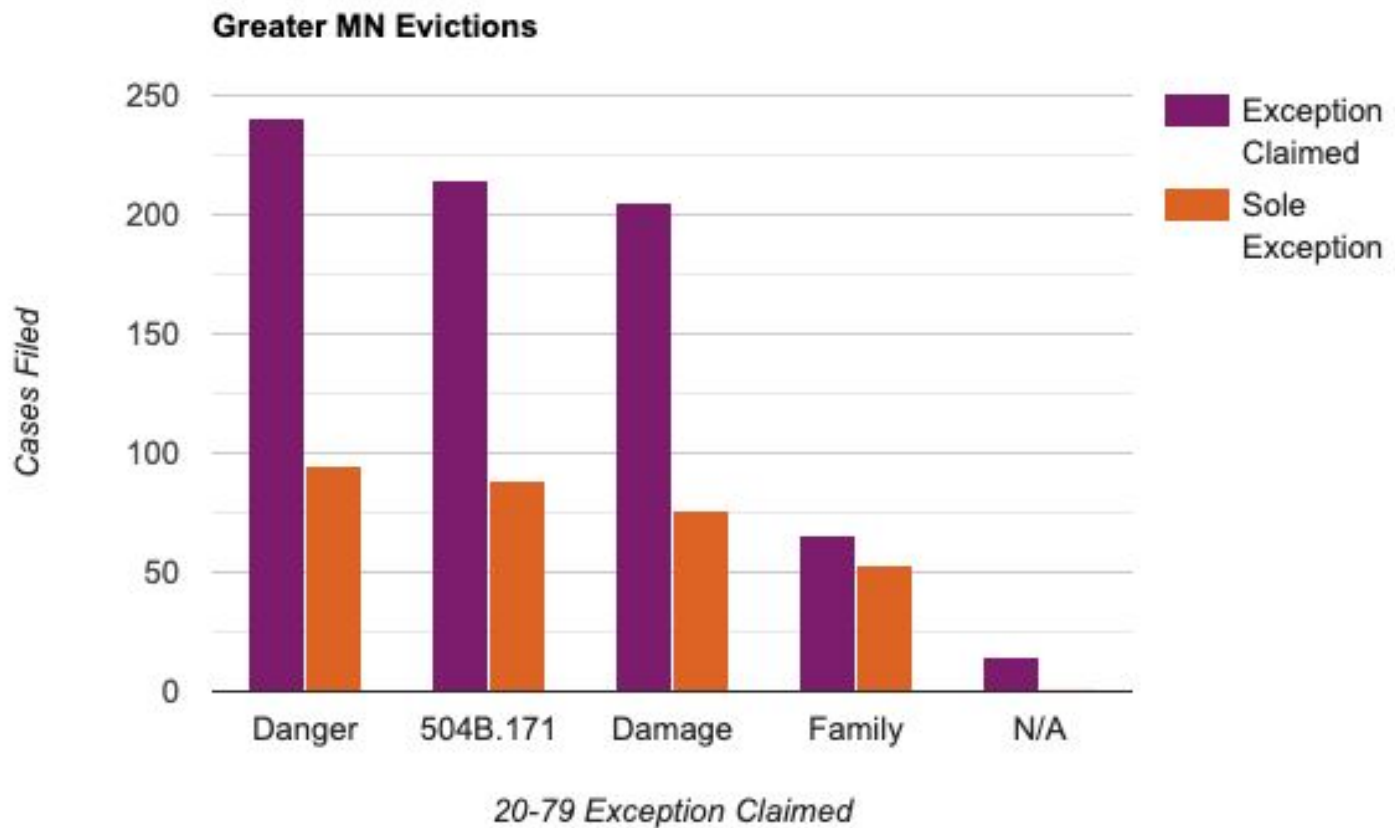
Overview of EO 20-79

Moratorium Exceptions

1. Endangering Other Tenants or Residents
2. Illegal Activity 504B.171 (drugs, firearms, prostitution)
3. Significant Damage to Property
4. Landlord or Family Member Needs to Move In



Exceptions



Endangering Others

Endangering Safety of Others

- 241 cases claim endangerment
- 95 cases - sole reason for eviction
- Most common reason for eviction filing
- Broad interpretations of what this entails and very fact-dependent, subjective
- Examples include: shootings, stabbings, fights, serious threats of bodily harm to staff or other residents, domestic violence incidents
- Often resulted in an eviction or settlement

Illegal Activity 504B.171

Illegal Activity (primarily drug use)

- 215 cases claim violation of 504B.171
- 89 cases - sole reason for eviction
- Consistent filings for illegal drugs, paraphernalia, and firearms throughout moratorium, fewer for prostitution
- Often paired with non-payment or endangering safety of others
- Some instances where drug use appears to be pretext for a non-payment filing.
- Almost always resulted in eviction



Damage to Property

Breach - Significant Damage to Property

- 205 cases claim significant damage to property
- 76 cases - sole reason for eviction
- Often paired with other claims like non-payment or illegal drug use
- Damage must be **significant**
 - fact-dependent, often hand-in-hand with danger to others
 - a few cases of dismissal where landlord did not meet burden of proof that damage claimed is “significant”

Family Move-In

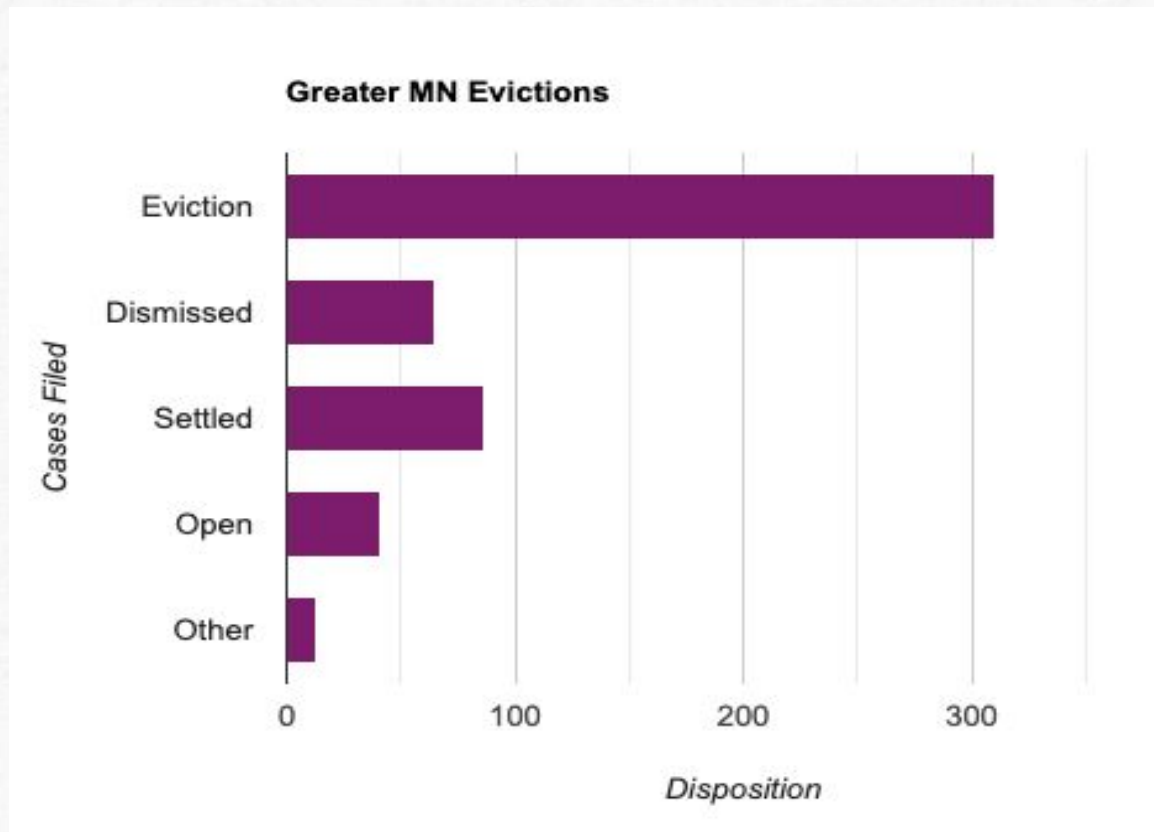
Landlord Family Move-in Exception

- 66 cases claim landlord/family move in
- 53 cases - sole reason for eviction
- Many cases settled
- Evidence of “need” to move in not always present in complaints that nevertheless resulted in eviction
- At least 1 case where landlord claimed same family member needed to move into different properties



Dispositions Graph

515 Cases Reviewed



- 310 Eviction Judgments
- 65 Dismissed
- 86 Settled
- 41 Open
- 13 Other

“Other”

- 2 Stayed until after moratorium
- 2 Deficient - lack filing fee and IFP denied
- 1 withdrawn expressly because of AG intervention
- 8 unclear

Interesting Cases and Outcomes

- Dismissal for failure to satisfy EO 20-79
 - lack of evidence; damage not “significant”;
- Dismissal for failure to give 7 day notice
 - Some of these dismissals waived the future filing fee
- Dismissed per Plaintiff’s request, explicitly because of Attorney General intervention
- Disputed family move-in cases - allegations by Defendants that really pretext for non-payment; same family member moving to multiple properties
- Some cases where eviction granted even though 7 day notice obviously not given
 - dangerous incident claimed in complaint occurred 3 days before eviction filed

Take Away

- Eviction cases continue to be steadily filed across the state
- Majority of complaints allege 20-79 exceptions, but not non-payment
 - $\frac{1}{5}$ of complaints list non-payment in addition to 20-79 exception
- $\frac{1}{3}$ of complaints list 2 or more exceptions
- Tenant losing by default continues to be an issue
 - Tenants with representation fared much better, often securing settlements or dismissals
- Eviction moratorium has prevented many evictions from being filed or being granted

'Normal' vs. Pandemic Year

- Typical year sees around 10,000 - 11,000 eviction cases filed in Metro Area, 5000 in Greater MN (HOME Line Research Director)--roughly 16,000 per year
- **1,246 filed over 12 month period--around 8% of a normal year's filings**

What happens when moratorium is lifted

- Statewide Estimate - close to 15,000 cases waiting to be filed
- Hennepin County: 450-550 new eviction filings each month (2019) - estimated 4000 cases waiting for moratorium to be lifted, majority of these are in Minneapolis
- Bottled-up cases will likely be filed at the same time





Q & A

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Thank You