

State of Minnesota

Hennepin County

District Court

Judicial District:	Fourth
Court File Number:	27-CV-HC-22-6607
Case Type:	Housing

The Redwell LLLP,
Plaintiff,

vs.

████████████████████
Defendant.

**Eviction Action – Findings of
Fact, Conclusions of Law,
Order and Judgment
(Minn. Stat. § 504B.285, 504B.345)**

This matter came on for motion hearing before the Honorable Mariam Mokri, Referee of District Court, on February 13, 2023.

Plaintiff was not present. Plaintiff shall hereinafter be referred to as Landlord. Defendant was present. Defendant shall hereinafter be referred to as Tenant.

Courtney Arthur, Esq., Attorney for Tenant, appeared.

Based upon the verified petition, testimony, evidence, and arguments presented, and all of the files, records, and proceedings, the Court makes the following:

Findings of Fact

1. This matter involves residential property located at 1020 North 3rd Street, #307, Minneapolis, Hennepin County, Minnesota, 55401.

2. On November 23, 2022, Landlord commenced an eviction action against Tenant. Landlord filed an amended complaint on November 23, 2022, alleging:

a. Nonpayment of January 2021 through November 2022 rent for a total due, including rent owed and costs of the action, of \$3,195.00.

3. Tenant appeared on January 18, 2023 and February 1, 2023 at the initial hearings in this matter to deny Landlord's allegations. Tenant argued Tenant had paid rent, but Landlord failed to credit those rent payments. The Court set this matter for a motion hearing to be heard on February 13, 2023. Tenant was to file any motions by February 7, 2023. Landlord was to file any responses by February 9, 2023.

4. Tenant requested dismissal and expungement for three reasons:

- a. Landlord failed to provide proper notice under the CARES Act;
- b. Landlord failed to provide notice under the Violence Against Woman Act (VAWA);
- c. Landlord failed to provide proper notice to the Minneapolis Public Housing Authority (MHPA).

5. Landlord receives Housing Assistance payments for the property and is federally backed by Fannie Mae. The property in this case is a covered property. Landlord is subjected to the rules and regulations that accompany covered properties.

6. The property is Project Based housing administered by MPHA. MPHA pays a portion of Tenant's rent in the form of a Housing Assistance Payment. Landlord gave MHPA notice of the eviction filing on January 20, 2023.

Conclusions of Law

1. The CARES Act states that a Landlord of a covered property cannot require a tenant to vacate the covered dwelling without 30 days notice. *15 U.S.C. § 9058(c)*. The Landlord may not issue a notice to vacate until after the 30-day period has passed. *Id.* In this case, the Landlord failed to provide the required 30 days notice.

2. Landlord is required to provide timely notice to MPHA at the time an eviction action is filed. *24 C.F.R. § 983.2(c)(2)(i)*. Landlord provided notice to MPHA *after* the eviction action was filed, in violation of federal statute.

3. Because the Landlord failed to provide the required notices under federal law, the matter should be dismissed. In the Court's inherent authority over records, the matter shall also be expunged. The Court finds expungement necessary to the performance of the judicial function as contemplated by the Minnesota State Constitution.


Order

1. **DISMISSAL:** The case is dismissed WITHOUT prejudice. The Court Administrator shall enter Judgment accordingly.

2. **EXPUNGEMENT:** Landlord's case is sufficiently without basis in fact or law, which may include lack of jurisdiction over the case. Expungement is clearly in the interests of justice and those interests are not out-weighted by the public's interest in knowing about the record. Minn. Stat. §484.014. Minn. Stat. §504B.345, subd. 1(c)(2) authorizes the Court to expunge the file at the time judgment is entered. The Court Administrator shall expunge the Court File by removing evidence of the Court File's existence from the publicly accessible records.

☒ **Let Judgment Be Entered Accordingly**

Recommended By:

 Mokri, Mariam
2023.02.13 09:32:34
-06'00'

By the Court:



Mariam Mokri

District Court Referee

February 13, 2023

District Court Judge

Dated: Feb 13, 2023

Judgment

I hereby certify that the above Order constitutes the entry of Judgment of the Court.

Dated: Feb 13, 2023

By: 
Deputy Court Administrator