

August 12, 2020

The Honorable Tim Walz
The Honorable Peggy Flanagan
Office of Governor Tim Walz and Lt. Governor Peggy Flanagan
130 State Capitol
75 Rev Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155
Via email

Re: Recommendations for Eviction Prevention for Minnesotans

Dear Governor Walz and Lt. Governor Flanagan:

Thank you for your leadership on Minnesota's response to COVID-19. As affordable housing advocates and providers, we share your concern for the continued health and housing stability needed for thousands of Minnesotans.

We are grateful for your action to allocate \$100 million of CARES Act funding for housing assistance, which will be administered through the COVID-19 Housing Assistance Program formed by Minnesota Housing. We are also grateful for the continued extension of the suspension of most evictions and landlord-initiated lease terminations since March 24th, including the action on July 13, 2020 to extend the peacetime emergency until August 12, 2020.

We are housing advocates who work directly with residents, businesses, and nonprofits, lawyers who represent renters facing eviction, and bring vast experience in developing, managing, and servicing housing. We support the efforts of community organizers and grassroots organizations, such as Inquilinx Unidos por Justicia, ACER, and NADC, that hear first-hand the fear and concern of residents who can't pay the rent and live in unsafe conditions or without shelter at all. We are focused on preventing the cascade of impacts in the housing industry that occurred during the foreclosure crisis, which resulted in widening of the already deep racial disparities in our state.

Unless longer-term action to prevent evictions is taken, thousands may lose their homes. Uncertainty regarding federal assistance creates even more fear and concern about housing assistance needs. According to the Stout analysis of the July 22 [Household Pulse Survey](#) for Minnesota:

- There are 132,000 potential eviction filings over the next four months in Minnesota as compared to an average of 15,000 eviction cases filings in a typical year.
- An estimated 195,000 households are unable to pay rent and at risk of eviction.
- More than 78% of African American Minnesotans have slight or no confidence they can pay rent next month.

We offer these recommendations to keep Minnesotans healthy by maintaining stable housing during the pandemic, and to ensure our collective focus remains on preventing evictions:

Recommendation #1: Extend the suspension of landlord-initiated lease terminations and evictions for 12 months, from the initiation of the Peacetime Emergency. Couple the eviction suspension with sufficient housing assistance to support residents and property owners through this period.

- **Rationale:** As COVID-19 cases continue to increase and there is no clear end to the pandemic, shelter in place supports must remain to ensure the public health of Minnesotans. A public health rationale for eviction suspension is enhanced in winter months, due to limited shelter options. The State of Minnesota will need to provide sufficient housing assistance to allow property managers and owners to maintain their properties during any moratorium.
- **Examples:** AZ has adopted an eviction moratorium by executive order that extends through Oct 2020; The NJ eviction moratorium, also authorized by executive order, extends two months beyond the end of the public health emergency. Finally, Seattle has adopted an ordinance that prohibits eviction during winter months, with a public health rationale.

Recommendation #2: Adopt procedures to ensure the payment of past due and current rent is possible before eviction filings resume after the moratorium expires. Options include:

Mandate that landlords provide written notice of the intent to evict to renters and attach the notices to all eviction filings. The notice should include a statement of the intention to terminate lease, an accounting of the amount owed, the due date, and information about tenant eligibility for rental assistance. It should give at least a 30-day warning before an eviction filing can take place.

Provide a grace period after the lifting of the eviction suspension for repayment of rent prior to allowing filing an eviction action.

Require a landlord/plaintiff who wishes to file an eviction to proactively demonstrate, as part of their eviction complaint/pleadings, their attempts to cure via mediation or by showing evidence that the landlord assisted the tenant in seeking and complied with requirements to be eligible for emergency rental assistance,

- **Rationale:** Allow sufficient time to access housing assistance and legal advice and/or representation.
- **Examples of notice requirement:** The CARES Act includes a 30-day notice requirement following expiration of moratorium; the HEROES Act includes a 30-day notice requirement following expiration of moratorium. Forty-three states have established pre-filing notice requirements prior to the pandemic.
- **Examples of mediation:** NYC's COVID-19 landlord-tenant mediation program was instituted July 2020; RI's Safe Harbor mediation program began July 1 of this year, providing up to 6 months in arrears.

- **Examples of requirement to cure:** Chicago requires a good faith attempt to cure prior to filing eviction, as part of COVID-19 response.

Recommendation #3: Automatic sealing of all new eviction filings, and sealing and expungement of illegal filings

- **Rationale:** First, renters should not suffer harm from any evictions filed illegally under the Executive Orders suspending evictions. Second, with several new rules at the federal, state, and court level, there should be a determination that an eviction filing has merit before immediately harming a renter's record. A mere allegation should not be a barrier to a family's safe, stable housing. Procedurally it is not difficult: Courts in Minnesota have already implemented a version of it for cases filed during the moratorium that should not have been.
- **Examples:** OR and NV have versions of this. Similar actions exist in other states, including California, which keeps all eviction cases confidential unless and until the landlord proves their case.

We urge adoption of our recommendations and thank you for considering them. We hope to work closely with you to prevent evictions and ensure that our most vulnerable, low-income households have access to stable housing while we navigate this crisis.

Sincerely,

Anne Mavity, Executive Director
Minnesota Housing Partnership

Lee Blons, CEO & President
Beacon Interfaith Housing Collaborative

Ellen Sahli, President
Family Housing Fund

Eric Hauge, Executive Director
HOME Line

Cristen Incitti, Executive Director
Habitat for Humanity of Minnesota

Jenny Larson, Executive Director
Three Rivers Community Action

Peter McLaughlin, Executive Director
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Warren Hanson, President & CEO
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Thomas Adams, PhD, Executive Vice President
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Drew Schaffer, Executive Director
Mid-Minnesota Legal Aid

Margaret Kaplan, President
Housing Justice Center

Chris Coleman, Executive Director
Twin Cities Habitat for Humanity

cc: Commissioner Jennifer Ho, Minnesota Housing