

STANDING ORDER

Re: 60 day period following the expiration of the Peacetime Emergency
Declared in Executive Order 20-01.

Whereas, commencing in March 2020, national and state authorities have imposed restrictions on the filing and hearing of many residential eviction actions and writs of recovery. As those restrictions are lifted and courts return to full capacity and reopen to the public, the Anoka County District Court anticipates a large influx of eviction case filings. Traditionally, we have relied on mass calendars to manage heavy caseloads and offer in-person services to litigants. Those procedures are inconsistent with the restrictions that will be in place to limit the possible transmission of COVID-19. Specifically, the Minnesota Supreme Court has issued a phased re-opening approach as we expand operations which imposes limits on the number of individuals that may congregate in public court spaces.

Whereas, on April 14, 2020, Governor Tim Walz signed into law HF 4556. That law provides that “[t]he running of deadlines imposed by statutes governing proceedings in the district and appellate courts, including any statutes of limitations or other time periods prescribed by statute, is suspended during the peacetime emergency declared on March 13, 2020, in governor’s Executive Order 20-01 . . . and for 60 days after the end of the peacetime emergency declaration.” Minn. HF 4556, sec. 16(a) (2020).

Now, therefore, when the Anoka County District Court is able to begin conducting proceedings in all eviction cases, the following provisions are HEREBY ORDERED for the 60 days following the lifting of the peacetime emergency:

- (1) When the scheduling of hearings for recovery of possession of premises pursuant to Minn. Stat. Ch. 504B resumes, the following operational priorities will apply:
 - a. **First priority**: complaints alleging illegal activity, a violation of Minn. Stat. § 504B.171, or a complaint that would have been subject to an exception to Governor’s Executive Orders 20-14, 20-23, & 20-79.
 - b. **Second priority**: all cases that were previously scheduled for an initial appearance and filed prior to March 24, 2020 but had the initial appearance cancelled as a result of the peacetime emergency.
 - c. **Third priority**:
 - i. Complaints filed after the lifting of the peacetime emergency;
 - ii. Complaints filed during the peacetime emergency that did not qualify as an exception to the Executive Orders suspending eviction actions; and

- iii. Any other case not specifically provided for above.
 - d. Instead of setting many cases for one hearing time as has traditionally been common, smaller calendars noticed for specific timeframes will be scheduled. Parties will normally be expected to participate in the hearings remotely (using telephone or Zoom). For participants who lack technology to appear remotely, Court Administration will provide a surface, fire tablet, or other device and a room to accommodate a remote appearance. For those cases scheduled for trial, the presiding Judge shall determine whether the matter shall be conducted in-person or by use of remote technology.
- (2) At the initial hearing noticed by summons, the following shall occur:
- a. The landlord, landlord's attorney, or landlord's agent must affirm under oath (1) that they have a good faith and reasonable belief that the subject property is not a "covered property" for purposes of the CARES Act Sec. 4024(a)(2) or if the property is a "covered property," that they have complied with notices requirements outlined in the CARES Act; and (2) that they have complied with the 7 day written notice of eviction requirement contained in Emergency Executive Order 20-79.
 - b. The parties shall be notified of resources and services available to them at the initial hearing, during the 7-day adjournment, and shall be given the contact information for each of the services (if the services can be provided at the initial hearing, the court will recess to allow for the provision of such services):
 - i. Mid-Minnesota Legal Aid and Volunteer Lawyers Network, Central Minnesota Legal Services, and Judicare of Anoka County, Inc., are available to consult with and represent income qualifying individuals. HOMELine is a tenant legal advice resource without income limitations.
 - ii. Anoka County Emergency Assistance Program, Minnesota Assistance Council for Veterans, and Tenant Resource Center or other agencies may be able to assist the parties with payment of some or all of the rent due.
 - iii. The Court may approve out of court settlement agreements filed prior to the resumed admit/deny hearing described below and cancel the hearing. The parties may also submit their agreement to the Court for approval at the resumed admit/deny hearing.
- (3) Housing court cases shall adjourn and schedule a resumed admit/deny hearing as soon as possible but no sooner than (7) calendar days following the initial admit/deny hearing. Any party that does not appear at the resumed admit/deny hearing may be found to be in default.
- a. **Exceptions to 7 Day Adjournment.** The following cases need not be adjourned:
 - i. *Dismissal.* The plaintiff dismisses the complaint;

- ii. *Default.* The defendant was properly served and the defendant (or plaintiff) fails to appear;
- iii. *Agreement.* The parties have reached an agreement appropriate for disposition; and
- iv. *Exigent circumstances.* The complaint alleges circumstances that would be an exception to the current eviction moratorium (a first priority case above)

IT IS SO ORDERED

BY THE COURT:

Bethany A. Fountain Lindberg
Anoka County District Court Judge Chair