



MN Eviction Moratorium Legislation: Where Are We Now?

Key Point: Tenants who are eligible for COVID-19 rental assistance through Rent Help MN or the Zero Balance Project, and have an application or payment pending, cannot be evicted for non-payment of rent until June 2022. So, if you are working with tenants who are behind on rent and might be eligible for COVID-19 rental assistance, encourage them to apply ASAP!

At this time, landlords can (1) issue notices of lease termination or non-renewal for material breach of the lease/lease violations; (2) file evictions for material breach of lease/lease violations; (3) file evictions for non-payment of rent for tenants who are eligible for COVID-19 rental assistance through Rent Help MN or the Zero Balance Project, but who are unwilling to apply or work with their landlord to apply; and (4) issue notices of lease termination or non-renewal for tenants who are behind on rent and *not* eligible for COVID-19 rental assistance. Note: A 15-day written notice of intent to file an eviction is required for the non-payment of rent cases referred to in #3.

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The next change in the eviction moratorium off-ramp timeline occurs on September 12, 2021, when landlords will be able to file evictions for tenants who are behind on rent and *not* eligible for COVID-19 rental assistance. A 15-day written notice of intent to file will be required.

Finally, beginning October 12, 2021, the majority of the restrictions on lease terminations and filing evictions end. At this point, landlords will be able to terminate or non-renew a lease, without limitation, according to the standard notice provisions required by Minnesota law. Landlords will also be able to file evictions, without a pre-filing notice period, UNLESS the eviction is based on non-payment of rent and the tenant has a pending application for COVID-19 rental assistance through Rent Help MN or the Zero Balance Project.*

*The CDC eviction moratorium, which has been extended through October 3, 2021, provides protection from eviction for tenants who are behind on rent as a result of the COVID-19 pandemic and eligible for rental assistance from programs other than Rent Help MN or the Zero Balance Project. To assert protection under the CDC eviction moratorium, provide the landlord with a completed CDC Eviction Protection Declaration form.

Reminder! COVID-19 rental assistance will only pay past due rent for property currently occupied by the tenant. If a tenant is waiting for rental assistance to be approved or paid, and they move to another property, they likely forfeit their COVID-19 rental assistance. This may be a factor for victim/survivors who are considering terminating their lease early due to fear of violence.