

MINNESOTA EVICTION MORATORIUM PHASEOUT

The Minnesota Legislature adopted eviction moratorium provisions that became **effective June 30, 2021**.
Though the Supreme Court ended the CDC's federal eviction moratorium,
Minnesota's phaseout of the state eviction moratorium is still in place.

Disclaimer: This chart is for informational purposes only and should not be considered legal advice.

MN SESSION LAW — 2021 1ST SPECIAL SESSION CHAPTER 8 — H.F. NO. 4

How does HF4 affect the suspension of evictions and writs of recovery in MN?

HF4 ends the Governor's previous eviction moratorium and non-renewal of lease orders and adopts a new eviction moratorium phaseout. See below for further details on eviction restrictions.

How does this legislation affect landlords and tenants?

RESTRICTIONS: HF4 directs the following restrictions:

Termination or Non-Renewal of Lease:

1. Prohibits a landlord (LL) from terminating or failing to renew a lease for **105 days** after enactment. **(October 12, 2021) UNLESS:**
 - a. Tenant requests termination of lease;
 - b. Tenant is endangering safety of others;
 - c. Tenant significantly damages property;
 - d. Tenant has engaged in unlawful activities (M.S. 504B.181, subd.1);
 - e. Tenant materially breaches the lease, other than nonpayment of rent;
 - f. Tenant has failed to pay rent and is not eligible for the **COVID-19 emergency rental assistance** program (in which case, LL may terminate or not renew 45 days after enactment (August 13, 2021).)

EVICTION ACTIONS:

1. Landlord is prohibited from filing an eviction action **UNLESS:**
 - a. Tenant seriously endangers the safety of others;
 - b. Tenant significantly damages property;
 - c. Tenant has engaged in unlawful activities (M.S. 504B.181, subd.1);
 - d. Tenant materially breaches the lease, other than nonpayment of rent (in which case LL may file eviction action 15 days after enactment (July 15, 2021);
 - e. Tenant has outstanding rent and is ineligible for **COVID-19 emergency rental assistance** program (in which case, LL may file an eviction action 75 days after enactment (September 12, 2021).)
2. **Eviction Moratorium Exception:** There is one extension for the eviction moratorium beyond the 105 days. A landlord may not evict a tenant who has a pending application for federal COVID-19 emergency rental assistance. If tenant has access to the information, tenant must provide the landlord or court with proof of pending application and reason for a delay, if any, in processing the tenant's application. This exception lasts until June 1, 2022.

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How does this legislation affect landlords and tenants?
(continued)

EVICTION ACTIONS:

3. **Manufactured Home Parks:** HF 4 prohibits the termination of a residential rental agreement, delivery of a default notice, or filing an eviction action on a tenant of a manufactured home park **UNLESS**:
 - a. Tenant has endangered others;
 - b. Tenant causes substantial damage to property;
 - c. Tenant fails to comply with state and local laws.

Exception: Landlord may file an eviction action or proceed with an eviction against a tenant who is eligible for COVID-19 emergency rental assistance but refuses to apply, refuses to provide information to the landlord to apply on tenant's behalf, or refuses to provide the landlord with proof the tenant applied for assistance.

NOTIFICATION REQUIREMENTS: HF4 also establishes a new notification requirement.

1. Before filing an eviction action, all landlords must provide a notice to tenant at least 15 days before they file an eviction action based on nonpayment of rent during the 105 days following enactment.

OTHER CLARIFICATIONS:

1. Landlord is not prohibited from initiating an action for recovery if the tenant or occupant abandons the premises and relief is sought under 504B.271 or 504B.365.
2. Tenant still owes all rent due to the landlord. Landlord may collect rent owed.
3. Tenant's who are not eligible for the emergency rental assistance program can still apply for or obtain rental assistance through other programs.
4. Landlords and Tenants can visit the following governmental website for further information and resources on this new eviction moratorium off-ramp.
<https://www.renthelpmn.org/>

What are the writ of recovery exceptions?

No further restrictions apply writs of recovery under HF4.

Are tenants still required to pay rent through the duration of the order?

Yes. HF4 does not relieve tenants from their obligation to pay all rent due.



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Are rental property owners still required to make mortgage payments?	Yes. HF4 does not suspend a borrower's obligation to make payments on their mortgage.
What happens if a landlord or lender violates this new law?	HF4 does not specify a penalty.
What should I do if a tenant refuses to allow the landlord to show the property?	If a tenant is in breach of a material term of the lease, HF4 would allow a landlord to file an eviction action 15 days after enactment (July 14, 2021).