

Minnesota is facing serious and growing challenges in the midst of ongoing federal occupation and violence, and our communities are calling for meaningful change. Protest can be a powerful tool for challenging unjust systems and pushing leaders to act. At the same time, actions like rent strikes can carry significant legal and financial risks. Minnesota renters deserve clear information about those risks so they can make informed decisions about whether participating is the right choice for them.

### **Rent Strike Risks & Consequences**

*The following is for educational purposes only and not legal advice. If you have any questions about your specific housing situation, you should contact an attorney.*

#### **There's no legal protection for a rent strike.**

- A tenant can, legally, withhold rent only for a violation of the covenants of habitability (unanswered repair requests). If a tenant withholds rent solely as a form of protest, a landlord can file an eviction.
- Some landlords may attempt to threaten or retaliate against tenants engaged in a rent strike. Minnesota has some limited protections against landlord retaliation, but there can be additional risks involved to enforce these rights.
- While organizing is, in some cases, a legally protected tenant activity, rent strikes arguably aren't. At the very least, this is an untested area of landlord-tenant law. Landlords might be able to non-renew the tenant's lease, even if tenants paid up their rent in court.
- One form of retaliation can involve a landlord's non-renewal of a periodic (month-to-month) lease. Ultimately, that could result in displacement for the tenant, an eviction filed for holding over, or some other dispute.

#### **If an eviction case is filed, it will be heard even if it is slightly delayed due to an increase in court filings.**

- Before filing an eviction for nonpayment of rent, landlords must give a 14 day notice that complies with state law. In Minneapolis, Brooklyn Center, and Saint Louis Park, the landlord must give a 30 day notice. This is also true for landlords who accept most governmental housing subsidies (for example: Section 8).
- After the notice deadline passes, the landlord can file an eviction. Evictions are generally heard within two to three weeks, but it can take longer if the courts are delayed. Courts in Minnesota already have experience handling a surge of eviction cases after the pandemic moratorium. While some cases may be delayed, the court will try to hear every case on a timely basis.
- Withholding rent may put a tenant at increased risk of eviction for other reasons. For example: a tenant may already be violating their lease in any number of ways. For some landlords, it's easy to look past noise violations, breaking parking rules, unauthorized pets, violations of guest policy, or refusing landlord entry to a

unit. Once it becomes about money, a landlord may consider filing a case alleging multiple reasons, including nonpayment and breach of lease.

**There is no right to an attorney for nonpayment evictions.**

- That right is limited to tenants in public housing with a breach of lease eviction cases (for example: an unauthorized occupant).
- The vast majority of evictions are decided at the initial hearing. If you miss your initial hearing, you automatically lose and will be evicted. A tenant can ask for a trial, but only if the tenant can raise a valid defense. Withholding rent for unmade repairs is a valid defense and would get a trial in that case.
- **Withholding rent as part of a rent strike is not a valid defense. A judge would likely decide in favor of the landlord immediately in this case.** A tenant should still be allowed to redeem (pay all of the overdue rent, late fees, and court fees, in order to stay) but this adds additional costs for the tenant.

**In a worst case scenario, the tenant can be evicted and forced to move.**

- In some cases this can happen even if the tenant could have redeemed (the tenant misses the court appearance due to transportation issues or can't afford to pay the additional fees).
- Tenants have a legal right to redeem under state law. This means that at any point either leading up to the hearing or at the hearing, the tenant can continue to live in the unit if they pay all of the overdue rent, late fees, court fees, and up to \$5 of attorney fees. Court fees are generally around \$400-\$450.

**Evictions are public civil cases and they go on the tenant's record the moment that they are filed. Having an eviction makes it much harder to rent for years. It can also cost a tenant their subsidy or voucher if they have one.**

- A tenant can get eviction cases expunged (erased), but this is not always guaranteed. Even if they are expunged, tenant screening agencies sometimes report them. They shouldn't, but they do. While a tenant can force a tenant screening company to stop reporting the eviction, that can still cost the tenant a place they were applying to. A previous landlord may report a tenant's eviction filing when a prospective landlord contacts them for a reference.
- Depending on the situation, an eviction can result in a tenant losing access to their subsidized housing program and/or subsidized unit.

**There can be other financial consequences to an eviction, as well.**

- Parties aren't compensated for their time in court (taking off time from work or school).
- While tenants don't have to pay more than \$5 of attorneys fees in order to redeem and continue living there, in some cases the landlord's full attorney fees might be owed, sitting as a debt the tenant needs to pay off some day.
- In cases where the tenant can't pay, this could affect their credit score or ability to rent down the road.

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**Legal Risk Summaries:**

- Owing additional money on top of your regular monthly payment (late fees, court fees, and attorney fees—could be \$400+)
- Forced move
- Loss of a rental subsidy
- Non-renewal of lease
- Long-term credit and rental history problems
- Threats/retaliation from landlord

**People at Significant Risk:**

- Tenants who cannot afford to pay the additional fees associated with an eviction.
- Tenants who have subsidies.
- Tenants who would have difficulty attending court or representing themselves due to language, transportation, or employment barriers.
- Tenants on a month-to-month lease or leases that may soon expire.
- Tenants with roommates- if a roommate doesn't pay their rent, the eviction is for all tenants.

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We share this information so Minnesota renters can fully understand the potential consequences of participating in a rent strike and make the choice that feels right for them. There is no one-size-fits-all answer. Every tenant's situation is different, and the right decision will depend on individual circumstances, priorities, and risk tolerance. If you would like to discuss your specific situation with an attorney, please contact HOME Line's tenant hotline at

[homelinemn.org/email](https://www.homelinemn.org/email).