

Sep 22 2020 10:45 AM

State of Minnesota
Dakota County

District Court
First Judicial District

Court File Number: **19AV-CV-20-1807**

Case Type: Eviction (UD)

JUDICIAL ORDER

ORDER

This matter came on for consideration for the issuance of an Eviction Summons with respect to property at 946 Livingston Avenue in West St. Paul, MN 55118.

On July 14, 2020, the Governor issued EO 20-79 ("Modifying the Suspension of Evictions and Writs of Recovery During the COVID-19 Peacetime Emergency"). EO 20-79 expanded the scope of evictions that are permitted beyond the scope of prior Executive Orders. It reiterated that the ability to file an eviction action on various grounds remains suspended, except for eviction actions where the tenant: a) "[s]eriously endangers the safety of other residents," b) engages in criminal activity that violates Minn. Stat. §504B.171, subd. 1, c) remains in the property after a vacate date where the landlord or landlord's family is going to move back into the residence, or d) materially breaches the lease by seriously endangering the safety of others or significantly damages property. EO 20-79, Para. 2(a-d) and 4. See also EO 20-79, p.2 (the suspension in EO 20-79 does not include eviction actions "where the tenant . . . materially violates a residential lease by the following actions on the premises: . . . significantly damages property."

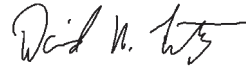
In addition, the moratorium in EO 20-79 applies to leases involving residential tenants. A "residential tenant" is a person "who is occupying a dwelling in a residential building under a lease or contract, whether oral or written, that requires the payment of money or exchange of services, all other regular occupants of that dwelling unit, or a resident of a manufactured home park." Minn. Stat. §504B.001, subd. 12.

Applying the EO to this case, the Eviction Complaint alleges facts supporting two exceptions recognized in EO 20-79 under which an eviction action may proceed. First, the Complaint alleges significant property damage to the unit and attaches photographs showing a broken window, broken counter, broken woodwork and photos of what appears to be extensive mold. Second, the Complaint seeks to evict [REDACTED] and additional potential people living in the residence who are not parties to the lease with Bradley Cohen and who "have taken possession of the Property in violation of the lease" and Minn. Stat. §504B.301. As such, the Eviction Complaint seeks, at least in part, persons who are not "residential tenants" as that term is defined in EO 20-79.

Assuming these facts alleged in the Complaint are true, the Complaint states facts which fall within exceptions to the moratorium in EO 20-79. An Eviction SUMMONS SHALL ISSUE.

Dated: September 22, 2020

BY THE COURT



Lutz, David
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David N. Lutz
Judge of District Court