

Frequently Asked Questions
Re: Emergency Executive Order 20-14

On March 23, 2020, Governor Walz signed Emergency Executive Order 20-14 suspending evictions and writs of recovery for the term of the COVID-19 peacetime emergency. This Executive Order keeps people stably housed and prevents displacement during this health emergency.

Once executed, the Order will be made available [in the Minnesota Legislative Reference Library](#).

Update Related to Executive Order 20-79 (July 14, 2020): On July 14, 2020, Governor Walz signed Executive Order 20-79, which will modify the existing evictions moratorium. Effective August 4, 2020 at 12:00am, the following additional provisions apply:

- In addition to the grounds for eviction allowed by EO 20-14 and 20-73, evictions will be permitted to be filed in situations where:
 - A tenant materially violates a lease by significantly damaging property on the premises;
 - or
 - The property owner or property owner’s relative will move into the premises within 7 days of the tenant vacating.
- A writ of recovery may be executed if a landlord obtained a judgment of possession before EO 20-14 went into effect on March 24, 2020 at 5:00 p.m.
- Landlords are required to give tenants a 7-day written notice before filing an eviction action. This is intended to both give tenants notice and to facilitate resolutions without court cases being filed.

- **Definitions:**
 - **A writ of recovery** is a court order after a landlord has won an eviction case. The writ of recovery is delivered by the sheriff’s office and gives tenants 24 hours to leave the property.
 - **A moratorium** is a legal suspension of an activity.
 - **A redemption period** is a specific time period during a foreclosure process in which the homeowner can pay off the debt owed and “redeem” the property.
- **General:**
 - **What does the order do?**
 - The order keeps tenants in rental properties and foreclosed homeowners in their homes during the state of emergency, except in limited circumstances.
 - **When is the order in effect?**
 - The order is effective 24 hours after enactment. It remains in effect until the declared peacetime state of emergency ends.
 - **Does the tenant still owe rent during the moratorium?**
 - Yes. Nothing in the order relieves a tenant’s obligation to pay rent.
 - We strongly encourage renters to:
 - Communicate early with your landlord about your shortfall.
 - Pay what you can because it will help the landlord and it will help ensure you don’t get further behind on rent owed.

- **Does the homeowner still have to make their mortgage payment?**
 - Yes. Nothing in this suspension relieves a borrower's obligation to make payments. The order asks financial institutions to impose a foreclosure moratorium and not to impose late fees. If they choose to, financial institutions can still institute foreclosure proceedings, but, during the term of the public health emergency, cannot evict individuals who stay in the home after the redemption period ends.
- **Does the household need to demonstrate a loss of income or COVID-19 diagnosis?**
 - No. This order does not require a COVID-19 diagnosis or demonstrated loss of income. The purpose of the order is to allow households to remain stably housed as they safeguard the health of themselves, their families, and other Minnesotans.
- **Are all types of evictions or lease terminations exempt from filing under this suspension?**
 - No. Evictions or terminations may proceed in cases where the tenant seriously endangers the safety of other residents or for violation of 504B.171 subd. 1. (certain unlawful activities on the property). Property owners/lenders are encouraged to seek legal counsel with questions about specific situations.
- **What happens if a landlord/lender violates this suspension?**
 - A person who willfully violates the suspension is guilty of a misdemeanor and upon conviction may be punished by a fine not to exceed \$1,000 or by imprisonment for not more than 90 days. The Attorney General's office may also enforce the order using any of the remedies under Minn. Stat. 8.31.
- **UPDATED 2.19.2021 Does the federal moratorium on evictions mean that Minnesota's executive order is no longer valid?**
 - No. The federal moratorium generally does not apply in states that have moratoriums that provide the same or greater level of public-health protections.
- **UPDATED 2.19.2021 What happens if Governor Walz does not extend the public emergency order? Will the federal moratorium apply?**
 - The state evictions moratorium in Executive Order 20-79 applies as long as the state peacetime emergency is in place. If it is not extended, the moratorium ends. If that happens, the federal moratorium on evictions will apply until its expiration. The federal moratorium is due to expire on March 31, 2021.
- **Property owners:**
 - **Can I file an eviction in court or move to terminate a lease during the public health emergency?**
 - No. This order temporarily suspends the ability to file an eviction or terminate a lease during the public health emergency, except in limited circumstances set out in the order.
 - **If an eviction or lease termination was approved before March 1, 2020, and the resident is still residing on the premises, are they required to move out?**
 - No. This order temporarily suspends the landlord's recovery of the premises except in limited circumstances set out in the order.
 - **What if the tenant cannot pay the rent or is behind on rent?**
 - If a tenant is not able to pay rent, the landlord and tenant are encouraged to pursue local emergency assistance funds and to work out a reasonable payment plan. At the end of the suspension, the landlord may pursue all recourse permitted under the law.
 - **Can owners continue to collect rent payments?**

- Nothing in this suspension relieves a tenant’s obligation to pay rent or restricts a landlord’s ability to recover rent due. Property owners often rely on timely rental payments to cover property expenses, debt payments, certain utilities, and debt service. Rental collections, reductions, or waivers are at the discretion of the property owner.
 - **If a lease is ending and the resident wants to move out after March 1, 2020, are they required to stay?**
 - No. Residents may voluntarily agree to vacate the premises.
 - **If my tenant’s lease expires during the suspension, can I require them to move out?**
 - No. A housing provider may not enforce a lease expiration through a notice to vacate or an eviction action (except as exempted in the order) during the suspension period.
 - **If I have a pending eviction action in court, will I need to restart that process or will it automatically continue after the suspension ends?**
 - The court administrator has the power to determine how to handle pending eviction cases. But the order suspends the execution of a writ, so if a household is evicted during the public health emergency, they cannot be forcibly removed from the property.
 - **ADDED 9.17.2020 Executive Order 20-79 says that I must give a written notice of intent to file an eviction action at least seven days prior or the specified notice period included in the lease, whichever is longer. Does this mean that I have to abide by the notice period of nonrenewal or termination of lease?**
 - No. The “specified notice period” refers to situations where a lease has a specific “notice to cure” or “eviction notice” provision. The “specified notice period” does not mean a lease’s notice of termination, typically 30 days or longer.
 - **UPDATED 2.19.2021 If I want to move in a family member or move into the property myself, can I file an eviction action to get the current tenant out?**
 - If a landlord needs to move into or have a family member move into a property occupied by a tenant as allowed by paragraph 3 of Executive Order 20-79, the landlord must first give the tenant a valid notice of lease termination or nonrenewal of the lease as provided by the lease or under statute. If the tenant refuses to abide by the lease termination, a landlord may take steps to evict the tenant, but not prior to providing the 7-day notice that the landlord intends to evict.
 - **ADDED 2.19.2021 Who is considered a “family member”?**
 - For purposes of Executive Order 20-79, a family member is a parent, spouse, domestic partner, sibling, child, in-law or other relative, as defined by Minnesota Statutes 273.124 subdivision 1(c), of the property owner or the property owner’s spouse or domestic partner.
 - **ADDED 2.19.2021 My tenant has left the property without telling me. Do I have to file an eviction action to retake possession?**
 - Generally, if it is clear that a tenant had intent to abandon the property and give up their possessory rights, there is no need to file an eviction action to reclaim possession. However, even if the tenant abandons the property, Minnesota Statutes 504b.271 requires landlords to follow certain steps regarding the handling of abandoned property left on the premises.
- **Tenants:**
 - **What happens if the landlord moves forward with an eviction?**

- A landlord cannot serve an eviction notice or file an unlawful detainer action while this emergency executive order is in place, except in the limited circumstances set out in the order. See below for resources if your landlord files an eviction during the suspension.
 - **Do I have to comply with my lease?**
 - Yes. This order does not change the terms and requirements of the lease.
 - **A law enforcement officer is asking me to leave based on a previously filed or approved eviction or lease termination. Am I required to move out?**
 - The Executive Order directs officers who hold a writ of recovery to stop from executing them, except where permitted in the suspension.
 - **I am not able to pay some or all of my rent. What should I do?**
 - Evictions and lease termination processes are temporarily suspended under the order; however, **rent is not reduced or waived**. You are encouraged to work with your landlord on a repayment plan. If you have lost your job, please visit the Minnesota Unemployment Insurance website to determine if you qualify for assistance: www.uimn.org. You may be eligible for emergency assistance through the county. To determine whether you qualify for rental assistance, please contact one of the resources listed below.
- **Lenders:**
 - **Can I file an eviction during the public health emergency?**
 - No. This order temporarily suspends the ability to file an eviction during the public health emergency, except in limited circumstances as set out in the order. However, nothing in this suspension relieves a homeowner's obligation to pay any amounts due or restricts a Lender's ability to recover money due. The order asks lenders not to impose late fees and penalties.
 - **If an eviction was filed before March 1, 2020, and the resident is still residing on the premises, are they required to move out?**
 - No. This order temporarily suspends the lender's recovery of the premises, except in limited circumstances as set out in the order.
 - **Can I send a notice of foreclosure to the homeowner?**
 - Yes. This Executive Order encourages lenders to stay foreclosure proceedings, but does not require it. Lenders may not file post-foreclosure eviction actions or notices to vacate the premises after the redemption period has expired during the current public health emergency.
 - **What happens if a lender moves forward with an eviction?**
 - A lender cannot serve an eviction notice or file an unlawful detainer action while this emergency executive order is in place, except where exempted in the order.
- **Homeowners:**
 - **An eviction was filed or approved before March 1, 2020. Am I required to move out?**
 - No. This order temporarily suspends the ability to file an eviction during the public health emergency, except in limited circumstances as set out in the order. However, nothing in this suspension relieves a homeowner's obligation to pay any amounts due or restricts a Lender's ability to recover money due.
 - **What if the homeowner cannot pay the mortgage payment?**

- The homeowner is encouraged to contact their mortgage servicer to discuss what options are available.
 - **What if I have a received notice of foreclosure?**
 - This Executive Order asks financial institutions to institute a foreclosure moratorium, but does not stay foreclosure proceedings. Homeowners should contact their mortgage servicer to discuss other repayment options if they would like to stay in their home long term.
 - **What happens if the Lender moves forward with an eviction?**
 - A lender cannot serve an eviction notice or file an unlawful detainer action while this emergency executive order is in place, except where exempted in the order.
 - **A law enforcement officer is asking me to leave based on a previously filed or approved eviction or lease termination. Am I required to move out?**
 - All officers who hold an order to vacate must stop executing writs of recovery, except where permitted in the suspension.
- **Resources and Contact Information:**
 - **Attorney General's Office**

Website: <https://www.ag.state.mn.us/Office/ContactUs.asp>

Call: 651.296.3353 (Twin Cities Calling Area)
800.657.3787 (Outside the Twin Cities)
800.627.3529 (Minnesota Relay)

Online Request:
<https://www.ag.state.mn.us/Office/Forms/ConsumerAssistanceRequest.asp>

*Free translation services provided upon request
 - **United Way 211:** Free and confidential health and human services information for people in Minnesota.

Website: www.211unitedway.org

Call: 211 or 651.291.0211

Toll Free: 800.543.7709

Text: Text your ZIP code to 898211 for information
Text MNCOVID to 898211 for COVID Resources

*Language assistance available in Español (Spanish) and Hmong
 - **HOME Line: Free Legal Help for Renters in Minnesota**

Call Hotline: 612.728.5767

Toll Free: 866.866.3546

 - HOME Line ofrece servicios en español. Para Español, llame al 612.255.8870.
 - HOME Line waxay bixisaa adeeg ku baxa Afka-Soomaaliga. Af- Soomaali wac 612.255.8860.
 - Peb lub koom haum HOME Line muaj neeg txhais lus Hmoob. Hais lus Hmoob, Hu 612.255.7104.

Email: www.homelinemn.org/e-mail-an-attorney
 - **Minnesota Multihousing Association:** Supports multi-housing members and industry. Hotline provides pre-recorded information on landlord/tenant topics. If your question is not

answered within the recording, you may leave a message and a volunteer will return your call.

Call Hotline: 952.858.8222, Dial "0" for Voicemail

Website: www.mmha.com

- **Minnesota Homeownership Center:** For homeownership and foreclosure-related information.

Call: 651.659.9336

Toll Free: 866.462.6466

Online Inquiry: <https://www.hocmn.org/contact-us/>

Website: <https://www.hocmn.org>