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Minnesota Legislature
Judicial Finance and Civil Law Committee

Dear Legislators,

I am writing to ask the Committee and the Legislature to pass legislation amending the current Minnesota statutes regarding eviction and expungement. My family and I have suffered from what I have to believe are the unintended consequences of the current laws, which led to needless years of homelessness and disruption to my young children's lives, and to mine. I would like to share my story and the impact that being unhoused has on our family and, I know, on so many others.

In 2008 I was renting an apartment in St. Paul. I had fully and timely paid my rent at that location for the entire time I had lived there. I lived there with four of my young children, ages 4 through 13. I reached an agreement with my landlord to move out of the premises early and voluntarily, which I did, but the landlord nonetheless filed an eviction action against me. The landlord never served me and there was never a hearing, let alone an order for writ issued because I had already voluntarily left the apartment. I have learned later that eviction is remedy intended to recover a premise – so it never should have been filed against me. I did not know I had an eviction record until I all my rental applications started being rejected.

Similarly, a few years later I was able to find a place to rent in Rice County. Again, I religiously paid my full rent every month, despite the landlord's refusal to fix broken toilets and baths that lead to flooding into the basement. My things were ruined and the apartment was uninhabitable. I had to move out for six months. At this point to encourage the landlord to fix the plumbing, I withheld my rent, not appreciating that I should have deposited it in escrow with the court. Incredibly, the landlord who made me homeless successfully brought an eviction action against me while still not fixing the premises. In fact, I was a reliable renter and was able to pay. I was without counsel who might have raised defenses for me, or possibility negotiated a settlement.

The physical, emotional and spiritual depletion of being homeless is hard to describe. As a dad with children ages 4 through 13, I have never been more terrified in my life. I was desperate to find housing for my family, but the eviction record meant that – at every turn, we were shut out. The emotional stain on me was incredible – and I had to try to hide it from the children so they were would not lose heart and take on my emotional distress.

My family was homeless for months a time and sometimes for years, camping on my brother's, my mother's and friends' couches, always worrying that they might evicted because of our presence. We even moved into a cabin up in Park Rapids for awhile. My children had no stability and no sense of home. They disengaged with school and their mental health suffered as did mine. We had to keep moving every so often as we were five people and did not want our friends to be put at risk of being evicted for having more people at their premises.

I would look through newspapers and on the internet, and drive around for hours trying to find apartments with any hope to rent even a small place, but each time my dream of getting my children

stable housing was dashed. I would apply and every time I would get the same call. I would try not to let me children see me cry and would tell my children that each apartment building had no openings, because I did not want them to believe that we were personally being turned down. I would have been grateful for just a one-room efficiency for my family if it had been made available.

And while I was doing this, we were paying hundreds of dollars in application fees, from the money we were saving up to be able to rent. And even if someone might have a place, they were demanding – for someone with an eviction record – three times the rent money – so that I would have had to have accumulated almost $4000 before I could even move in. That is totally unreachable financially for low-income families like mine.

Mostly it is the hopelessness that sets in when you cannot envision a promising future. It is physical assault on your soul and translates into emotional hell in your family. I know personally that this is played out among hundreds of families in Minnesota.

The intention of the eviction and expungement statutes cannot be to relegate children and families to desperation, complete poverty, homelessness and despair. The impact of unending eviction records, of facing hearings with no legal help, the rule that an eviction record remains public even where there is not notice, no hearing, no writ - and even when the tenant wins - is unconscionable. There has to be a fair and humane balance between notice for some to the public of those who might be true rental risks – and relegating entire families to poverty and homelessness.

Last year, after years of homeless I was able, through volunteer lawyer assistance, to have my eviction records expunged, which I had not known was possible. My lawyer was able to bring to the court legal arguments I did not appreciate I had – such as a defense of lack of service – or demonstrating my reliability as renter. Within one week of having my eviction records expunged I was able to move from my brother's couch into an apartment in Eagan, where my young son is finally in a secure home and school settings and thriving once again. I am relieved to be in stable housing right now, but I cannot stop thinking about how my family might not have had to go through years of hell – with long terms impacts on my children – had we had the opportunity to avoid or have expunged years ago the eviction records that never should have existed.

I urge you to amend the current Minnesota Statutes to grant all tenants access to legal counsel, automatic expungement where no hearing occurs or whether the tenant wins or a settlement is satisfied, and a short reasonable time for public awareness (no more than one year – or shorter for extenuating circumstances) where someone is evicted for legitimate circumstances - with automatic expungement at the end of that time.

Please ensure that no family, like mine, has to be unhoused and suffer for years with eviction records that do no not reflect our rental reliability or our humanity.

Sincerely,

Siro Amerson