



Eviction Moratorium Phaseout Webinar: 4th Judicial District Perspective

PRESENTED BY:

REFEREE MELISSA HOUGHTALING

4TH JUDICIAL DISTRICT COURT

Presentation Objectives

- ❖ First Appearance Calendar Structure
- ❖ Updates from the 4th Judicial District
- ❖ Hennepin County Statistics
- ❖ What has changed and what remains the same?
- ❖ The Future of Virtual Court
- ❖ Practice Pointers and Reminders

Calendar Structure

- ❖ No review of filings by a judicial officer – all filings are scheduled for a first appearance within 14 days unless rejected for a filing deficiency
- ❖ First Appearance calendars are held on Tuesday, Wednesday, and Thursday at 9 a.m.
 - ❖ Likely adding a fourth first appearance calendar in the coming weeks as volume increases
- ❖ Currently scheduling 15 cases per calendar (sometimes overflow to 20)
- ❖ Starting Oct 1 – will have one zoom meeting ID and password per courtroom that will repeat daily
- ❖ Current process for non-payment cases with a pending COVID19 emergency rental assistance application is to stay the case and make it confidential

Updates from the 4th Judicial District

- ❖ New Referee: Franklin Reed
- ❖ New attorney service provider: Hennepin County Adult Representation Services (ARS) – offering representation to all tenants who meet income qualification of 150% or less of the federal poverty guidelines
- ❖ VLN and MMLA offering representation to other tenants that meet those organizational requirements
- ❖ No longer conducting mediations at first appearance calendars but sometimes ordering mediation before a trial
- ❖ SharePoint hub – to provide information to court partners about housing court including zoom links to courtrooms, documents pertaining to housing court such as standing orders, and other features. Ready by November 1, 2021. Court partners will need to sign up for a DMZ request to have access.

Statistics

[Hennepin County Eviction Statistics](#) (does not include expunged records)

June 2021 – 45 Evictions Filed

July 2021 – 119 Evictions Filed

August 2021 – 170 Evictions Filed

Sept. 2021 as of today: 187 Evictions Filed

About 25% of cases are scheduled for trial.

Local Ordinances

- ❖ Minneapolis Code of Ordinances 244.2060 – 14 days before bringing an eviction for nonpayment of rent or other unpaid financial obligations
- ❖ St. Louis Park Ordinance 8-337 – 7 days before bringing an eviction action for nonpayment of rent or other unpaid financial obligations
- ❖ Notices for both cities must include
 - ❖ Total amount due
 - ❖ Specific accounting
 - ❖ Name and address of person authorized to receive rent and fees
 - ❖ Provide a description of how to access legal and financial assistance through city's website
 - ❖ Must be delivered personally or by first-class mail (note St. Louis Park Ord. allows tenants to agree in writing to an email notice)

What remains the same?

- ❖ Housing Court Rules in Hennepin and Ramsey Counties – Minn. R. Gen. Prac. 601-612
- ❖ Applicability of Minn. Stat. Chapter 504B, Rules of Civil Procedure, & Rule of Evidence
- ❖ Strict compliance with service requirements per *Koski v. Johnson*
- ❖ Fast timelines for the eviction action once filed – 7-14 days
- ❖ General causes of action for landlords and tenants

The Future of Virtual Court

For the foreseeable future, housing court matters will continue to be held remotely. This can be advantageous for those with transportation and/or time constraints but also creates some barriers related to access to technology.

- ❖ Practice with clients/staff
 - ❖ Muting/un-muting
 - ❖ Breakout rooms
 - ❖ Getting audio connected if using an app
 - ❖ Try a variety of ways to access Zoom so you have experience with different types of technology – iOS, Android, PC
- ❖ Add a screen name that clearly represents who you are
- ❖ Identify yourself if you begin speaking and you have not been directly addressed
- ❖ Pre-label exhibits and send to the Court in advance of trials/evidentiary hearings

Practice Pointers

- ❖ Do not contact the Referees directly, use the Chambers email addresses
- ❖ Be nice to the administrative clerks!
- ❖ Power of Authority must be attached to the eviction complaint at the time of filing for LLCs, Corporations, and other organizations
- ❖ Comply with notice requirements in the Phaseout Legislation and local municipality ordinances
- ❖ For tenant-initiated actions make certain notice has been given to landlord if required and attach information to complaints/affidavits
- ❖ Don't forget about service and affidavits!

Questions?