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Eviction Moratorium Phaseout Info & FAQ

Last updated on October 12, 2021

This page has information about renters' rights in Minnesota during the end of the the state and federal eviction moratoriums. **If you are a renter in Minnesota and you have a question about your specific housing situation, please contact our free tenant hotline for legal advice: 612-728-5767 or use our free [email an attorney service](#).** HOME Line is also hosting a series of [free public webinars about the end of the moratorium and other topics](#) (previously recorded webinars are [available here](#).)

Key points

There are three important things to know:

1. **Minnesota's COVID-19 related suspension of evictions and landlord-initiated lease terminations is over.** Landlords can now terminate a lease and/or file an eviction for many reasons, whether the tenant believes they are true or not.
2. If an eviction is filed in court, the tenant should receive a court summons. **The tenant MUST show up to (virtual/Zoom) court for any scheduled eviction hearing**, whether they have a pending rental assistance application or not. An eviction is almost certain to occur if the tenant does not show up to their hearing. Tenants should seek legal advice about their situation before their court hearing. In some cases, tenants may be eligible for free legal representation in court.
3. **Tenants who are behind on rent should IMMEDIATELY apply for emergency rental assistance** through [RentHelpMN.org](https://renthelpmn.org) or by calling 2-1-1 (or, if their landlord has applied through the [Zero Balance Project](#), the tenant should complete their portion of the application). Applying for this assistance can protect tenants from an eviction action for nonpayment of rent while they are waiting for their application to be processed and the money paid out. This protection lasts until June 1, 2022, but only for those tenants who have pending applications, so applying for this assistance is essential. Tenants should also keep their landlord updated about the status of their pending application.

FAQ on Minnesota Eviction Moratorium Phaseout

What is the difference between an eviction and terminating or not renewing a lease?

An eviction is a court case filed by the landlord. A tenant will be certain they have an actual eviction action filed against them if they receive paperwork that has a court case number assigned, and a court date and time. The landlord's agent is required to serve the eviction court papers to the tenant at least 7 days before the hearing. This must be done by direct personal delivery of the court papers, or by both mailing the court papers to the tenant and posting the court papers at the rental unit.

A notice of termination (also referred to sometimes as a notice to vacate or a notice to quit) or non-renewal doesn't involve the courts. These are all written notices (in some cases an email may be sufficient), instructing the tenant to leave by a certain date. In these cases, the landlord is simply informing the tenant that the term of their lease will end (and it might state why), and are demanding the tenant leave within the timeframe indicated in their lease.

In both evictions and lease terminations, it's a wise step for a tenant to seek out legal advice immediately because the eviction or lease termination may be invalid for many reasons.

When are lease terminations or lease non-renewals allowed?

As of October 12, 2021, a landlord can end a lease for any legal reason, with the appropriate written notice if required in the lease, or the written notice required under [MN Stat. 504B.135](#) for a "tenancy at will" and/or a month-to-month lease term.

Lease terminations and/or lease non-renewals can still proceed even if a tenant has a pending application with a COVID-19 emergency rental assistance program (such as [RentHelpMN.org](#) or the [Zero Balance Project](#)).

When are evictions allowed?

As of October 12, 2021, all types of legal eviction filings are allowed EXCEPT for non-payment of rent evictions for tenants who have pending application with a COVID-19 emergency rental assistance program. This does not prevent evictions from being filed or proceeding unless the tenant attends their court hearing and asserts a defense (such as demonstrating they have a pending application).

On June 1, 2022, all types of legal evictions are allowed, no exceptions. Minnesota landlord/tenant law reverts to what it was prior to the pandemic.

Who is protected against eviction for nonpayment until June 1, 2022? What is considered a COVID-19 emergency rental assistance program?

Tenants who are behind on rent and have applied for assistance through a COVID-19 emergency rental assistance program (such as [RentHelpMN.org](https://renthelpmn.org) or the [Zero Balance Project](#)). Tenants who apply through other rent/financial/emergency assistance programs that are not funded by specific federal laws are not protected under Minnesota's phaseout rules. To be eligible under Minnesota's phaseout rule, an assistance program must be funded by the federal Consolidated Appropriations Act, 2021, Public Law 116-260, or the federal American Rescue Plan Act, 2021, Public Law 117-2.

What is a "pending application?"

As of September 30, 2021, the RentHelpMN program guide (viewable toward [the bottom of this page](#)) defines pending application as: *an application that has been submitted and has not been denied, withdrawn or paid.*

Do tenants get a notice before an eviction is filed?

There is no longer a state law requiring a notice before an eviction can be filed. However, there is a federal law requiring a 30-day notice for some properties, and some cities have enacted their own notice requirements. These requirements are currently in effect:

- St. Louis Park (7 day notice prior to eviction for nonpayment of rent): [St. Louis Park City Code, Chapter 8, Article II, Division 3, Subdivision VIII, Section 8-335. Notice required prior to initiating eviction proceedings \(see beginning on page 44 of the PDF\)](#)
- Minneapolis (14 day notice prior to eviction for nonpayment of rent): [Minneapolis Code of Ordinance, Chapter 12, Article XVI, Section 244.2060. – Notice required prior to initiating eviction proceedings.](#)
- A federal rule found in the CARES Act still requires at least a 30-day notice to vacate prior to filing an eviction for nonpayment of rent if the building is "covered" by the CARES Act. Buildings that are covered by the CARES Act include: most rental units with any kind of federal subsidy—officially defined in the [Violence Against Women Act](#) (see [§12491 \(a\) \(3\)](#) for a list of programs covered), or under the rural housing voucher program under Section 542 of the Housing Act of 1949—or any buildings with a federally backed mortgage loan.
Resources for CARES Act (note, neither of these are comprehensive—they may not include properties with less than 5 units that are federally backed):
[NLIHC search tool](#)
[ProPublica CARES Act address search](#)

What about the federal eviction moratorium?

The Federal CDC eviction moratorium is no longer in effect because it was [struck down by the U.S. Supreme Court on August 26, 2021](#).

Background

Minnesota's COVID-19-based eviction moratorium suspended evictions and landlord-initiated lease terminations from March of 2020 through June 30, 2021 (Executive Orders [20-79](#), [20-73](#), and [20-14](#)) and was replaced by [Minnesota Session Law 2021, 1st Special Session, Chapter 8 H. F. No. 4, Article 5](#) (note, you must scroll down to view Article 5). This law created a timeline for when different types of lease terminations and evictions were allowed, while still providing some protections against specific types of evictions.

Almost all of the eviction moratorium and phaseout protections have now ended, except for one key part: tenants who have a pending application for COVID-19 emergency rental assistance are specifically protected from an eviction for nonpayment of rent through June 1, 2022. While this does not stop a landlord from terminating a lease or evicting for many other reasons, **tenants who are behind on rent should immediately apply for rent assistance at [RentHelpMN.org](https://renthelpmn.org) or by calling 2-1-1**. Tenants who are behind on electric or gas bills, or facing a utility shutoff should consider applying through the [Energy Assistance Program](#), as this assistance may be approved faster than through RentHelpMN.