

**AMENDED STANDING ORDER**

Re: following the expiration of the Peacetime Emergency Declared  
in Executive Order 20-01.

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**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 Anoka County District Court 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);

**Whereas**, the Anoka County Bench adopted a Standing Order dated October 29, 2020, to provide for eviction case handling in anticipation of the expiration of the residential eviction moratorium and in the absence of controlling legislation;

**Whereas**, on June 29, 2021, Governor Tim Walz signed the “Off-Ramp Legislation” providing legislative direction for residential eviction case handling, declaring the Governor’s Executive Orders null and void, allowing for transition from the eviction moratorium, and providing temporary provisions for tenants to avoid eviction and lease terminations by helping to ensure parties have enough time to access federal funding for rental assistance. The Off-Ramp Legislation requires landlords who intend to file for an eviction for nonpayment of rent to provide the tenant with written notice along with information about rental assistance available to the tenant before filing an eviction in order to ensure parties have time to access available assistance or to plan for an orderly transition to new housing;

**Whereas**, the Anoka County District Court anticipates a large influx of new residential eviction case filings as the Off-Ramp Legislation is implemented and the eviction court returns to full capacity. There will also be a need to process eviction cases filed prior to or during restrictions imposed by various Executive Orders.

**Now, therefore, when the Anoka County District Court is able to begin conducting proceedings in all eviction cases, the following provisions are HEREBY ORDERED for the 60 days following the lifting of the peacetime emergency:**

- (1) When the scheduling of hearings for recovery of possession of premises pursuant to Minn.Stat. Ch. 504B resumes, 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 and which may now be scheduled consistent with the “Off-Ramp” legislation.
  - c. **Third priority**:
    - I. Complaints filed after the lifting of the peacetime emergency consistent with the “Off-Ramp” legislation;
    - II. Complaints filed during the peacetime emergency that did not qualify as an exception to the Executive Orders suspending eviction actions and which have not been dismissed;
    - III. Any other case not specifically provided for above.
  - d. 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 normally be expected to participate in the hearings remotely (using telephone or Zoom) until such time as in-person hearings resume for eviction type matters. For participants who lack technology to appear remotely, Court Administration will provide a surface, fire tablet, or other device and a room to accommodate a remote appearance. For those cases scheduled for trial, the presiding Judge shall determine whether the matter shall be conducted in-person or by use of remote technology.
- (2) The Plaintiff shall affirmatively state in the eviction complaint or at the time of the initial hearing whether:
  - a. The premise is a “covered property” subject to the provisions of the CARES Act Sec. 4024(a)(2);
  - b. The plaintiff is a “multifamily borrower” under forbearance subject to Section 4024 of the CARES Act;
  - c. The plaintiff has provided the defendant(s) with 30 days’ notice to vacate under Sections 4023 and 4024 of the CARES Act;

- d. The plaintiff has complied with the provisions of the “Off-Ramp Legislation,” specifically, the requirement that all property owners, mortgage holders, or other persons seeking possession of premises based on non-payment of rent, give written notice of the intent to file an eviction action to the tenant at least 15 days prior to filing the action (or in compliance with the time period specified in the lease, whichever is longer) AND informing the tenant that the eviction moratorium has ended, that the tenant may soon be subject to an eviction action, the amount of the total past rent due, and that the tenant should visit [renthelpmn.org](http://renthelpmn.org) or call 211 to see if they are eligible for financial assistance.
  - e. At the initial hearing, the parties shall be notified of available resources and services and shall be given contact information for each of the services. If the parties request clinic services, including legal advice and representation, emergency rental assistance, and dispute resolution or mediation, the Court shall recess to allow the provision of such services if possible. If it is not possible to obtain the requested services at the initial hearing, the Court may adjourn for a period of 7 days to allow for the provision of such services:
    - I. Mid-Minnesota Legal Aid and Volunteer Lawyers Network, Central Minnesota Legal Services, and Judicare of Anoka County, Inc., are available to consult with and represent income qualifying individuals. HOMELine is a tenant legal advice resource without income limitations.
    - II. Anoka County Emergency Assistance Program, Minnesota Assistance Council for Veterans, and Tenant Resource Center or other agencies may be able to assist the parties with payment of some or all of the rent due.
    - III. The Court may approve out of court settlement agreements filed prior to the resumed admit/deny hearing described below and cancel the hearing. The parties may also submit their agreement to the Court for approval at the resumed admit/deny hearing.
- (3) The Court may adjourn to access services with a resumed admit/deny hearing as soon as possible but no sooner than (7) calendar days following the initial admit/deny hearing. Any party that does not appear at the resumed admit/deny hearing may be found to be in default.
- a. **Exceptions to 7 Day Adjournment.** The following cases need not be adjourned:
    - I. *Dismissal.* The plaintiff dismisses the complaint;
    - II. *Default.* The defendant was properly served and the defendant (or plaintiff) fails to appear;
    - III. *Agreement.* The parties have reached an agreement appropriate for disposition;

- IV. *Services Available.* Housing Court resources and services are readily available at the time of the hearing; and
- V. *Exigent circumstances.* The complaint alleges circumstances that would be an exception to the current eviction moratorium (a first priority case above).
- VI. *Cases Stayed Pending Financial Assistance Application.* Pursuant to the Off-Ramp Legislation, through June 1, 2022, certain residential eviction cases based upon non-payment of rent may not be processed for so long as the tenant has an application for financial assistance pending. It is anticipated that many evictions actions will be filed which will require a stay consistent with the legislation. In those cases where a residential eviction action has been filed and the Court determines it must be stayed pending the financial application process:
- i. The case will be placed in inactive status;
  - ii. The case will be designated as confidential;
  - iii. The case may be placed back on active status at the request of either party upon a statement the stay is no longer applicable and the case is ready for hearing or dismissal; and
  - iv. In the absence of other action, the case will be reviewed administratively by the Court in June of 2022 following expiration of the stay provided for in the Off-Ramp Legislation and a determination made to either process or dismiss the case as appropriate.

**IT IS SO ORDERED:**

BY THE COURT:

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Bethany A. Fountain Lindberg  
Anoka County District Court Judge Chair