



Tenant Hotline

Phone: 612-728-5767

Online: homelinemn.org/email

Changes in Eviction Laws and Housing Court

May 15, 2024 – 1:30-3:00pm

4th Judicial District Referee, Tiffany Sedillos

Judicial Branch Legal Counsel Division, Elizabeth Wendt

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 315,000 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 24, 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*



Upcoming Webinars

June 12th

2024 Legislative Session Recap

July 17th

Eviction Filing Statistics Update



Housekeeping

- This session is being recorded and will be available on HOME Line's website in a few days
- Please ask questions through the Q&A function located at the bottom of the Zoom window
- 1.5 CLE credits will be applied for after this session





HOW CHANGES IN EVICTION LAWS ARE IMPACTING THE COURTS

Referee Tiffany Sedillos, Fourth Judicial District – Elizabeth Wendt, SCAO Legal Counsel Division –
May 15, 2024

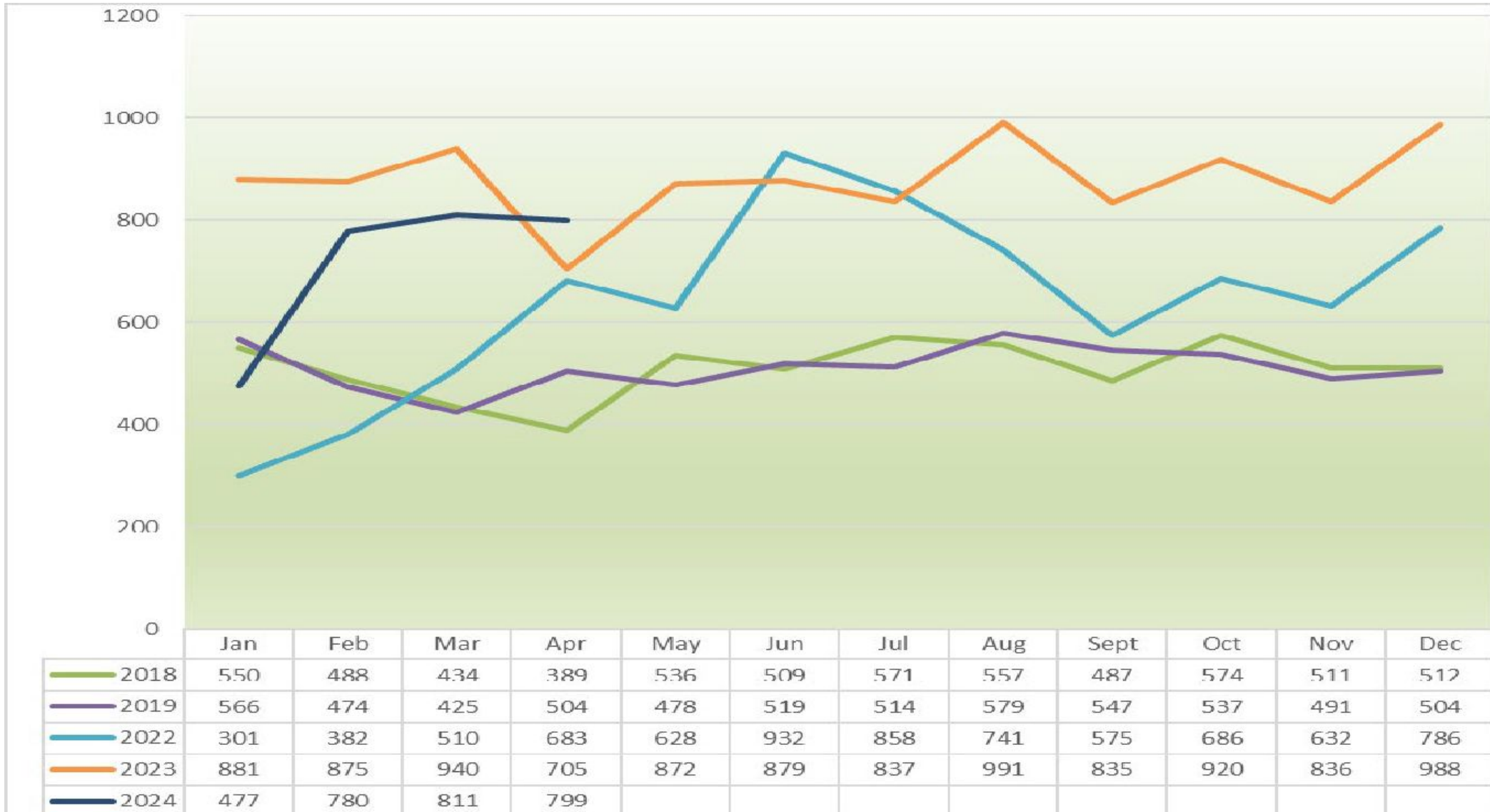


STATISTICS

&

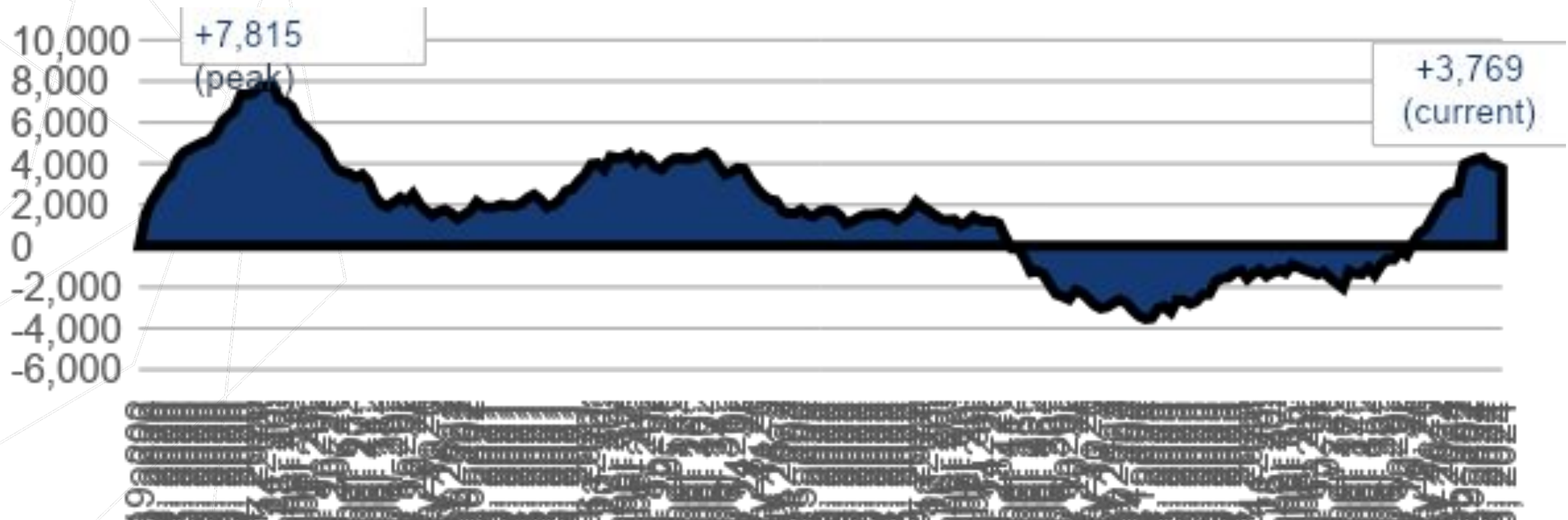
PANDEMIC
BACKLOG

FILED HOUSING CASES 4TH JUDICIAL DISTRICT



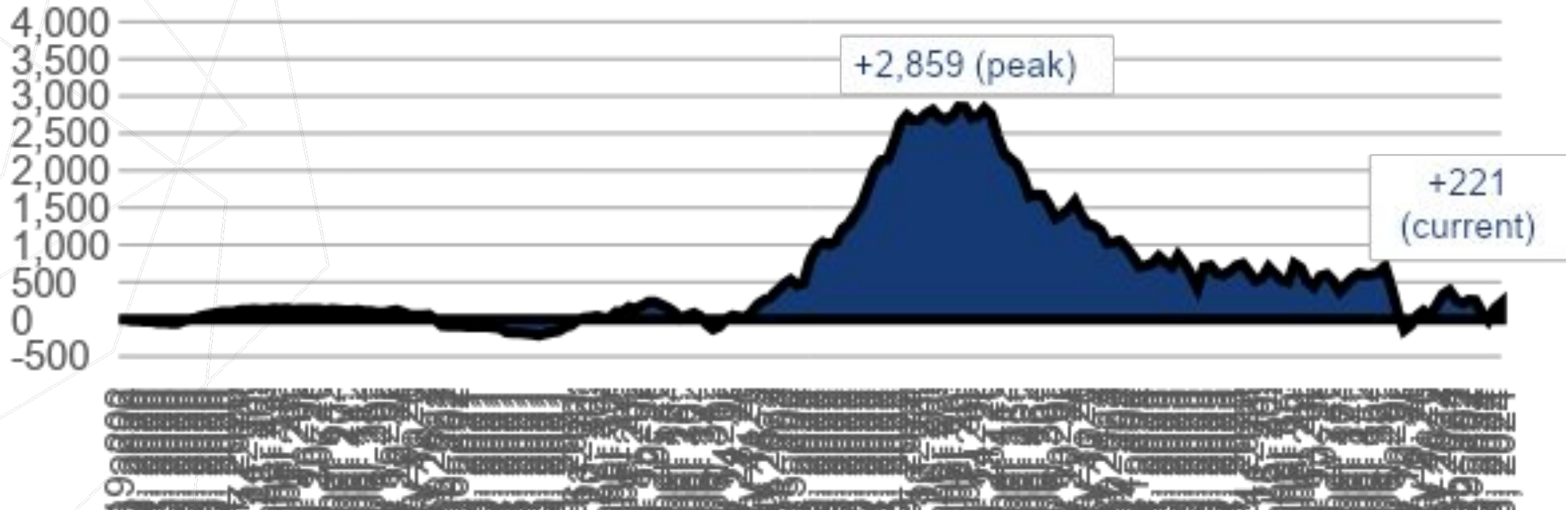
Pandemic Case Backlog Reduction - Statewide

Pending Non-Criminal Caseload
Above/Below March 2020 Baseline
March 2020 - May 2024



Pandemic Case Backlog Reduction - Statewide

Pending Eviction Caseload
Above/Below March 2020 Baseline
March 2020 - May 2024



TODAY'S TOPICS

Public Access

Eviction Complaint

Content

Trials and scheduling

Expungements

Court-appointed attorneys

ETRA's

PUBLIC ACCESS TO EVICTION RECORDS

Minn. Stat. § 504B.321, subd. 6

“**Nonpublic record.** An eviction action is not accessible to the public until the court enters a final judgment, except that parties to the case and licensed attorneys assisting a party in the case, regardless of whether or not they are the attorney of record, shall have access to the eviction action file.”

Supreme Court Order

“...notwithstanding Minn. Stat. § 504B.321, subd. 6 (effective January 1, 2024); Act of May 19, 2023, ch. 52, art. 19, § 119, access to district court case records in eviction proceedings shall continue to be governed by the Rules of Public Access to Records of the Judicial Branch. Eviction records are public except as authorized by court rules or court order.”

[ADM10-8050 Order \(mncourts.gov\)](https://mncourts.gov)

EVICTON COMPLAINTS 14-DAY PRE-FILING NOTICES

BEFORE FILING AN EVICTION COMPLAINT FOR NONPAYMENT LANDLORD MUST PROVIDE WRITTEN NOTICE TO TENANT SPECIFYING THE BASIS FOR A FUTURE EVICTION ACTION. THE NOTICE MUST BE DELIVERED PERSONALLY OR BY FIRST CLASS MAIL TO THE TENANT. MUST INCLUDE THE TOTAL AMOUNT DUE, A SPECIFIC ACCOUNTING, THE NAME AND ADDRESS OF THE PERSON AUTHORIZED TO RECEIVE RENT, AND THE FOLLOWING STATEMENTS:

"YOU HAVE THE RIGHT TO SEEK LEGAL HELP. IF YOU CAN'T AFFORD A LAWYER, FREE LEGAL HELP MAY BE AVAILABLE. CONTACT LEGAL AID OR VISIT WWW.LAWHELPMN.ORG TO KNOW YOUR RIGHTS AND FIND YOUR LOCAL LEGAL AID OFFICE.";

"TO APPLY FOR FINANCIAL HELP, CONTACT YOUR LOCAL COUNTY OR TRIBAL SOCIAL SERVICES OFFICE, APPLY ONLINE AT MNBENEFITS.MN.GOV OR CALL THE UNITED WAY TOLL-FREE INFORMATION LINE BY DIALING 2-1-1 OR 800-543-7709."; AND

"YOUR LANDLORD CAN FILE AN EVICTION CASE IF YOU DO NOT PAY THE TOTAL AMOUNT DUE OR MOVE OUT WITHIN 14 DAYS FROM THE DATE OF THIS NOTICE. SOME LOCAL GOVERNMENTS MAY HAVE AN EVICTION NOTICE PERIOD LONGER THAN 14 DAYS."

MINNEAPOLIS 14-DAY NOTICE
ST. LOUIS PARK 7-DAY NOTICE
BROOKLYN CENTER 30-DAY NOTICE

EVICTON COMPLAINTS CONTENT AND FILING REQUIREMENTS

- ATTACH ANY CURRENT WRITTEN LEASE AND ANY ADDENDA
- IF NONPAYMENT OF RENT CASE, ATTACH A DETAILED, ITEMIZED ACCOUNTING, OR STATEMENT LISTING THE AMOUNTS OWED (A LEDGER) AND THE 14-DAY NOTICE.
- IF BREACH, IDENTIFY THE CLAUSE OF THE LEASE BREACHED, NATURE OF THE CONDUCT, THE DATES OF CONDUCT, AND THE CLAUSE IN THE LEASE GRANTING RIGHT TO EVICT BASED ON THE CONDUCT
- IF A VIOLATION OF 504B.171, SPECIFY THE NATURE OF THE CONDUCT AND THE DATES ON WHICH THE CONDUCT OCCURRED.
- IF FOR HOLDOVER, ATTACH A COPY OF ANY NOTICE TO VACATE/NOTICE TO QUIT
- STATE IN THE COMPLAINT WHETHER THE TENANCY IS AFFECTED BY A FEDERAL OR STATE HOUSING SUBSIDY PROGRAM THROUGH PROJECT BASED FEDERAL ASSISTANCE PAYMENTS, THE SECTION 8, THE LOW-INCOME HOUSING TAX CREDIT PROGRAM OR ANY OTHER SIMILAR PROGRAM AND INCLUDE THE NAME OF THE AGENCY THAT ADMINISTERS THE PROGRAM.

THE COURT MUST DISMISS AND EXPUNGE THE RECORD OF ANY ACTION IF THE PERSON BRINGING THE ACTION FAILS TO COMPLY WITH 504B.321.

SCHEDULING TRIALS

- When scheduling a trial date, the court must select a date that allows for a fair, thorough, and timely adjudication of the merits of the case, including the complexity of the matter, the need for the parties to obtain discovery, the need for the parties to ensure the presence of witnesses, the opportunity for the defendant to seek legal counsel and raise affirmative defenses, and any extenuating factors enumerated under section 504B.171. Minn. Stat. sec. 504B.335
- The court may not require the defendant to pay any amount of money into court, post a bond, make a payment directly to a landlord, or by any other means post security for any purpose prior to final disposition of an action, except if the final disposition of the action may be delayed for more than ten days, the court may order the defendant to provide security in a form and amount that the court approves, based on the totality of the circumstances, provided that the amount of security may not include any amounts allegedly owed prior to the date of filing of the action and may not exceed the amount of the monthly or periodic rent that accrues during the pendency of the action. Minn. Stat. sec. 504B.335

EXPUNGEMENTS MINN. STAT. § 484.014

No motion required

Tenant prevails on the merits;

The case has been dismissed for any reason;

The parties agree to expungement;

Three years have passed since the entry of the eviction judgment;* or

In contract for deed or foreclosure case

- if the defendant vacated the property prior to the commencement, or
- the defendant was a tenant and did not receive a notice to vacate prior to the commencement of the action.

Motion required

If the case settled and the tenant fulfills the terms of the settlement; or

Cannabis-related

- Eviction commenced on the grounds of a violation of section 504B.171 (or any other claim of breach regardless of when the original eviction was ordered),
- the tenant qualifies for an automatic expungement under section 609A.055, and
- the breach was based solely on the possession of marijuana.

COURT PROCESSES - EXPUNGEMENTS

Effective date of new law

The 3-year expungement provision applies to eviction judgments entered on or after January 1, 2024.

See [Minn. Stat. 645.21](#)

Note: Pending legislation

Expungement “order” vs Retention Schedule (“destroy”)

The District Court Retention Schedule “destroys” cases according to the timelines prescribed therein.

The statewide destruction process was placed on hold during the pandemic.

[MN-District-Court-Record-Retention-Schedule.pdf \(mncourts.gov\)](#)

EXPUNGEMENTS (CONTINUED)

Discretionary-If the court finds the expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record. Minn. Stat. § 484.041, subd. 2

Inherent Authority-District Courts have inherent authority to expunge judicially held eviction records after applying the balancing test in State v. C.A., 304 N.W.2d 353 (Minn. 1981).

“Expunge” vs “Seal”: Expungement is a legislative creature and is limited to “evictions” in housing cases. District courts have inherent authority to “seal” other case records pursuant to common law. Minneapolis Star & Tribune Co. v. Schumacher, 392 N.W.2d 197(Minn. 1986).

Tenant's right to court-appointed counsel:

Minn. Stat. § 504B.268,
subd. 1

The property at issue must be public housing (which is undefined);

The eviction complaint alleges breach of lease (simple non-payment of rent does not qualify); and

The tenant is financially unable to obtain private counsel (requires court finding).

EMERGENCY TENANT REMEDIES ACTIONS EXPANDED

MINN. STAT. SEC. 504B.381, SUBD. 1

A person authorized may petition the court for relief

(1) when a unit of government has revoked a rental license, issued a condemnation order, issued a notice of intent to condemn, or otherwise deemed the property uninhabitable; or

(2) in cases of emergency involving the following services and facilities when the landlord is responsible for providing them:

(i) a serious infestation;

(ii) the loss of running water;

(iii) the loss of hot water;

(iv) the loss of heat;

(v) the loss of electricity;

(vi) the loss of sanitary facilities;

(vii) a nonfunctioning refrigerator;

(viii) if included in the lease, a nonfunctioning air conditioner;

(iv) if included in the lease, no functioning elevator;

(x) any conditions, services, or facilities that pose a serious and negative impact on health or safety; or

(xi) other essential services or facilities.

Tenants can also file an ETRA for a privacy violation. Minn. Stat. sec. 504B.211, subd. 6

STATEWIDE IMPLEMENTATION


Forms

[Minnesota Judicial Branch - Get Forms | Minnesota Judicial Branch \(mncourts.gov\)](https://mncourts.gov)

Processes

Court Administrative Processes or “CAPs”

Note: Statewide vs Local



THE MINNESOTA SUPREME
COURT ADVISORY
COMMITTEE ON THE
GENERAL RULES OF
PRACTICE FOR THE
DISTRICT COURTS HAS
FORMED A HOUSING
COURT RULES
WORKGROUP.



THANK YOU

Questions?





Questions?



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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.



Thank You