
Standing Order re 60 day period following the expiration of the Peacetime Emergency Declared in Executive Order 20-01.

Whereas, commencing in March 2020, national and state authorities have imposed restrictions on the filing and hearing of many residential eviction actions and writs of recovery. As those restrictions are lifted and courts return to full capacity and reopen to the public, the 4th Judicial District anticipates a large influx of eviction case filings. Traditionally, we have relied on mass calendars to manage heavy caseloads and offer in-person services to litigants. Those procedures are inconsistent with the restrictions that will be in place to limit the possible transmission of COVID-19. Specifically, the Minnesota Supreme Court has issued a phased re-opening approach as we expand operations which imposes limits on the number of individuals that may congregate in public court spaces.

Whereas, on April 14, 2020, Governor Tim Walz signed into law HF 4556. That law provides that “[t]he running of deadlines imposed by statutes governing proceedings in the district and appellate courts, including any statutes of limitations or other time periods prescribed by statute, is suspended during the peacetime emergency declared on March 13, 2020, in governor’s Executive Order 20-01 . . . and for 60 days after the end of the peacetime emergency declaration.” Minn. HF 4556, sec. 16(a) (2020).

Now, therefore, when the 4th Judicial District Housing Court is able to begin conducting proceedings in all eviction cases, the following provisions will apply for the 60 days following the lifting of the peacetime emergency.

IT IS ORDERED

(1) When Housing Court resumes scheduling hearings for recovery of possession of premises pursuant to Minn. Stat. Ch. 504B, the following operational priorities will apply:

a. First priority: complaints alleging illegal activity, a violation of Minn. Stat. § 504B.171, or a complaint that would have been subject to an exception to Governor’s Executive Orders 20-14, 20-23, & 20-79.

b. Second priority: all cases that were previously scheduled for an initial appearance and filed prior to March 24, 2020 but had the initial appearance cancelled as a result of the peacetime emergency.

c. Third priority: complaints filed during the peacetime emergency that did not qualify as an exception to the Executive Orders suspending eviction actions.

d. Fourth priority: complaints filed after the lifting of the peacetime emergency.

e. Instead of setting many cases for one hearing time as has traditionally been common, smaller calendars noticed for specific timeframes will be scheduled. Parties will have the option to participate in the hearings remotely (using telephone or Zoom) or in-person.

(2) At the initial hearing noticed by summons, the following shall occur:

a. The landlord, landlord's attorney, or landlord's agent must affirm under oath that they have a good faith and reasonable belief that the subject property is not a "covered property" for purposes of the CARES Act Sec. 4024(a)(2) or if the property is a "covered property", that they have complied with notices requirements outlined in the CARES Act.

b. The parties shall be notified of resources and services available to them at the initial hearing, during the 7-day adjournment, and shall be given the contact information for each of the services (if the services can be provided at the initial hearing, the court will recess to allow for the provision of such services):

i. Mid-Minnesota Legal Aid and Volunteer Lawyers Network are available to consult with and represent income qualifying individuals. HOMELine is a tenant legal advice resource without income limitations.

ii. Hennepin County Emergency Rental Assistance Program, Minnesota Assistance Council for Veterans, and Tenant Resource Center may be able to assist the parties with payment of some or all of the rent due.

iii. The Conflict Resolution Center and Community Mediation & Restorative Services are available to provide free mediation services for landlords and tenants.

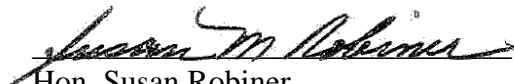
iv. The Court will approve out of court settlement agreements filed prior to the pretrial hearing described below, and cancel the pretrial hearing, if the agreement identifies that one of the above resources has been utilized.

(3) Housing court cases shall adjourn and schedule a pretrial hearing as soon as possible but no sooner than (7) calendar days following the initial hearing. Any party that does not appear at the pretrial hearing may be found to be in default.

a. Cases will not be adjourned if: the plaintiff dismisses the complaint, if the defendant was properly served pursuant to Minn. Stat. § 504B.331 and *Koski v. Johnson*, 837 N.W.2d 739 (Minn. Ct. App. 2013)(review denied) and defendant fails to appear, or if the parties have reached an agreement.

BY THE COURT:

Dated: July 22, 2020


Hon. Susan Robiner
Civil Presiding Judge