Anoka Prevention and Outreach

JULY 7, 2021

2 - 3:30PM

Anoka

Prevention & Outreach

Agenda

- Welcome & Introductions Via Chat
- Prevention Eviction Moratorium/Off-Ramp
- Outreach Community Update
- MICH Updates

New Members and Survey results

Is there anyone whose attending for the first time that would like to introduce themselves?



Prevention

EVICTION MORATORIUM – OFF RAMP

Eviction Moratorium - Off Ramp



Off Ramp –Signed into Law – June 29th Took effect 6/30/21

Renters that have a pending rental assistance claim through a program authorized under the federal Consolidated Appropriations Act (2021) or the federal American Rescue Plan Act (2021) [RentHelpMN.org] won't be able to be evicted until June 1, 2022.

Off Ramp - Timing

15 days after enactment:

• Evictions can proceed for material breach of lease cases.

45 days after enactment:

• Lease non-renewals for tenants who do NOT qualify for a rental assistance program (RentHelpMN.org)

75 days after enactment:

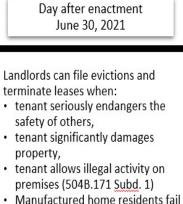
• Evictions for tenants who do NOT qualify for a rental assistance program (RentHelpMn.org)

105 days after enactment:

Back to pre-COVID tenant/landlord law.

Dated timeline





to comply with manufactured

Landlords can terminate leases for

· material violations of the lease

other than nonpayment of rent.

home related laws.

 Landlords can file eviction for material lease violations.

15 days

July 14, 2021

 Landlords can terminate leases and not renew leases of tenants behind on rent and ineligible for Rent Help MN

45 days

August 13, 2021

 Landlords can file evictions against tenants behind on rent who are ineligible for Rent Help MN (after giving a 15 day notice)

75 days

September 12, 2021

105 days October 12, 2021

 Most off-ramp protections end

- Landlords can end lease for any legal reason, with appropriate notice under the lease
- Landlord can file evictions for any legal reason <u>EXCEPT</u> tenants with a pending Rent Help MN application who are behind on rent*

Landlords can file evictions (after giving a 15 day notice) for:

- Tenants who owe rent and refuse to apply for the COVID-19 emergency rental assistance.
- Tenants who owe rent and refuse to give landlord info needed to apply for the COVID-19 emergency rental assistance.
- Tenants who owe rent and refuse to provide proof that they applied for the COVID-19 emergency rental assistance.

* Protections for tenants with pending applications with Rent Help MN expire on June 1, 2022.

Transition for 2021-2022

BY LAWRENCE MCDONOUGH ATTORNEY AT LAW

JULY 1, 2021

Presenter

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- http://povertylaw.homestead.com/Biolarrymcdonough.html

Prior Presentations

- Revised from Prior Presentations:
- Minnesota CLE June 22, 2021
- Fond du Lac Human Services Division Center for American Indian Resources -May 20, 2021
- Mediation and Restorative Services (MARS) - April 27, 2021
- Mitchell Hamline School of Law Institute to Transform Child Protection - April 15, 2021
- Volunteer Lawyers Network April 2, 2021
- Eighth Judicial District March 26, 2021
- Judicare of Anoka County March 4, 2021
- Seventh District Court February 26, 2021
- Law Enforcement Training Services, LLC, and The Minnesota Sheriffs' Association -February 16, 2021

- Third District Court January 29, 2021
- Ninth District Court January 8, 2021
- Hennepin County Bar Association Landlord Tenant Law Section - December 14, 2020
- HOME Line November 18, 2020
- Minnesota Justice Foundation October 5, 2020
- University of Saint Thomas School of Law October 5, 2020
- University of Minnesota School of Law September 8, 2020
- Law Enforcement Training Services, LLC and the Minnesota Sheriffs' Association July 20, 2020
- Legal Services State Support May 1, 2020

Resources

Housing Law in Minnesota

- Residential Eviction Defense and Tenant Claims in Minnesota
- Answers Forms
- Pandemic Eviction Defense and Tenant Claims in Minnesota
- Tenants of Landlords in Foreclosure
- Public and Subsidized Housing
- Criminal Activity Cases
- Personal Property Disputes after an Eviction Judgment
- Expungement of Eviction Court Records
- Motions to Vacate Judgments
- Habitability and Lockout Cases
- Security Deposits

HOME Line - https://homelinemn.org/ HOME Line provides free and low-cost legal, organizing, education, and advocacy services so that tenants throughout Minnesota can solve their own rental housing problems.

Law Help - http://www.lawhelpmn.org/ Answers to legal questions, finding legal aid offices, and court information.

Minnesota State Law Library - https://mncourts.libguides.com/covid19/housing#s-lg-box-wrapper-27963214 General information and resources for landlords and tenants.

- Minnesota Session Laws 2021, 1st Special Session, Chapter 8 H. F. No.
- 4, Article V
- https://www.revisor.mn.gov/laws/2021/1/Session+Law/Chapter/8/
- It ended Executive Orders 20-14, 20-73, and 20-79 and replaced them with eviction moratorium phase-out on June 30, 2021.

- Immediately June 30, 2021, and for 105 Days Through October 12, 2021-Eviction Notice for Nonpayment of Rent
- Pre-filing notice of 15 days prior to filing for nonpayment of rent, stating that the moratorium ended and the tenant may be subject to eviction, the total rent due, and the availability of assistance from calling 211 or going to RentHelpMN https://www.renthelpmn.org/.
- The notice is not limited to residential tenancies, so it includes commercial tenancy, mortgage foreclosure, and contract for deed cancellation eviction court cases claiming nonpayment of rent.
- Court may exercise discretion in staying eviction proceeding if it finds improper notice.
- Substantial compliance lack of strict compliance not a defense
- Expires after 105 days October 12, 2021

- ▶Immediately June 30, 2021 Lease Termination and Nonrenewal:
- Residential landlords can terminate or not renew a lease where:
- The tenant serious endanger safety of others or significantly damages property
- The tenant violates Minn. Stat. § 504B.171, Subd. 1.
- The tenant commits material lease violations
- The manufactured home park resident violates Minn. Stat. § 327C.09, Subds. 3 and 5, if endangering the safety of other residents or park personnel
- Nonpayment of rent if the tenant is (1) eligible for assistance and (2) refuses to apply or provide information to the landlord or refuses to provide proof to the landlord that the tenant applied.
- The tenant or occupant abandons the premises.
- The tenant requests termination.
- Limitations on lease termination and nonrenewal do not apply to

- Immediately June 30, 2021 Eviction Court Cases:
- ▶ Eviction court cases may be filed where:
- The tenant serious endanger safety of others or significantly damages property
- The tenant violates Minn. Stat. § 504B.171, Subd. 1.
- The manufactured home park resident violates Minn. Stat. § 327C.09, Subds. 3 and 5, if endangering the safety of other 30.18 residents or park personnel
- Nonpayment of rent if the tenant is (1) eligible for assistance and (2) refuses to apply or provide information to the landlord or refuses to provide proof to the landlord that the tenant applied.
- The tenant or occupant abandons the premises.
- These limitations apply to eviction court cases for commercial leases, mortgage foreclosure and contract for deed cancellation.

- Immediately June 30, 2021, and Through October 12, 2021-Manufactured Homes
- Manufactured home parks can terminate leases and filed eviction court cases where:
- The manufactured home park resident violates Minn. Stat. § 327C.09, Subds. 3 and 5, if endangering the safety of other 30.18 residents or park personnel
- Owners of security interests in manufactured homes located in Minnesota pursuant to Minnesota Statutes, section 327.64 may not:
- Deliver default notices
- File an action for a court order to remove an occupant from a manufactured home.

- ► At 15 Days:- July 14, 2021- Eviction Court Cases:
- New: Residential and commercial landlords can file eviction actions where the tenant commits material lease violations.
- The tenant serious endanger safety of others or significantly damages property
- The tenant violates Minn. Stat. § 504B.171, Subd. 1.
- The manufactured home park resident violates Minn. Stat. § 327C.09, Subds. 3 and 5, if endangering the safety of other 30.18 residents or park personnel
- Nonpayment of rent if the tenant is (1) eligible for assistance and (2) refuses to apply or provide information to the landlord or refuses to provide proof to the landlord that the tenant applied.
- The tenant or occupant abandons the premises.
- These limitations apply to eviction court cases for commercial leases, mortgage foreclosure and contract for deed cancellation.

- ▶ At 45 Days August 13, 2021- Lease Termination and Nonrenewal:
- New: Residential landlords can terminate or not renew the lease if the tenant owes rent and is ineligible for emergency rent assistance.
- The tenant serious endanger safety of others or significantly damages property
- The tenant violates Minn. Stat. § 504B.171, Subd. 1.
- The tenant commits material lease violations
- The manufactured home park resident violates Minn. Stat. § 327C.09, Subds. 3 and 5, if endangering the safety of other residents or park personnel
- Nonpayment of rent if the tenant is (1) eligible for assistance and (2) refuses to apply or provide information to the landlord or refuses to provide proof to the landlord that the tenant applied.
- The tenant or occupant abandons the premises.
- The tenant requests termination.
- Limitations on lease termination and nonrenewal do not apply to commercial leases.

- At 75 days September 12, 2021 Eviction Court Cases:
- New: Residential and commercial landlords can file nonpayment eviction actions for those ineligible for rental assistance.
- The tenant commits material lease violations.
- The tenant serious endanger safety of others or significantly damages property
- The tenant violates Minn. Stat. § 504B.171, Subd. 1.
- The manufactured home park resident violates Minn. Stat. § 327C.09, Subds. 3 and 5, if endangering the safety of other 30.18 residents or park personnel
- Nonpayment of rent if the tenant is (1) eligible for assistance and (2) refuses to apply or provide information to the landlord or refuses to provide proof to the landlord that the tenant applied.
- The tenant or occupant abandons the premises.
- These limitations apply to eviction court cases for commercial leases, mortgage foreclosure and contract for deed cancellation.

- ► At 105 days October 12, 2021:
- The rent notice requirement ends for residential and commercial landlords.
- Residential landlords can terminate or not renew leases for file eviction court cases for any reason allowed by law except landlords cannot file eviction actions for nonpayment of rent against tenants with pending rental assistance application.
- Limitations on lease termination and nonrenewal do not apply to commercial leases.
- Through June 1, 2022:
- Landlords cannot file eviction actions for nonpayment of rent against
- tenants with pending rental assistance application.
 Tenants must provide landlords or the court with proof of pending rental assistance application and the reason for delay in processing the application if the tenant reasonably has access to the information.
- Emergency rent assistance only includes COVID money (Consolidated Appropriations Act or ARPA)

Coronavirus Aid, Relief, and. Economic Security (CARES) Act § 4024

Part of the Act remains in effect.

- A lessor (of a covered property) may not evict a tenant after the moratorium expires except on 30 days' notice that may not be given until after the moratorium period.
- This provision is not limited to nonpayment of rent, and has no expiration date.

https://library.nclc.org/sec-4024-temporary-moratorium-eviction-filings https://library.nclc.org/major-consumer-protections-announced-response-covid-19#content-1

The Act defines a "covered property" as a property that:

- participates in a "covered housing program" as defined by the Violence Against Women Act (VAWA) as amended through the 2013 reauthorization, or participates in the "rural housing voucher program under section 542 of the Housing Act of 1949" (HUD and Rural Housing Service public and subsidized housing programs)
- has a federally backed mortgage loan or a federally backed multifamily mortgage loan

According to recent estimates, the CARES Act applies to as many as 50% of tenancies in Minnesota.

- Properties that "participate in" a subsidy program covered by the Violence Against Women Act (VAWA"):
 - Section 8 Housing Choice Voucher ("HCV") or VASH (HUD-Veterans Affairs) voucher
 - Section 8 Project-Based Voucher (PBV) units
 - Public housing units
 - ► HOME (HOME Investment Partnership) units
 - ► HOPWA (Housing Opportunities for Persons with AIDS) units
 - Permanent Supportive Housing (PSH) units
 - Tenants that use a PSH or Shelter Plus Care voucher.
 - Federal Low Income Housing Tax Credit (LIHTC or "tax credit") units.
 - Property receives a project-based subsidy through HUD.
 - Property receive a project-based subsidy through the U.S. Department of Agriculture
- Property participated in the Section 542 Rural Housing Voucher program
- Property has any tenant who uses a Rural Housing Voucher

How to find out if it is a covered property (Covered by VAWA or USDA rural housing voucher):

- If the tenant must do an annual income recertification the property is likely a covered property
- If the tenant deals with a Public Housing Authority for matters related to their housing it is likely a covered property
- If the tenant's rent adjusts based on their income the property is likely a covered property
- The tenant's lease may reference a federal subsidy program.
- Some subsidies are searchable on the National Housing Preservation Database: https://preservationdatabase.org/

Property has a federally backed single family (1-4 units) or multifamily mortgage:

- Mortgage insured by the Federal Housing Administration (FHA)
- Mortgage guaranteed, provided by, or insured by HUD, the Department of Veterans Affairs (VA), or Department of Agriculture (USDA)
- Mortgage owned by Fannie Mae or Freddie Mac

Federally backed multifamily mortgage loan secured by a property with five or more dwelling units

- Covered Properties
- How to find out if it is a covered property (Federally-backed mortgage):
- Sometimes this information is recorded in public records, but sometimes it is not.
- A non-exhaustive database of multifamily properties with HUD, FHA, USDA, Fannie Mae and Freddie Mac mortgages can be found at the National Low Income Housing Coalition: https://nlihc.org/federal-moratoriums?ct=t%28update 041720%29
- Properties that have multifamily FHA or USDA mortgages are searchable on the National Housing Preservation Database: https://preservationdatabase.org/
- The landlord can call the FHA, VA, USDA, Fannie Mae or Freddie Mac escalation number listed on this website to inquire as to the status of their mortgage: https://www.hmpadmin.com/portal/resources/advisors/escalation.jsp
- The landlord can look up if Fannie Mae or Freddie Mac own their mortgage on these sites:
- https://www.consumerfinance.gov/ask-cfpb/how-can-i-tell-who-owns-my-mortgage-en-214/
- https://www.knowyouroptions.com/loanlookup
- https://ww3.freddiemac.com/loanlookup/

CDC Eviction Suspension Order

- The Centers for Disease Control and Prevention (CDC) extended its eviction suspension another month through July 31.
- https://www.cdc.gov/coronavirus/2019-ncov/covid-evictiondeclaration.html
- https://www.whitehouse.gov/briefing-room/statementsreleases/2021/06/24/fact-sheet-biden-harris-administration-announcesinitiatives-to-promote-housing-stability-by-supporting-vulnerable-tenants-andpreventing-foreclosures/
- ▶The United States Supreme Court recently refused to block it.
- https://www.supremecourt.gov/opinions/20pdf/20a169_4f15.pdf
- It probably has no impact on Minnesota since the eviction transition law is more protective of tenants.

CDC Eviction Suspension Order - Resources

CDC Eviction Suspension Order

https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-

declaration.html

https://www.cdc.gov/coronavirus/2019-ncov/downloads/eviction-

<u>moratoria-order-faqs.pdf</u>

National Housing Law Project

https://www.nhlp.org/campaign/protecting-renter-and-homeowner-

rights-during-our-national-health-crisis-2/

https://www.nhlp.org/wp-content/uploads/CDC-FAQ-for-Renters.pdf

National Low Income Housing Coalition

https://nlihc.org/coronavirus-and-housing-homelessness/national-eviction-

<u>moratorium</u>

https://nlihc.org/sites/default/files/Overview-of-National-Eviction-

<u>Moratorium.pdf</u>

Court Planning

- Standing Order re 60 day period following the expiration of the Peacetime Emergency Declared in Executive Order 20-01 (Minn. Dist. Ct. 4th Dist. July 22, 2020) (Judge Robiner) (Appendix PED-19)
- Administrative Order Regarding the Resumption of Housing Court
 Operations (Minn. Dist. Ct. 2nd Dist. Aug. 19, 2020) (Judge Castro) (Appendix PED-19a)
- STANDING ORDER Re: 60 day period following the expiration of the Peacetime Emergency Declared in Executive Order 20-01 (Minn. Dist. Ct. 10th Dist. Anoka Cty. Oct. 29, 2020) (Judge Fountain Lindberg) (Appendix PED-36)
- Other Minnesota Supreme Court and District Court pandemic orders are posted <u>here</u>.

Eviction Transition Financial Assistance

- Here are selected programs that offer financial assistance.
- COVID-19 Emergency Rental Assistance
- The new Minnesota Housing Finance Agency (MHFA) emergency rental assistance program is called COVID-19 Emergency Rental Assistance, which is operating under the banner of RentHelpMN.
- On line: https://www.renthelpmn.org/
- Call 211. The 211 helpline has dedicated multilingual staff available to answer questions about RentHelpMN, 8:00 a.m. 8:00 p.m. Monday through Saturday.
- Information sessions: http://youtu.be/2nTW9VQ7zWg
- Foreclosure prevention and forbearance
- The Zero Balance Project: Rental Assistance in Dakota, Hennepin and Ramsey Counties, and Minneapolis and St Paul
- https://housinglink.org/List/emergency-rental-assistance
- In The Zero Balance Project, landlords start and lead the application on behalf of their renters.

Other Financial Assistance

- Hennepin County Emergency Rental Assistance
- Neighborhood House
- Ramsey County Economic Assistance
- Anoka County
- Minnesota Department of Human Services
- United Way 211
- ► Call 211TM or 651-291-0211: State-wide list of community resources, like housing assistance, shelters, and food shelf locations
- State and Local Rental Assistance (National Low Income Housing Coalition viewed April 9, 2021)

Looking for Housing

- Housing Link
- International Market Square
- Suite 509
- 275 Market Street
- Minneapolis, MN 55405
- 612-522-2500
- info@housinglink.org
- http://www.housinglink.org

Mediation Programs

Community Mediation Minnesota consists of several member organizations across the state with staff and volunteers to help resolve disputes. Community Mediation Minnesota has a centralized intake and referral system so anyone in Minnesota can call a single phone number and be connected to a mediator who can provide services via video conferencing.

Community Mediation Member Organizations:

- Community Mediation & Restorative Services, Inc.
- Conflict Resolution Center
- Dispute Resolution Center
- Mediation & Conflict Solutions
- Mediation and Restorative Services
- Restorative and Mediation Practices

Contact:

https://communitymediationmn.org 1-833-266-2663

info@CommunityMediationMN.org

What You Can Do: Get Help, Volunteer & Donate

- ▶ Free Legal Aid Programs Representing Tenants:
- Anishinabe Legal Services https://alslegal.org/
- Central Minnesota Legal Services https://www.centralmnlegal.org/
- Judicare of Anoka County http://www.anokajudicare.org/
- Legal Aid Service of Northeastern Minnesota -http://lasnem.org/
- Legal Assistance of Dakota County http://www.dakotalegal.org/
- Legal Assistance of Olmsted County http://laocmn.org/
- Legal Services of Northwest Minnesota https://lsnmlaw.org/
- Mid-Minnesota Legal Aid https://mylegalaid.org/
- Southern Minnesota Regional Legal Services -<u>https://www.smrls.org/</u>
- Volunteer Lawyers Network https://www.vlnmn.org/

What You Can Do: Get Help, Volunteer & Donate

- Advice:
- On Line Advice: Minnesota Legal Advice Online (MLAO) https://www.mnlegaladvice.org/
- Tenant Hotline Advice: HOME Line https://homelinemn.org/
- See Free Legal Aid Programs (prior slide)
- Law Students:
- Minnesota Justice Foundation (MJF) https://www.mnjustice.org/
- ▶ Mediation:
- Community Mediation Minnesota https://communitymediationmn.org/
- ▶Tenant Organizing:
- HOME Line https://homelinemn.org/
- United Renters For Justice/Inquilinxs Unidxs Por Justicia https://www.inquilinxsunidxs.org/

What You Can Do: Get Help, Volunteer & Donate

- ▶ Housing Litigation and Policy Advocacy:
- HOME Line https://homelinemn.org/
- Housing Justice Center https://www.hjcmn.org/
- Housing Law in Minnesota http://povertylaw.homestead.com/HousingLawinMinnesota.html
- Mid-Minnesota Legal Aid https://mylegalaid.org/
- Minnesota Anti-Eviction Project, Lawyers' Committee for Civil Rights Under Law https://www.lawyerscommittee.org/
- United Renters For Justice/Inquilinxs Unidxs Por Justicia -https://www.inquilinxsunidxs.org/
- Volunteer Lawyers Network https://www.vlnmn.org/
- National Housing Litigation and Policy Advocacy:
- National Housing Law Project https://www.nhlp.org/
- National Low Income Housing Coalition https://nlihc.org/

What You Can Do: Advocate

- Minnesota Government:
- Governor Tim Walz https://mn.gov/governor/about/timwalz/
- Attorney General Keith Ellison http://www.ag.state.mn.us/
- Minnesota Housing Commissioner Jennifer Ho -http://www.mnhousing.gov/sites/np/leadership
- Minnesota Department of Human Rights Commissioner Rebecca Lucero - https://mn.gov/mdhr/about/staff/commissioner.jsp
- Minnesota Senators https://www.senate.mn/
- Minnesota House of Representatives -https://www.house.leg.state.mn.us/members/
- Local Government:
- County Commissioners https://mn.gov/portal/government/local/counties/
- City Mayors and City Councils -https://mn.gov/portal/government/local/cities/

What You Can Do: Advocate

- Courts:
- Minnesota Supreme Court https://www.mncourts.gov/SupremeCourt.aspx
- District Courts- https://www.mncourts.gov/Find-Courts.aspx
- ▶United States:
- President Joe Biden https://www.whitehouse.gov/
- Senate https://www.senate.gov/
- House of Representatives https://www.house.gov/
- Centers for Disease Control and Prevention (CDC) https://www.cdc.gov/
- Department of Housing and Urban Development (HUD) - https://www.hud.gov/

Questions

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- Nonpayment of rent
 - ► Eligible for assistance
 - And applied
 - ► Did NOT apply
 - ► Ineligible for assistance

Off Ramp Scenarios

Off Ramp Scenarios Continued

- Substantial endangerment
- Significant property damage
- Minn. Stat. §504B.171, Subd. 1 violations
- Material Breach
- End of the family member basis for eviction
- Manufacture home parks

Breakout Session

Outreach

METRO TRANSIT PD, BLAINE PD, NORTHTOWN MALL SECURITY, COMMUNITY PROVIDERS

Takeaways and actions

- Bus hub persons are known by BPD and are those who have chosen to not access resources.
 - PDs to collaborate identify known persons
 share information.
 - ▶ BPD inquiring about what statutes/laws to support enforcement.
 - Metro Transit HAT successful connections to resources.
 - Metro Transit will be added to referring partners for SSEH.

Takeaways and and actions continued

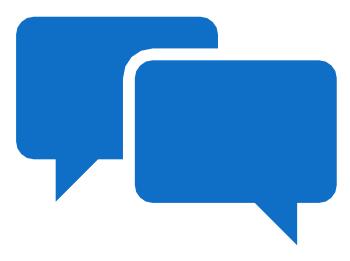
- Metro Transit to attend the P/O and HHAHC meetings learn more about the resources (outreach teams) in Anoka County.
 - Northtown staff may identify active times – hope that Outreach teams of: Guild, HOPE 4 Youth, MAC-V and YMCA could increase their presence.

Takeaways and and actions continued

- West side of mall (express side) is only used early in the morning and later in the evening.
 - Metro Transit will work with BPD if people are there during odd times.

Chat feedback

- What are we missing or what resources can you share?
- ▶ What resources are you looking for?





MICH Updates

Adjourn

"See" you August 4th!

Stay safe & be well.