

# Housing Issues in the Justice Tsunami: Legal Issues Now and Eviction Estimates When Minnesota Reopens



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# Presentations



Revised from Prior Presentations:

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

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Housing Law in Minnesota

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

# State Eviction Suspensions



Some states have suspended some evictions. More states let their suspensions expire, or never had one.

E. Benfer, *COVID-19 Eviction Moratoria: Federal (CDC), State, Commonwealth, and Territory* (viewed Jan. 12, 2121)

<https://docs.google.com/spreadsheets/u/1/d/e/2PACX-1vTH8dUIbfnt3X52TrY3dEHQCAm60e5nqo0Rn1rNCf15dPGeXxM9QN9UdxUfEjxwvfTKzbCbZxJMdR7X/pubhtml>

*COVID-19 Housing Policy Scorecard* (Eviction Lab - viewed Jan. 12, 2121)

<https://evictionlab.org/covid-policy-scorecard/>

# Minnesota Eviction Suspension: Executive Order 20-79



Executive Order 20-79:

[https://mn.gov/governor/assets/EO%2020-79%20Final%20Signed%20and%20Filed%20%28002%29\\_tcm1055-440501.pdf](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It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

Prohibits evictions actions and lease terminations except where: (1) the tenant violates Minn. Stat. § 504B.171, subdivision 1, (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. 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, or (6) writs designated as a priority execution under Minn. Stat. § 504B.365, subdivision 2.

***Nonpayment of rent is not an exception.***

Does not affect late fees

# CARES Act § 4024



CARES Act § 4024:

<https://library.nclc.org/sec-4024-temporary-moratorium-eviction-filings>

<https://library.nclc.org/major-consumer-protections-announced-response-covid-19#content-1>

Applies only to covered properties: federal public and subsidized housing, and rental properties with federally backed mortgages

Prohibited late fees from March 27 through July 25, 2020

Requires 30-day lease termination notice given July 25, 2020 or afterward for all eviction bases with no expiration date

# 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)

"Residential property" is defined to include "any property leased for residential purposes," and goes on to specify the term includes "any house, building, mobile home or land in a mobile home park, or similar dwelling leased for residential purposes." Exception: any hotel, motel, or other guest house rented to a temporary guest or seasonal tenant" as defined under state law.

Exceptions: (1) engaging in criminal activity while on the premises; (2) threatening the health or safety of other residents; (3) damaging or posing an immediate and significant risk of damage to property; (4) violating any applicable building code, health ordinance, or similar regulation relating to health and safety; or (5) violating any other contractual obligation, other than the timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest).

# CDC Eviction Suspension Order



Tenant must provide a required declaration, sworn under penalty of perjury, to the landlord: (1) used best efforts to obtain all available government assistance; (2) limited income; (3) unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical expenses; (4) using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses; (5) risk of homelessness; and (6) understand rent obligation. Form: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>

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>

# Financial Assistance for Tenants



Minnesota Covid-19 Relief Housing Assistance Program -

<http://www.mnhousing.gov/sites/np/covid19housingassistanceprogramFAQ>

Hennepin County Emergency Rental Assistance - <https://www.hennepin.us/rent-help>

Neighborhood House - <http://neighb.org/>

Ramsey County - <https://www.ramseycounty.us/residents/assistance-support/assistance/financial-assistance/emergency-assistance>

Anoka County - <https://www.anokacounty.us/2689/Basic-Needs>

Minnesota Department of Human Services - <https://applymn.dhs.mn.gov/online-app-web/spring/public/process-login?execution=e1s1>

United Way 211 - <http://www.211unitedway.org/> Call 211™ 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 Jan. 12, 2121) -

<https://nlihc.org/rental-assistance>



# Expiration of Executive Order 20-79



Expiration of Executive Order 20-79 will leave some properties governed by:

The CARES Act § 4024: requires 30-day lease termination notice given July 25, 2020 or afterward for all eviction bases with no expiration date for covered properties

CDC Eviction Suspension Order: suspends nonpayment of rent evictions for covered tenants through January 31, 2020

Order Continuing Operations of the Minnesota Judicial Branch under Emergency Executive Order No. 20-33 has no expiration date.

<http://mncourts.gov/About-The-Courts/NewsAndAnnouncements/ItemDetail.aspx?id=1900>

Local orders may stay in effect.

<http://www.mncourts.gov/Emergency.aspx>

House File No. 4556, Art. 1, §16 continues suspension of statutory deadlines for court proceedings until 60 days after the end of the peacetime emergency declaration or February 15, 2021, whichever is earlier.

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

# The Eviction Tsunami



16,000 eviction court actions were filed in Minnesota in 2017, or 1,333 per month. 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 random analysis of 203 of those eviction actions in 2017 found 69.0% of the eviction actions were for nonpayment of rent or holding over after notice that would have been prevented by Emergency Executive Order 20-79. The remaining 31.0% alleged breach of lease, but it is unclear how many of them would have fit the limited exceptions under Emergency Executive Order 20-79. *See Id.* at 9-11.

<https://homelinemn.org/wp-content/uploads/2018/06/Evictions-in-Greater-Minnesota-Report-with-Appendix.pdf>

# The Eviction Tsunami



In the Fourth Judicial District for Hennepin County, there are around 6,000 annual eviction actions, or 500 per month. 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](https://cdn2.hubspot.net/hubfs/4408380/PDF/Eviction-Reports-Articles-Cities-States/Minnesota_humphrey-report-eviction-homelessness-may-2018.pdf)

In the Tenth Judicial District in 2019, Anoka County had 1080 eviction cases, or 90 per month. Email from John Murphy, Anoka County Law Library Director, to Lawrence McDonough (Oct. 26, 2020).

# The Eviction Tsunami



In the Third Judicial District, in 2019 there were 1050 (88 per month) eviction actions, 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). Email from Angie Hutchins, Third Judicial District Deputy District Administrator, to Lawrence McDonough (Jan. 14, 2121).

In the Ninth Judicial District, in 2019 there were 574 (48 per month) eviction actions, 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). *Pandemic Eviction Filings > March 24, 2020 through December 18, 2020* (Minn. Dist. Ct. 9th Dist. Dec. 18, 2020).

# The Eviction Tsunami



If the suspension were to end January 31, 2021, it will have been in place for a little more than 9 months. With no other factors present, on February 1, 2021, evictions on hold would amount to:

- 13,330 eviction court actions statewide,
- 5,000 in Hennepin County,
- 720 in Anoka County,
- 880 in the Third District, with 310 in Olmsted County, 100 each in Winona and Mower Counties, and 90 in Steele County, and
- 480 in the Ninth District, with 120 in Crow Wing County, 80 in each of Beltrami and Itasca Counties, and 60 Polk County.

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?***

# Tenants Already Were Rent Burdened



*Cost Burdens Rise for Middle-Income Households in Most Metros* (Harvard Joint Center for Housing Studies January 2020) <https://www.jchs.harvard.edu/cost-burdens-rise-middle-income-households-most-metros> (viewed Jan. 12, 2121)

M. Moylan, *Report: More Middle-income Renters Burdened by Housing Costs* (Minnesota Public Radio Jan. 31, 2020) <https://www.mprnews.org/story/2020/01/31/report-more-middleincome-renters-burdened-by-housing-costs> (viewed Jan. 12, 2121)

*Housing Burden: All Residents Should Have Access to Quality, Affordable Homes* (National Equity Atlas)  
[https://nationalequityatlas.org/indicators/Housing\\_burden#/](https://nationalequityatlas.org/indicators/Housing_burden#/) (viewed Jan. 12, 2121)

*American Families Face a Growing Rent Burden - High Housing Costs Threaten Financial Security and Put Homeownership out of Reach for Many* (The Pew Charitable Trusts April 19, 2018)  
<https://www.pewtrusts.org/en/research-and-analysis/reports/2018/04/american-families-face-a-growing-rent-burden> (viewed Jan. 12, 2121)

# Tenants Already Were Rent Burdened



The percent of occupied units paying rent that are spending more than 30% of income The percent of occupied units paying rent that are spending more than 30% of income on rent costs in selected counties in Minnesota:

Hennepin County: 47.1%

Ramsey County: 49.4%

Anoka County: 46.5%

Stevens County: 54.1%

Itasca County: 54.1%

Waseca County: 54.2%

Wilkin County: 55.0%

Clay County: 55.7%

*Percent of Occupied Units Paying Rent That Are Spending More than 30% of Income on Rent Costs* (Tableau Public Mar. 24, 2020)

[https://public.tableau.com/profile/magda.olson#!/vizhome/HousingCosts\\_15849937311970/HousingCosts](https://public.tableau.com/profile/magda.olson#!/vizhome/HousingCosts_15849937311970/HousingCosts) (viewed Jan. 12, 2121)

# Unemployment



Unemployment is high. The Minnesota unemployment rate in December 2020 was 4.4.%, down from 7.4% in August and 9.9% in May, but still up from 2.9% in March.

*State and National Employment and Unemployment Current Data* (Minnesota Department of Employment and Economic Development - viewed Jan. 27, 2121)

<https://mn.gov/deed/data/current-econ-highlights/state-national-employment.jsp>

*Minnesota Unemployment* (Department of Numbers - viewed Jan. 27, 2121)

<https://www.deptofnumbers.com/unemployment/minnesota/>



# Unemployment



Minnesota cumulative unemployment insurance applicants by county from March 16 to January 21, 2021 as a share of 2019 annual labor force:

- Fourth Judicial District - Hennepin County: 278,889 (**39.2%**) of 711,530
- Tenth Judicial District - Anoka County: 82,317 (**41.4%**) of 198,938
- Third Judicial District - Olmsted County: 36,037 (**40.2%**) of 89,730; Winona County: 9,370 (**32.3%**) of 29,053; Steele County: 7,629 (**37.3%**) of 20,451
- Ninth Judicial District - Beltrami County: 8,299 (**33.5%**) of 24,779; Crow Wing County: 13,825 (**42.0%**) of 32,904; Roseau County: 5,743 (**72.0%**) of 7,972

*Unemployment Insurance Statistics* (Minnesota Department of Employment and Economic Development - viewed Jan. 27, 2121)

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

*Local Area Unemployment Statistics (LAUS)* (Minnesota Department of Employment and Economic Development - viewed Jan. 27, 2121) (selected Data Tool, Minnesota Counties, County, Historical Data, Annual and Labor Force)

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

# Census Data: Tenants, Unemployment, and Rents



The United States Census Bureau produces data on the social and economic effects of coronavirus on American households. The Household Pulse Survey collects data to measure household experiences during the coronavirus pandemic.

*Measuring Household Experiences during the Coronavirus Pandemic, Household Pulse Survey – Phase 3 (October 28, 2020 – March 1, 2021)*

(United States Department of Commerce - viewed Jan. 27, 2021)

<https://www.census.gov/data/experimental-data-products/household-pulse-survey.html>

# Census Data: Tenants, Unemployment, and Rents



The tables below show data that were collected from January 6 through January 18, 2021.

- Table 1a. Last Month's Payment Status for Owner Occupied Housing Units, by Select Characteristics
- Table 1b. Last Month's Payment Status for Renter Occupied Housing Units, by Select Characteristics
- Table 2a. Confidence in Ability to Make Next Month's Payment for Owner Occupied Housing Units, by Select Characteristics
- Table 2b. Confidence in Ability to Make Next Month's Payment for Renter Occupied Housing Units, by Select Characteristics
- Table 3a. Likelihood of Having to Leave this House in Next Two Months Due to Foreclosure, by Select Characteristics
- Table 3b. Likelihood of Having to Leave this House in Next Two Months Due to Eviction, by Select Characteristics

*Week 22 Household Pulse Survey: January 6 – January 18* (United States Department of Commerce Jan. 27, 2121, viewed Jan. 27, 2121)

<https://www.census.gov/data/tables/2021/demo/hhp/hhp22.html>

# Census Data on Tenants, Unemployment, and Rents



The Census Bureau Household Pulse Survey estimated that in Minnesota through January 18, 2021, there were 608,418 tenant households. From its survey responses, it estimated:

**69,988 (11.5%) not currently caught up on rent payments,**  
**217,481 (35.7%) unemployed, and**  
**378,127 (62.1%) experiencing loss of employment income of a household member.**

*Table 1b. Last Month's Payment Status for Renter Occupied Housing Units, by Select Characteristics: Minnesota*  
(United States Department of Commerce Jan. 27, 2021)

[https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing1b\\_week22.xlsx](https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing1b_week22.xlsx)  
(downloaded Jan. 27, 2021)

The Census estimate of the number of total tenant households is strong. In 2019, there were 611,160 renter households in Minnesota.

*State of the State's Housing 2019 - Biennial report of the Minnesota Housing Partnership at 4, 6*

<http://www.mhponline.org/images/stories/images/research/SOTS-2019/2019FullSOTSFinal-small.pdf>

(viewed Jan. 27, 2021)

# Census Data on Tenants and Rents



Of 608,418 estimated adult tenants, the Census estimated 21,908 did not have a rent obligation, and 989 had rent deferred, for a subtotal of 585,521.

Of these 585,521 adult tenants, the Census estimated about confidence to pay the next month's rent:

**only 359,200 (61.3%) had high confidence, and 115,177 (19.7%) had no or slight confidence.**

*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 Jan. 27, 2021)*

[https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing2b\\_week22.xlsx](https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing2b_week22.xlsx)

(downloaded Jan. 27, 2021)

# Census Data on Risk of Eviction



Of the 69,988 adult tenants who reported that they were not currently caught up on rent payments, when asked about the likelihood of leaving this home due to eviction in next two months:

***24,155 (34.5%) responded very likely or somewhat likely***

*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 Jan. 27, 2121)

[https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing3b\\_week22.xlsx](https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing3b_week22.xlsx)

(downloaded Jan. 27, 2121)

***Note that these tenants were assessing the risk of eviction while Executive Order 20-79 has suspended evictions for nonpayment of rent.***

# People of Color Are at Great Risk of Eviction



Of 175,616 estimated adult non-white and multiracial tenants, the Census estimated 11,314 did not have a rent obligation, for a subtotal of 164,302.

Of these 164,302 adult non-white and multiracial tenants, the Census estimated about confidence to pay the next month's rent, **54,823** (**33.4%**) *had no or slight confidence.*

*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 Jan. 27, 2021)

[https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing2b\\_week22.xlsx](https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing2b_week22.xlsx)

(downloaded Jan. 27, 2021)

# People of Color Are at Great Risk of Eviction



Of the 69,988 adult estimated by the Census to be not currently caught up on rent payments, **44,835 (64.1%) were non-white and multiracial tenants**, of whom the Census estimated about the likelihood of leaving this home due to eviction in next two months, **22,251 (49.6%) were very or somewhat likely**.

*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 Jan. 27, 2021)*

[https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing3b\\_week22.xlsx](https://www2.census.gov/programs-surveys/demo/tables/hhp/2021/wk22/housing3b_week22.xlsx)

(downloaded Jan. 27, 2021)

***Again, note that these tenants were assessing the risk of eviction while Executive Order 20-79 has suspended evictions for nonpayment of rent.***



# Homelessness in Minnesota



Homelessness already had reached a record high in Minnesota before the pandemic.

K. Smith & R. Olson, *Hennepin County: Weekly Cost of Housing Homeless During Pandemic Could Reach \$1 Million* (Star Tribune Mar. 26, 2020), <https://www.startribune.com/hennepin-county-weekly-cost-of-housing-homeless-during-pandemic-could-reach-1-million/569128792/>

K. Smith, *Minnesota's Homeless Population Reaches Record High Number* (Star Tribune Mar. 21, 2019), <https://www.startribune.com/minnesota-s-homeless-population-reaches-record-high-number/507437932/>.

# Homelessness in Minnesota



During the pandemic, the county costs of housing the homeless has skyrocketed.

D. Chanen, *Hennepin County Poised to Spend \$22 Million on 6 New Sites to Help the Homeless* (Star Tribune Mar. 26, 2020), <https://www.startribune.com/hennepin-county-poised-to-spend-22-million-on-6-new-sites-to-help-the-homeless/572655742/>.

Attorney representation of tenants increases favorable outcomes for tenants, reduces the risk of homelessness, and reduces government emergency financial assistance and shelter costs.

*Legal Representation in Evictions - Comparative Study* (Mid-Minnesota Legal Aid and Volunteer Lawyers Network Nov. 2018), <https://www.minnpost.com/wp-content/uploads/2018/11/2018-Eviction-Representation-Results-Study-with-logos.pdf>.

# Minnesota Eviction Estimates



Stout estimates for Minnesota, surveyed November 11 to 23, 2020:

**92,000-199,000 at risk of eviction**

\$142,000,000-\$267,000,000 current rent shortfall

**32,100-69,800 potential evictions in January**

\$173,000,000-\$330,000,000 January rent shortfall

*Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction* (Stout Risius Ross - viewed Jan. 27, 2021)

<https://app.powerbi.com/view?r=eyJrIjoiNzRhYjg2NzAtMGE1MC00NmNjLTI1OTMtYjM2NjFmOTA4ZjMyIiwidCI6Ijc5MGJmNjk2LTE3NDYtNGE4OS1hZjI0LTc4ZGE5Y2RhZGE2MSIsImMiOiN9>

# Minnesota Eviction Estimates



In June 2020, the Aspen Institute estimated nationally, that if the tenant “unemployment rate is 25 percent, 19 million people would be at risk of eviction by September 30, as their unemployment benefits expire, stimulus payments are spent, and savings dwindle; that rises to 23 million if renters’ unemployment rate is 30 percent.”

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

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)

<https://www.aspeninstitute.org/blog-posts/20-million-renters-are-at-risk-of-eviction/>

# Minnesota Eviction Estimates



While the national estimates of eviction in Minnesota might be high, the high unemployment rate among tenants, high rent burden, and limited financial assistance indicate that the eviction numbers will be considerably higher than before the pandemic.

## **Remember the Census data.**

Out of 608,418 adult tenants estimated by the Census, it estimated:

- ***69,988 (11.5%) were not currently caught up on rent payments,***
- ***217,481 (35.7%) were unemployed,***
- ***378,127 (62.1%) experienced the loss of employment income of a household member,***
- ***115,177 (19.7%) had no or slight confidence in the ability to make the next month's payment, and***
- ***24,155 (34.5%) very likely or somewhat likely to leave home due to eviction in next two months.***

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

# Minnesota Eviction Estimates



When I managed the housing unit of Mid-Minnesota Legal Aid covering Hennepin County, I regularly handled 300 cases a year, but most of those were advice cases. At my high point of my work as a staff attorney, I went to court three to five times a week and handled one to two trials a month.

A very conservative estimate of the number of evictions for the first month when nonpayment of rent evictions start is possibly over ten times the pre-pandemic monthly number, or:

- 13,330 eviction court actions statewide,
- 5,000 in Hennepin County,
- 720 in Anoka County,
- 880 in the Third District, with 310 in Olmsted County, 100 each in Winona and Mower Counties, and 90 in Steele County, and
- 480 in the Ninth District, with 120 in Crow Wing County, 80 each in Beltrami and Itasca Counties, and 60 Polk County.

These evictions would overwhelm the legal services housing attorneys and the courts.

# Health Impact of Evictions During the Pandemic



One study concluded: “Our model predicts that even for lower eviction rates that don’t dramatically change the population-level epidemic burden, the individual risk of infection was always substantially higher for those who experienced eviction, or who merged households with those who did.... However, the increased risk of infection was not only felt by those who doubled-up: for individuals who were neither evicted nor merged households with those who did, the risk of infection relative the counterfactual scenario of no evictions was 1.05 for an eviction rate of 0.25%/month and 1.5 for 2.0% evictions per month.... This increased risk highlights the spillover effects of evictions on the wider epidemic in a city.”

J. Sheen, A. Nande, E. Walters, B. Adlam, A. Gheorghe, J. Shinnick, M. Tejada, A. Greenlee, D. Schneider, A. Hill & M. Levy, *The Effect of Eviction Moratoriums on the Transmission of SARS-CoV-2* at 4 (Johns Hopkins University Institute for Computational Medicine and University of Pennsylvania Perelman School of Medicine)

Abstract - <https://www.medrxiv.org/content/10.1101/2020.10.27.20220897v1>

Study - <https://www.medrxiv.org/content/10.1101/2020.10.27.20220897v1.full.pdf>

# Health Impact of Evictions During the Pandemic



One of the study authors described it at a recorded seminar on September 8, 2020. The modeling study from the Johns Hopkins University Institute for Computational Medicine and University of Pennsylvania Perelman School of Medicine found that when tenants are evicted, they often move in with other family members, increasing the size of households and the chance for viral transmission, and concluding that policies to stem evictions are a warranted and important component of COVID-19 control. The model did not include the effect of homelessness in shelters and encampments.

M. Levy, *Evictions and the Spread of Coronavirus*, in *Coronavirus and Housing/Homelessness* (National Low Income Housing Coalition Sep. 8, 2020)

Slides 16-20

Recording at 29:20-42:10

<https://nlihc.org/resource/recording-available-nlihcs-september-8-national-call-coronavirus-disasters-housing-and>



# Health Impact of Evictions During the Pandemic



Another study found a connection between eviction and health outcomes, and concludes that eviction prevention, through moratoria and other supportive measures, is a key component of a pandemic control strategy to mitigate COVID-19 spread and death.

E. Benfer, D. Vlahov, M. Long, E. Walker-Wells, J. Pottenger, G. Gonsalves, & D. Keene, *Pandemic Housing Policy: Examining the Relationship Among Eviction, Housing Instability, Health Inequity, and COVID-19 Transmission* (November 2020). The authors include professors from Wake Forest University School of Law, Yale University Law School, School of Public Health and School of Nursing, and Columbia University Mailman School of Public Health, to be published in the *Journal of Urban Health*.

<https://ssrn.com/abstract=3736457>

# Health Impact of Evictions During the Pandemic



Yet another 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). 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.

Comparing states with populations similar to Minnesota can suggest the number of infections and deaths that were prevented by maintaining Executive Order 20-79 and its predecessors.

# Health Impact of Evictions During the Pandemic



A: July 1, 2019 Estimated Population

B: Date Eviction Suspension Ended

C: Weeks End of Suspension to September 3, 2020

D: Estimated Excess Virus Cases after Date Eviction Suspension Ended

E: Estimated Excess Virus Deaths after Date Eviction Suspension Ended

State	A	B	C	D	E
Maryland	6,045,680	July 25, 2020	6	2,310	37
Wisconsin	5,822,434	May 26, 2020	14	19,840	346
Colorado	5,758,736	June 13, 2020	12	8,620	254
<b>Minnesota</b>	<b>5,639,632</b>	<b>Eviction suspension maintained</b>			
South Carolina	5,148,714	May 14, 2020	16	37,590	1,090
Alabama	4,903,185	May 31, 2020	14	26,470	621
Louisiana	4,648,794	June 15, 2020	12	29,650	959

The population estimates are from *Annual Estimates of the Resident Population for the United States, Regions, States, and The District of Columbia: April 1, 2010 to July 1, 2019* (NST-EST2019-01) <https://www2.census.gov/programs-surveys/popest/tables/2010-2019/state/totals/nst-est2019-01.xlsx> (viewed Jan. 12, 2021)

The estimates can be found at *State Population Totals and Components of Change: 2010-2019* (United States Census Dec. 30, 2019) <https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-total.html> (viewed Jan. 12, 2021)

# Health Impact of Evictions During the Pandemic



Study co-author Dr. Leifheit has estimated infections prevented and lives saved between May and September in states that maintained their eviction suspensions.

<b>State</b>	<b>Cases Prevented by Suspension</b>	<b>Deaths Prevented by Suspension</b>
Arizona	63,700	2,540
California	186,600	6,520
Connecticut	17,100	1,520
D.C.	3,900	170
Florida	197,700	6,140
Hawaii	2,200	30
Illinois	63,200	2,670
Massachusetts	31,800	2,400

K. Leifheit, *State-level COVID-19 Cases and Deaths Associated with Eviction Moratoriums* (Dec. 2020) [https://drive.google.com/file/d/1x8qezy\\_mXiaw7eKsU\\_D9zQnQYY0YMfgP/view](https://drive.google.com/file/d/1x8qezy_mXiaw7eKsU_D9zQnQYY0YMfgP/view)

(viewed Jan. 12, 2021)

# Health Impact of Evictions During the Pandemic

<b>State</b>	<b>Cases Prevented by Suspension</b>	<b>Deaths Prevented by Suspension</b>
<b><u>Minnesota</u></b>	<b><u>22,200</u></b>	<b><u>680</u></b>
Montana	2,100	60
Nevada	16,400	580
New Jersey	53,000	3,940
New Mexico	6,800	310
New York	135,000	10,230
Oregon	6,200	180
Vermont	600	20
Washington	18,400	740
<b>TOTAL</b>	<b>826,900</b>	<b>38,730</b>

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

[https://drive.google.com/file/d/1x8qezy\\_mXiaw7eKsU\\_D9zQnQYY0YMfgP/view](https://drive.google.com/file/d/1x8qezy_mXiaw7eKsU_D9zQnQYY0YMfgP/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.

***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.***

# 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 Elect Joe Biden - <https://buildbackbetter.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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Housing Law in Minnesota

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