



March 17, 2021

Chair Becker-Finn

Members of the Committee on Judiciary Finance and Civil Law

*Via Electronic Delivery*

**Re: Written Testimony Regarding H.F. 12**

Dear Chair Becker-Finn and Members of the Judiciary Finance and Civil Law:

Violence Free Minnesota (VFMN) submits this testimony in reference to H.F. 12. We support the steps H.F. 12 takes towards codifying the protections of Executive Order 20-79, and putting protections in place for tenants following the peacetime emergency. We submit this letter in support of those general measures, as well as to highlight some of our concerns relating to how certain aspects of the bill may impact survivors. VFMN is a statewide coalition of 90-member programs working to end relationship abuse. VFMN member programs provide advocacy and services to domestic and sexual violence victim/survivors in all of Minnesota's 87 counties. VFMN member programs work with survivors across the housing continuum and see daily the challenges that survivors face with housing instability and homelessness.

The protections that Executive Order 20-79 have provided survivors in Minnesota are critical. Prior to the COVID-19 pandemic, domestic violence was identified as one of the top five reasons people in Minnesota experience homelessness. The pandemic has only increased the threat of housing instability for survivors. As a result of the pandemic, survivors face multiple and compounding crises; the harm they and their children are facing in the home, the health and economic devastation of the pandemic, and too often the threat of homelessness that results from these traumas. Furthermore, survivors are often facing these circumstances in isolation and in danger. An off-ramp to the eviction moratorium that increases eviction actions too rapidly or too broadly, could have catastrophic effects on the safety of survivors.

To keep survivors safely housed, while also ensuring that landlords obtain rental payments and are made whole for income losses, an off-ramp from the eviction moratorium must include a timeline that works in conjunction with rental assistance allocation and incorporates notice and other protections that ensure survivors do not face avoidable evictions that lead to homelessness. H.F. 12 takes steps towards that end by codifying several portions of the existing eviction moratorium and creating additional protections following the conclusion of the peacetime emergency. However, we are concerned that the off-ramp as currently drafted leaves survivors vulnerable to improper and avoidable evictions during a time of serious health and economic instability.

Off-Ramp Timeline: An off-ramp must be planned in conjunction with the dissemination of rental assistance. Creating a nexus between the allocation of emergency assistance dollars and the lifting of eviction suspensions for cases involving nonpayment of rent is an approach that protects tenants, landlords, and the community as a whole. There is an influx of nearly \$675 million in federal



emergency rental assistance that is being allocated to Minnesota. We know from past experience with the distribution of such funding that it will take time for those dollars to reach tenants. Renters, and landlords, must be given full and ample opportunity to apply for and receive that financial assistance before evictions for non-payment of rent are allowed.

Material Violation of Lease: VFMN is deeply concerned by the inclusion of material lease violations as an exemption to the limitations on evictions during the peacetime emergency. This could negatively impact survivors and put them at greater risk. We are concerned that such inclusion will result in eviction filings that are based on minor infractions or issues directly tied to the abuse that a survivor is facing in the home. Survivors often face eviction actions for issues that stem from the abuse, such as noise complaints, unauthorized guests, or for simply contacting the police for assistance. In many cases there are legal defenses that are available to survivors, but survivors need sufficient notice about their rights and where to access legal assistance in order for these legal protections to be effective. Survivors also need ample time to obtain assistance, from an advocate or an attorney, to help mediate the issue with a landlord to prevent an eviction or properly fight an eviction in court. The way in which material lease violations are currently incorporated into H.F. 12 does not provide the necessary notice or time. It is critical that a legislative off-ramp consider how the inclusion of evictions for material lease violations will impact survivors. We ask that evictions for material lease violations not be allowed until after the end of the peace time emergency, to ensure that tenants do not face inappropriate eviction filings during the health pandemic. We also ask that when evictions for material lease violations resume that an ample notice period is required prior to the filing of an eviction action so that survivors can have the time needed to properly address any inappropriate filings and protect themselves and their children from losing their housing.

We appreciate the efforts being made to codify the eviction moratorium protections and implement a thoughtful plan to handle evictions following the peacetime emergency. As that plan moves towards finalization, we hope that the concerns raised above can be addressed. Doing so would help protect survivors, prevent increased homelessness, support public health during the pandemic, and provide landlords the opportunity to be made financially whole. We thank you supporting the safety and housing stability of survivors and all Minnesotans.

Sincerely,

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Violence Free Minnesota

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Violence Free Minnesota