

FILED IN DISTRICT COURT  
STATE OF MINNESOTA

AUG 19 2020

62-CV-20-5  
DISTRICT COURT

STATE OF MINNESOTA

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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ADMINISTRATIVE ORDER  
REGARDING THE  
RESUMPTION OF HOUSING  
COURT OPERATIONS

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**WHEREAS**, commencing in March 2020, national and state authorities imposed restrictions on filing and hearing of many residential eviction actions and issuance of writs of recovery;

**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);

**WHEREAS**, on July 14, 2020, Governor Tim Walz issued Executive Order 20-79 which attempted to “strike a balance between...maintaining public health and stability for residential tenants, the economic impacts of the COVID-19 pandemic on tenants, and the interests of housing providers to maintain and protect their properties...” Executive Order 20-79 modified previous Executive Orders to allow evictions in certain limited circumstances, required landlords to give residential tenants a 7-day notice of intent to file an eviction to help mitigate the impact upon residential tenants, and encourage resolutions without court involvement;

**WHEREAS**, the Second Judicial District anticipates a large influx of new eviction case filings as restrictions are modified or lifted and court returns to full capacity. It also anticipates the need to process residential eviction cases which were filed prior to or during the restrictions imposed by the Governor’s various Executive Orders;

**WHEREAS**, the Minnesota Supreme Court has imposed certain safety restrictions and limits on the number of individuals that may congregate in public court spaces to limit the possible transmission of COVID-19; and

**WHEREAS**, scheduling and procedures need to be modified from pre-pandemic operations which will reduce in-person calendar capacity and the availability of in-person services to litigants, in order to conform with the required safety restrictions and limits while still providing high quality services, due process, and timely administration of justice.

## IT IS ORDERED

1. All Eviction Complaints filed after the date of this Order, must include a statement which addresses whether:
  - a. The premise is a “covered dwelling” subject to Section 4024 of the CARES Act.
  - b. The plaintiff is a “multifamily borrower” under forbearance subject to Section 4024 of the CARES Act; and
  - c. The plaintiff has provided the defendant with 30 days’ notice to vacate under Sections 4024(c) and 4023(e) of the CARES Act.
  - d. The plaintiff has complied with paragraph 6 of Executive Order 20-79 requiring all property owners, mortgage holders, or other persons seeking possession to provide a written notice of intent to file an eviction action to the tenant at least 7 days prior to filing the action, or the specified notice period included in the lease, whichever is longer.
2. Judicial officers presiding in Housing Court have the authority to develop the facts of the case, including whether or not the premises is a “covered dwelling,” the plaintiff is a “multifamily borrower” under forbearance subject to Sections 4024 and 4023 of the CARES Act, respectively, and whether proper notices have been given.
3. The Administrative Order Declaring Certain Housing/Eviction Matters Non-Public issued on March 31, 2020 is amended as follows:
  - a. Cases and case filings categorized as non-emergency and made confidential shall be designated as Confidential<sup>2</sup> by Court Administration.
  - b. Cases and case filings categorized as non-emergency and made confidential shall be made public once the matter qualifies for a hearing, is scheduled on a court calendar, and a summons issued.
  - c. Irrespective of paragraph 3b of this Order, court administration shall immediately make the following information available to **Ramsey County Emergency Assistance, Neighborhood House, the Dispute Resolution Center, Volunteer Lawyers Network, and Southern Minnesota Regional Legal Services** for the purpose of contacting and assisting litigants in the early resolution of their eviction action on all cases made confidential under this order:
    - i. The court case number
    - ii. The party and attorney names
    - iii. Contact information for the parties and attorneys including:

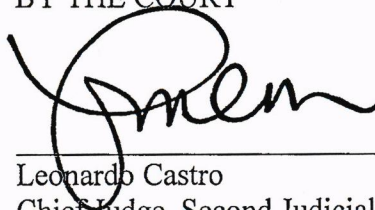


1. Mailing address
2. Phone number
3. Email address

- d. **Ramsey County Emergency Assistance, Neighborhood House, the Dispute Resolution Center, Volunteer Lawyers Network, and Southern Minnesota Regional Legal Services** shall only use this information to assist with the resolution of pending cases and shall not disseminate this information to any other organizations other than those listed above, a party to the case, or an attorney to a party to the case without further authorization of the court.
4. Complaints that were filed during the peacetime emergency and which did not qualify for an exception to the Executive Orders suspending eviction actions shall be set for a hearing to dismiss and notice shall be given to the Landlord. The action shall be dismissed unless, prior to the hearing, the Landlord requests that the action continue and for the court to issue a summons.
  5. When Executive Order 20-79 or any successor Executive Orders expire or allow additional residential eviction actions,
    - a. Cases will be scheduled on block-style calendars with specific timeframes. Parties will have the option to participate in the hearings remotely (using telephone or Zoom) or in-person. The Second Judicial District strongly encourages parties and their attorneys to attend hearings remotely, but will provide social-distancing accommodations for in-person attendance.
    - b. Court administration shall issue a summons, commanding the person against whom the complaint is made to appear before the court on a day and at a place stated in the summons for all cases where an initial appearance has not been held.
    - c. For 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, service of the new summons shall be made in compliance with Minn. Stat. § 504B.331.
    - d. For the 60 days following the expiration of the Peacetime Emergency declared in Executive Order 20-01, the parties shall be notified of resources and clinic services available to them at the initial appearance. If parties request clinic services, including legal advice and representation, emergency rental assistance and dispute resolution, the court will recess to allow the provision of such services if possible. If it is not possible to obtain requested services at the initial appearance, the case shall be given a seven (7) day continuance. Parties shall be given contact information for all clinic services.
  6. This Administrative Order remains in full force and effect until rescinded or amended by a further court order.

Dated: August 19, 2020

BY THE COURT

A handwritten signature in black ink, appearing to read 'Leonardo Castro', written over a horizontal line.

Leonardo Castro  
Chief Judge, Second Judicial District