



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

## End of the Phaseout

May 18, 2022 — 1:30-3:00 pm

Mike Vraa, Managing Attorney and Hotline Director

Rachael Sterling, COVID-19 Eviction Response Coordinator & Housing Attorney

# 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 280,000 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 26, including attorneys, tenant advocates, and tenant organizers. We also rely on volunteers and interns.



# What is HOME Line?

HOME Line Tenant Hotline:

**612-728-5767**

Toll-free: 866-866-3546

- Para Español, llame al 612-255-8870
- Af- Soomaali wac 612-255-8860
- Hais lus Hmoob, Hu 612-255-7104
- Online: *[homelinemn.org/email](http://homelinemn.org/email)*



# Eviction Moratorium Phaseout Resources

**Timeline, Key Points, FAQ:**  
*[homelinemn.org/phaseout](https://homelinemn.org/phaseout)*

**Phaseout Webinar Series:**  
*[homelinemn.org/schedule](https://homelinemn.org/schedule)*

**Previous Webinar Recordings:**  
*[homelinemn.org/webinars](https://homelinemn.org/webinars)*







## Minnesota Tenant/Landlord Law Webinar Schedule

- Wednesday, May 18, 2022 — 1:30-3pm
  - *Information on the June 1 end of eviction moratorium phaseout protections*
- Wednesday, May 25, 2022 — 12:00-4:20pm
  - *Free four-hour training/CLE on the basics of Minnesota tenant/landlord law*
- Wednesday, June 1, 2022 — 1:30-3pm
  - *Updates on rent control measures in effect in St. Paul, with guest speaker Angie Wiese, Interim Director for the City's Department of Safety & Inspections*

To register, visit: [homelinemn.org/schedule](https://homelinemn.org/schedule)



# Phaseout Overview

As of May 18, 2022



# Renter Protections

- The Phaseout protection for tenants with pending COVID-19 Emergency Rental Assistance protections is still in effect
  - Protection lasts through **May 31, 2022**
- A tenant who still has a pending application with a qualifying program cannot be evicted for non-payment of rent at this time, while the application is in a pending status.
  - If a tenant can reasonably access info they must provide the landlord or court with proof of the pending application and the reason, if any, for delay in processing the application
- **The tenant MUST show up to (virtual/Zoom) court for any scheduled eviction hearing,** whether they have a pending rental assistance application or not.
  - An eviction is almost certain to occur if the tenant does not show up to their hearing.
  - Tenants should seek legal advice about their situation before their court hearing.



# COVID-19 Emergency Rental Assistance Programs

- All qualifying programs have stopped taking new applications
- Still protected if the tenant has a pending application with RentHelpMN, Washington County, Ramsey County, Hennepin County, and the Zero Balance Project
- If application is still pending on June 1, 2022 the protection from non-payment of rent will cease to apply



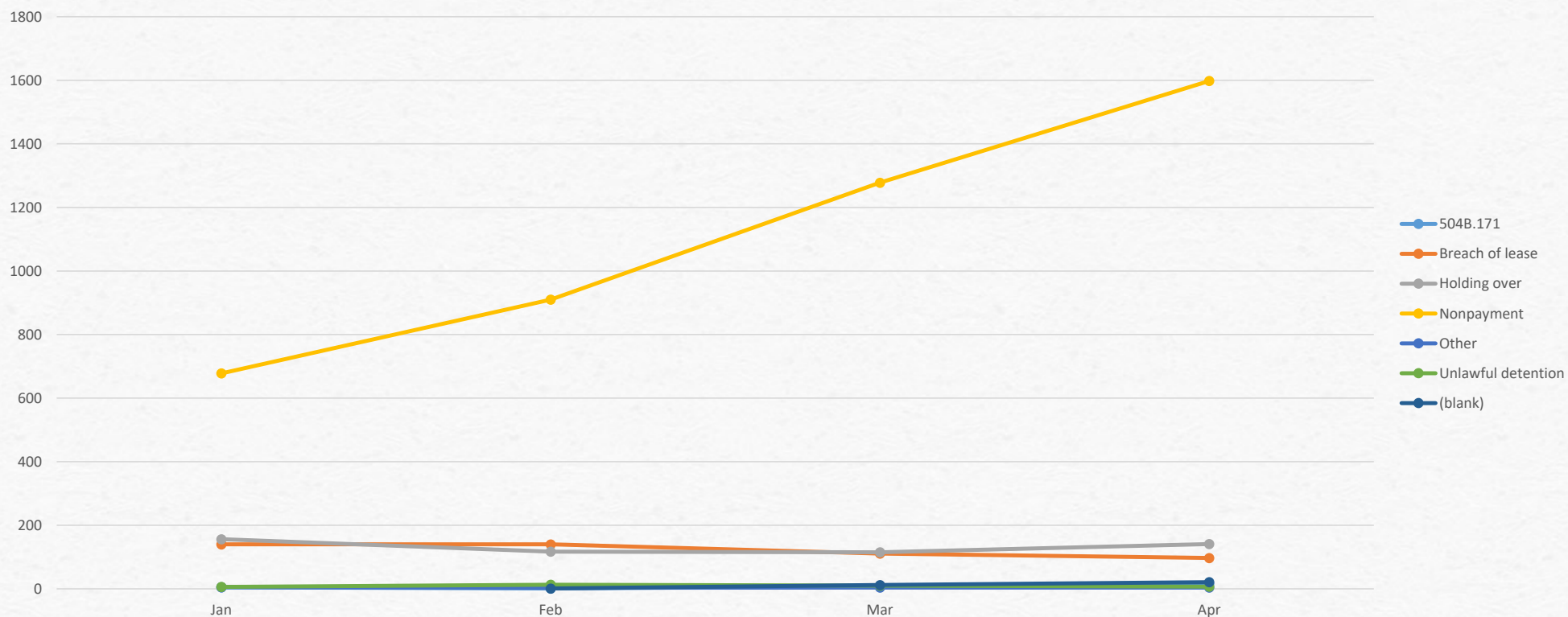


# Pre-Eviction Filing Notice Requirements

- No more state level pre-eviction notice requirement
  - Some cities have a pre-filing eviction notice requirement
    - St. Louis Park - 7 days for non-payment evictions
    - Minneapolis - 14 days for non-payment evictions
    - Brooklyn Center – 30 days for non-payment or material breach evictions
  - Federal pre-filing eviction notice requirements for certain types of properties
    - CARES Act
    - HUD Properties



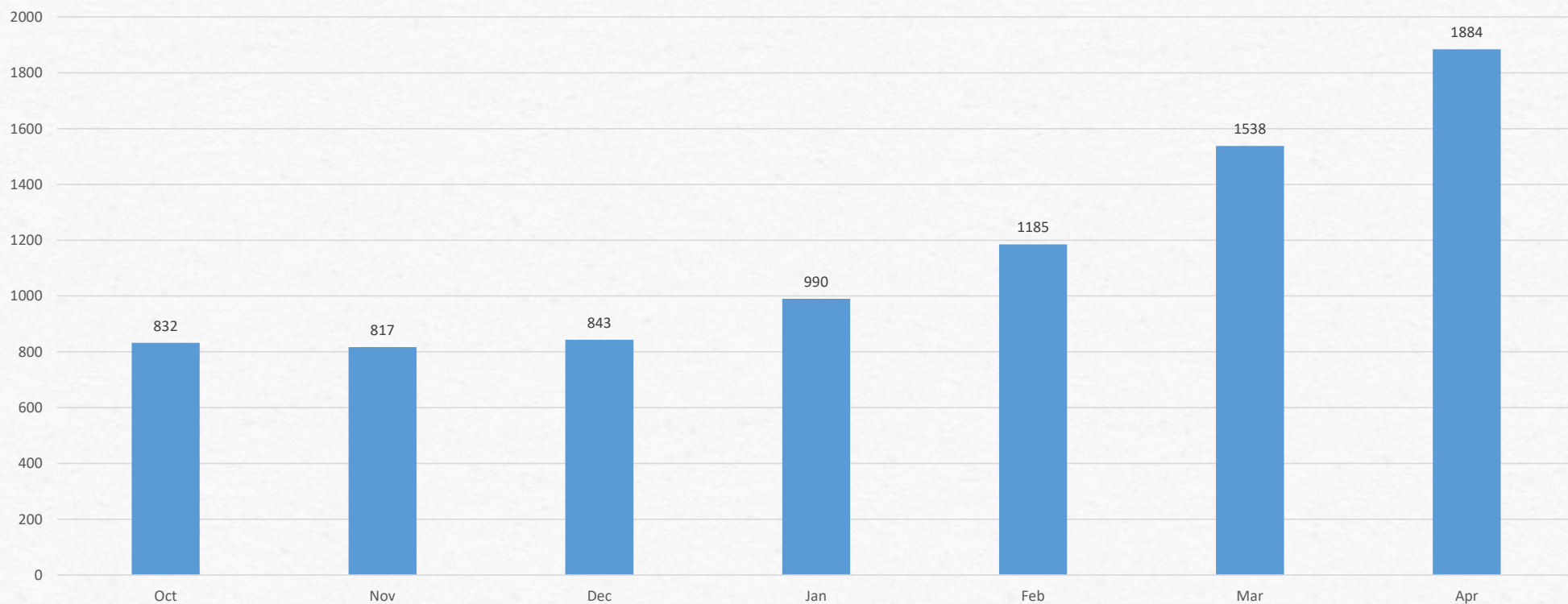
# What is happening with evictions?



Eviction Reasons by month (January – April, 2022)

# What is happening with evictions?

Evictions Filed Since October 2021



# Eviction Basics



# Evictions

- Purpose of an eviction
  - Execution of Writ of Recovery of Premises Order to Vacate (MN Stat. § 504B.365)
  - Ultimate goal of any eviction – possession, not \$\$
  - Winner gets the apartment



# Lockouts & Illegal Utility Shut-offs

- History of “self-help”
- Lockout or Ouster
  - Landlord can’t “lockout” the tenant from the premises (change locks, remove doors, etc.)
  - Criminal misdemeanor (MN Stat. § 609.606)
  - Tenant can sue for 3 times their expenses or \$500, whichever is greater, plus reasonable attorney’s fees (MN Stat. § 504B.225 & 504B.231)
- Utility Shut-offs
  - Utilities: electricity, gas, heat, water, hot water
  - Similar penalty to Lockout (MN Stat. § 504B.221 & 504B.225)

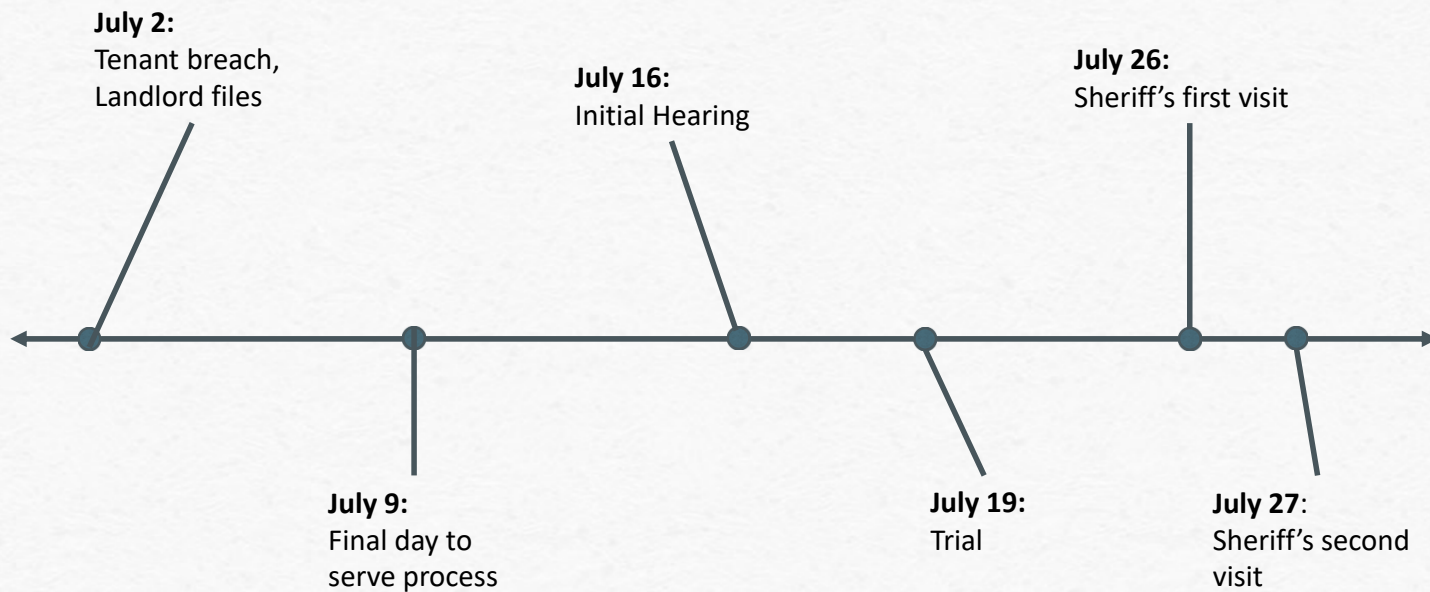


# Reasons for Evictions

- Non-payment of Rent
  - When is rent late?
  - Late fee cap: 8% (MN Stat. § 504B.177)
- Holding Over
- Drugs/Guns/Prostitution/Contraband
- Other Breaches (Lease Violations)
  - Must be “Material Breach”
  - Lease allows eviction for the breach (re-entry clause)



# Eviction Timeline





# General Eviction Defenses

- Service of Process
  - At least 7 day notice required
    - Substitute service
    - “Nail & Mail”
    - Anybody but Plaintiff can serve
    - Governed by MN Stat. § 504B.331
- Disclosure of Owner/Agent
  - Name and street address required
  - Governed by MN Stat. § 504B.181
- Winter/Pregnancy/Children: Not Defenses



# Defense to Non-Payment Evictions

- Redemption (MN Stat. § 504B.291)
- Partial-payment (MN Stat. §504B.291)
- “I paid it.”
  - -Eff. 8/1/2010, landlord must give receipt for cash and money order receipts are presumptive proof of payment
- Fritz defense
- Improper late fees
- “I didn’t owe it.”





## Q & A

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