

Eviction Estimates When Minnesota Reopens



**LAWRENCE R. MCDONOUGH
ATTORNEY AT LAW**

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ACCESS TO JUSTICE COMMITTEE**

Presentations



Revised from Prior Presentations:

- Minnesota House of Representatives Judiciary, Finance, and Civil Law Committee - March 18, 2021
- Minnesota House of Representatives Housing Finance and Policy Committee - March 11, 2021
- Minnesota Senate Housing Finance and Policy Committee - February 11, 2021
- Minnesota Continuing Legal Education (MCLE): Consumer Law - December 22, 2020
- Hennepin County Bar Association Landlord Tenant Law Section - December 14, 2020
- HOME Line - November 18, 2020
- Minnesota Justice Foundation - November 9, 2020
- Heading Home Anoka Housing Collaborative Prevention and Outreach Subcommittee - November 4, 2020
- The Minnesota Council on Foundations - October 23, 2020

Lawrence McDonough

Attorney at Law and Adjunct Professor of Law, University of Minnesota School of Law

Senior Minnesota Counsel, Lawyers' Committee for Civil Rights Under Law

651-398-8053

mcdon056@umn.edu

<http://povertylaw.homestead.com/Biolarrymcdonough.html>

Housing Law in Minnesota

<http://povertylaw.homestead.com/HousingLawinMinnesota.html>

Minnesota Eviction Suspension: Emergency Executive Order 20-79



Emergency Executive Order 20-79:

https://mn.gov/governor/assets/EO%2020-79%20Final%20Signed%20and%20Filed%20%28002%29_tcm1055-440501.pdf

It remains in effect until the peacetime emergency declared in Emergency Executive Order 20-01 is terminated or until it is rescinded by proper authority.

Prohibits nonpayment of rent evictions

Does not affect late fees

Minnesota Eviction Suspension: Emergency Executive Order 20-79



Prohibits evictions actions and lease terminations except where:

- (1) the tenant violates Minn. Stat. § 504B.171, subdivision 1 (controlled substances, prostitution, unlawful use or possession of a firearm, stolen property or property obtained by robbery, and acts under Minn. Stat. § 504B.206, subdivision 1, paragraph (a) (domestic abuse, criminal sexual conduct, and harassment)),
- (2) the tenant seriously endangers the safety of other residents,
- (3) the tenant materially violates a residential lease by the following actions on the premises, including the common area and the curtilage of the premises: seriously endangers the safety of others,
- (4) the tenant materially violation of a residential lease by the following actions on the premises, including the common area and the curtilage of the premises: significantly damages property,
- (5) the tenant holds over after residential landlord termination of lease or nonrenewal of lease due to the need to move the property owner or property owner's family member(s) into the property and where the property owner or property owner's family member(s) move into the property within 7 days after it is vacated by the tenant, or
- (6) writs designated as a priority execution under Minn. Stat. § 504B.365, subdivision 2.

Written notice of intent to file an eviction action to the tenant at least 7 days prior to filing the action, or the specified notice period included in the lease, whichever is longer.

CDC Eviction Suspension Order



CDC Eviction Suspension Order:

<https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/eviction-moratoria-order-faqs.pdf>

It became effective on September 4, 2020. On January 20, 2021, the CDC announced extension of the order temporarily halting residential evictions until ***at least March 31, 2021***.

Media Statement from CDC Director Rochelle P. Walensky, MD, MPH, on Extending the Eviction Moratorium (U.S. Department of Health & Human Services Jan. 20, 2021)

<https://www.cdc.gov/media/releases/2021/s0121-eviction-moratorium.html> (viewed Jan. 21, 2021)

Congress is considering an extension through ***September 2021***.

Biden Extends Eviction Moratorium until March 31: What Renters Should Know, (CNET Jan. 21, 2021)

<https://www.cnet.com/personal-finance/biden-eviction-moratorium-what-renters-should-know-if-ban-extends-to-sept-30/> (viewed Feb. 11, 2021)

CDC Eviction Suspension Order



The CDC Eviction Suspension Order provides less protections for tenants than Emergency Executive Order 20-79.

- Covers less properties
- Allows more eviction exceptions, including any breach of lease, no matter how small
- Requires a tenant declaration with many requirements

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-moratorium>

<https://nlihc.org/sites/default/files/Overview-of-National-Eviction-Moratorium.pdf>

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>

Minn. Session Laws 2020

Chapter 74, H. F. No. 4556 and Chapter 3, H. F. No. 114



A special session law suspended statutory deadlines for district and appellate court proceedings. It also provided that courts may continue to hold hearings, require appearances, or issue orders if "circumstances relevant to public safety, personal safety, or other emergency matters require action in a specific case." It expired on February 15, 2021. Minn. Session Laws 2020 Chapter 74, H. F. No. 4556.

<https://www.revisor.mn.gov/laws/2020/0/Session+Law/Chapter/74/>

Minn. Session Laws 2020 Chapter 3, H. F. No. 114 extended these provisions through April 15, 2021.

<https://www.revisor.mn.gov/laws/2021/0/Session+Law/Chapter/3/>

Courts can consider relaxing these deadlines in Minn. Stat. Ch. 504B, including:

- Minn. Stat. § 504B.285, Subd. 5 (rent into court in combined breach and rent evictions),
- Minn. Stat. § 504B.321 (eviction scheduling),
- Minn. Stat. § 504B.341 (eviction continuance),
- Minn. Stat. § 504B.325 (stay of eviction writ),
- Minn. Stat. § 504B.371 (eviction appeal),
- Minn. Stat. § 504B.372 (lockout motion by landlord and appeal),
- Minn. Stat. § 504B.385 (rent escrow action), and
- Minn. Stat. § 504B.401 (scheduling tenant remedies action).

Health Impact of Evictions During the Pandemic



A national study tested whether lifting eviction moratoriums was associated with COVID-19 incidence and mortality. It concluded that “[l]ifting eviction moratoriums was associated with significant increases in COVID-19 incidence and mortality in U.S. states, supporting the public health rationale for use of eviction moratoriums to prevent the spread of COVID-19. ***Lifting moratoriums amounted to an estimated 433,700 excess cases and 10,700 excess deaths during the study period (March 13-September 3).***”

K. Leifheit, S. Linton, J. Raifman, G. Schwartz, E. Benfer, F. Zimmerman, & C. Pollack, *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality* Abstract (November 30, 2020) (emphasis added). The authors include professors from University of California, Los Angeles (UCLA), Johns Hopkins University Bloomberg School of Public Health, Boston University, University of California, San Francisco (UCSF) Institute for Health Policy Studies, and Wake Forest University School of Law.

<https://ssrn.com/abstract=3739576>

Health Impact of Evictions During the Pandemic



The study included a table of estimated infections and deaths in states that ended their eviction suspensions. Texas topped the list with estimates of 148,530 infections and 4,456 deaths. *Id.* at 14.

Study co-author Dr. Leifheit has estimated infections prevented and lives saved between May and September in states that maintained their eviction suspensions. ***For Minnesota, she estimated 22,200 cases prevented and 680 lives saved.***

K. Leifheit, *State-level COVID-19 Cases and Deaths Associated with Eviction Moratoriums* (Dec. 2020)

https://drive.google.com/file/d/1x8qezy_mXiaw7eKsU_D9zQnQY_Y0YMfgP/view

(viewed Jan. 12, 2021)

Health Impact of Evictions During the Pandemic



The estimated 22,200 cases prevented and 680 lives saved by Emergency Executive Order 20-79 in Minnesota does not cover the fall of 2020 when many states saw dramatic increases in infections and deaths.

Coronavirus in the U.S.: Latest Map and Case Count (New York Times Dec. 15, 2020) <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>
(viewed Jan. 12, 2021)

During the time span of the study, in Minnesota, from March 24, when the first Emergency Executive Order suspending evictions began, through September 3, Minnesota saw 1,834 deaths and 80,704 positive cases in just over 5 months.

Situation Update for COVID-19 (Minnesota Department of Health - viewed January 12, 2021).

<https://www.health.state.mn.us/diseases/coronavirus/situation.html>

Health Impact of Evictions During the Pandemic



From September 4 through January 4, Minnesota saw another 3608 deaths and 342,455 positive cases in 4 months, or twice as many deaths and over four times as many positive cases, for a total of 5,443 deaths and 429,022 positive cases.

Situation Update for COVID-19 (Minnesota Department of Health - viewed January 12, 2021).

<https://www.health.state.mn.us/diseases/coronavirus/situation.html>

It is reasonable to add twice as many saved lives and four times as many positive cases prevented to the summer estimate, totaling potentially 2,040 lives saved and 111,000 positive cases prevented in Minnesota by Emergency Executive Order 20-79 through January 4, 2021.

Evictions before the Pandemic



- Statewide: 16,000 (1,333 per month)
- Hennepin County 6,000 (500 per month)
- Tenth Judicial District - Anoka County: 1080 (90 per month)
- Third Judicial District - 1050 (88 per month), with the highest numbers in Olmsted County (377, or 31 per month), Winona County (123, or 10 per month), Mower County (121, or 10 per month), and Steele County (108, or 9 per month)
- Ninth Judicial District - 574 (48 per month), with the highest numbers in Crow Wing County (139, or 12 per month), Beltrami County (94, or 8 per month), Itasca County (91, or 8 per month), and Polk County (70, or 6 per month).
- One year later, around that many are on hold. Some tenants have moved, some tenants have negotiated with their landlords, some tenants have received assistance, and some landlords were able to file eviction actions within the exceptions of Emergency Executive Order 20-79, perhaps lowering the number, if the economy is ignored. ***But, what about economy?***

Citations:

- S. Spaid, *Evictions in Greater Minnesota Report* at 2 (HOME Line June 1, 2018) <https://homelinemn.org/wp-content/uploads/2018/06/Evictions-in-Greater-Minnesota-Report-with-Appendix.pdf>
- A. Holdener, et. al, *Eviction and Homelessness in Hennepin County*, at 2 (Hubert H. Humphrey School of Public Affairs May 19, 2018) https://cdn2.hubspot.net/hubfs/4408380/PDF/Eviction-Reports-Articles-Cities-States/Minnesota_humphrey-report-eviction-homelessness-may-2018.pdf
- Email from John Murphy, Anoka County Law Library Director, to Lawrence McDonough (Oct. 26, 2020)
- Email from Angie Hutchins, Third Judicial District Deputy District Administrator, to Lawrence McDonough (Jan. 14, 2121)
- *Pandemic Eviction Filings > March 24, 2020 through December 18, 2020* (Minn. Dist. Ct. 9th Dist. Dec. 18, 2020)

Unemployment



Unemployment is high.

The Minnesota unemployment rate in January 2021 was 4.5%, down from 7.6% in July 2020 and 11.3% in May 2020, but still up from 3.5% in March 2020.

Resources:

- *State and National Employment and Unemployment Current Data* (Minnesota Department of Employment and Economic Development - viewed Mar. 17, 2021)
<https://mn.gov/deed/data/current-econ-highlights/state-national-employment.jsp>
- *Minnesota Unemployment* (Department of Numbers - viewed Mar. 17, 2021)
<https://www.deptofnumbers.com/unemployment/minnesota/>

Unemployment



Minnesota cumulative unemployment insurance applicants by county from March 16 to February 23, 2021 as a share of 2019 annual labor force:

- Fourth Judicial District: Hennepin County: 288,699 (**40.1%**) of 711,530
- Seventh Judicial District: Stearns County - 35,059 of (**38.1%**) 92,043, Clay County - 5,486 of (**15.1%**) 36,336, Benton County - 9,860 of (**44.4%**) 22,224, and Otter Tail County - 9,438 of (**29.4%**) 32,110
- Tenth Judicial District: Anoka County - 85,445 (**43.0%**) of 198,938
- Third Judicial District: Olmsted County - 37,415 (**41.3%**) of 89,730, Winona County - 9,719 (**33.5%**) of 29,053, and Steele County - 7,983 (**39.0%**) of 20,451
- Ninth Judicial District: Beltrami County - 8,639 (**34.9%**) of 24,779, Crow Wing County - 14,336 (**43.6%**) of 32,904, and Roseau County - 5,837 (**73.2%**) of 7,972

Unemployment Insurance Statistics (Minnesota Department of Employment and Economic Development - viewed Feb. 25, 2121)

<https://mn.gov/deed/data/data-tools/unemployment-insurance-statistics/>

Local Area Unemployment Statistics (LAUS) (Minnesota Department of Employment and Economic Development - viewed Feb. 25, 2121) (selected Data Tool, Minnesota Counties, County, Historical Data, Annual and Labor Force)

<https://mn.gov/deed/data/data-tools/laus/>

Census Data and Eviction Estimates



As of March 10, 2021, out of 648,384 adult tenants estimated by the Census, it estimated:

- **116,756 (18.0%)** were not currently caught up on rent payments,
- **212,894 (32.8%)** were unemployed,
- **368,764 (56.9%)** experienced the loss of employment income of a household member,
- **105,625 (16.3%)** had no or slight confidence in the ability to make the next month's payment, and
- Of the 116,756 tenants estimated to not be currently caught up on rent payments, **65,339 (56.0%)** very likely or somewhat likely to leave home due to eviction in next two months.

Compare this with **16,000** eviction court actions statewide in 2017.

The Census data supports estimating the number of evictions on hold right now to well exceed the annual number. These evictions would overwhelm the legal services housing attorneys and the courts.

Citations:

- *Household Pulse Survey Data Tables, Phase 3* (United States Department of Commerce - viewed Mar. 11, 2121) <https://www.census.gov/programs-surveys/household-pulse-survey/data.html#phase3> and <https://www.census.gov/data/tables/2021/demo/hhp/hhp25.html>
- *Table 1b. Last Month's Payment Status for Renter Occupied Housing Units, by Select Characteristics: Minnesota* (United States Department of Commerce Mar. 10, 2121) https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk25/housing1b_week25.xlsx (downloaded Mar. 11, 2121)
- *Table 2b. Confidence in Ability to Make Next Month's Payment for Renter Occupied Housing Units, by Select Characteristics: Minnesota* (United States Department of Commerce Mar. 10, 2121) https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk25/housing2b_week25.xlsx (downloaded Mar. 11, 2121)
- *Table 3b. Likelihood of Having to Leave this House in Next Two Months Due to Eviction, by Select Characteristics: Minnesota* (United States Department of Commerce Mar. 10, 2121) https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk25/housing3b_week25.xlsx (downloaded Mar. 11, 2121)

Eviction Estimates



Stout estimates for Minnesota, surveyed November 11 to 23, 2020: **32,100-69,800** potential evictions in January 2021

Aspen Institute concluded the risk of eviction at 30% renter unemployment for Minnesota on December 31, 2020 would be **281,085** tenants.

Citations:

- *Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction* (Stout Risius Ross - viewed Mar. 17, 2021)
<https://app.powerbi.com/view?r=eyJrIjoiNzRhYjg2NzAtMGE1MC00NmNjLTllOTMtYjM2NjFmOTA4ZjMyIiwidCI6Ijc5MGJmNjk2LTE3NDYtNGE4OS1hZjI0LTc4ZGE5Y2RhZGE2MSIsImMiOjN9>
- K. McKay, Z. Neumann & S. Gilman, *20 Million Renters Are at Risk of Eviction; Policymakers Must Act Now to Mitigate Widespread Hardship* (The Aspen Institute June 19, 2020 - viewed Mar. 17, 2021)
<https://www.aspeninstitute.org/blog-posts/20-million-renters-are-at-risk-of-eviction/>

Planning Underway



Courts:

- Staggering evictions - see [Standing Order re 60 day period following the expiration of the Peacetime Emergency Declared in Executive Order 20-01 \(Minn. Dist. Ct. 4th Dist. July 22, 2020\) \(Judge Robiner\) \(Appendix PED-19\)](#)
- Minnesota Supreme Court and District Court pandemic orders are posted [here](#).

Legislature

- [Senate F. No. 1470](#)
- [House F. No. 12](#)

It Is Time to Plan



Expand staggered evictions to start *when economic and health data support it*

Funding:

- Financial assistance to tenants and landlords
- Financial assistance to industries that employ tenants
- Financial assistance to shelters
- Emergency Assistance
- Legal aid programs
- Mediation programs
- More judicial resources for evictions

What Can You Do? Volunteer and 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 - <https://www.smrls.org/>
- Volunteer Lawyers Network - <https://www.vlnmn.org/>

What Can You Do? Volunteer and 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 Can You Do? Volunteer and 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 Can You 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/>

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



Lawrence McDonough

Attorney at Law

Adjunct Professor of Law, University of Minnesota School of Law

Senior Minnesota Counsel, Lawyers' Committee for Civil Rights Under Law

651-398-8053

mcdon056@umn.edu

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