

Eviction Expungement Reform & Pre-Eviction Notice

Evictions have a devastating impact on the short- and long-term housing stability of renters across the state. In a normal year, more than **13,000 residential evictions** are filed in Minnesota – at great expense to hard-working families, the communities they call home and ALL taxpayers. HOME Line, along with the Homes for All coalition, calls for smart, targeted and impactful policy reforms that can have an immediate and lasting impact on thousands of renters households statewide.

CURRENT LANDSCAPE

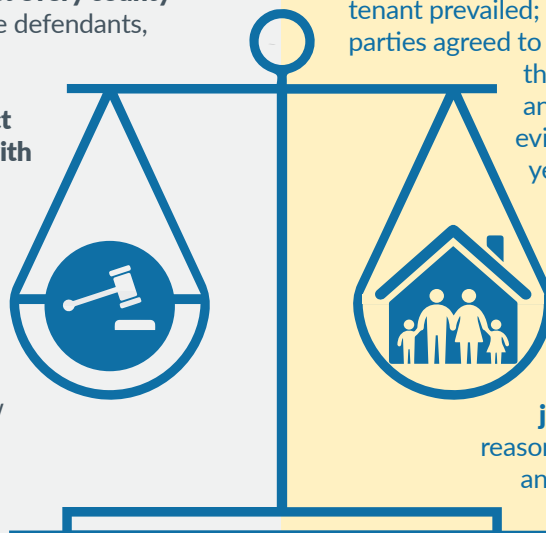
Evictions can be filed very quickly, often without the tenant's knowledge. **Minnesota is one of only 7 states that does NOT require a landlord formally notify a tenant** before filing an eviction. In contrast, if a landlord violates a lease by failing to make necessary repairs, a tenant must offer a written notice allowing the landlord 14 days to fix the problem before filing a case in court.

The simple filing of an eviction action by a landlord **appears immediately on a tenant's record**, before the court has rendered a judgement or even heard the case. Once an eviction is filed, it **appears on the renter's record as an "eviction" indefinitely** and is reportable by tenant screening agencies for the next seven years, whether the eviction was warranted or not.

Even if the tenant wins in housing court, the record will still show an eviction action has been filed, which is enough for many prospective landlords to refuse to rent to them. This means that an **eviction action is often a permanent bar from housing**, even if the case was dismissed, settled by agreement of the parties, or the underlying circumstances have changed (i.e. the household's financial situation has improved).

Evictions are widespread and impact **every county in the state**—and can name multiple defendants, frequently affecting families and children. But, studies have shown evictions **disproportionately impact single, African American women with children**.

In the occasional situation when tenants are ultimately successful in **getting an eviction expunged** from their record, it usually takes two to four months – the critical time a tenant is seeking new housing.



OUR PROPOSALS

Pre-eviction Notice

- Pre-filing **notice would be required 14 days before a formal eviction action** can be brought in court to provide tenants an opportunity to fix the problem, negotiate an agreement with the landlord, or quit the lease and vacate the apartment unit making an eviction filing unnecessary.
- Pre-filing notice would **include information** on how tenants can seek legal help and apply for emergency financial assistance.
- Avoiding eviction court **saves time and money**: courts are less busy, landlords are paid or the issue is resolved, and tenants don't experience a harmful mark on their records.

Expungement Reform

- Eviction reporting would be **prohibited until a court judgement is rendered in favor of the landlord**. This gives tenants the opportunity to remedy the situation before it harms their record.
- The court would **order an expungement if**: 1) the tenant prevailed; 2) the case was dismissed; 3) the parties agreed to expungement or upon request of the tenant if the case was settled and tenant fulfilled the terms; 4) the eviction was ordered three or more years ago.
 - The court would **consider an expungement if** there's a change in a defendant's circumstances indicating the eviction case is not a reasonable predictor of future tenant behavior. This gives **judges more discretion** to make reasonable decisions about when to grant an expungement.