STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-79;
Rescinding Emergency Executive Orders 20-14 and 20-73

Modifying the Suspension of Evictions and Writs of Recovery During the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

On March 23, 2020, I issued Executive Order 20-14, which suspended evictions, writs of recovery, and tenancy terminations during the peacetime emergency ("Executive Order 20-14"). The purpose of Executive Order 20-14 was to protect the public health by ensuring that Minnesotans were stably housed during the COVID-19 pandemic. On June 5, 2020, I issued Executive Order 20-73, which clarified the application of Executive Order 20-14.

The protections provided by Executive Order 20-14 and Executive Order 20-73 have been crucial to protect public health by promoting Minnesotans' housing stability and preventing displacement during the COVID-19 pandemic. We have continued to slowly and safely reopen Minnesota's economy and, in line with those actions, recognize that tenants may begin to move more safely. At the same time, I recognize that COVID-19's economic impact continues to influence the ability of tenants and homeowners to pay their rent and mortgages. Over 800,000 Minnesotans have applied for unemployment insurance since March 16, 2020.

Today I approved the release of $100 million in funds for a program to provide housing assistance to prevent evictions and maintain housing stability for Minnesotans in the face of economic challenges due to COVID-19. To continue to strike a balance between the crucial importance of 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, I am modifying the eviction protections to allow evictions in additional limited circumstances. In addition, I am requiring 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.

For these reasons, I order as follows:

1. Effective August 4, 2020 at 12:00 am, Executive Orders 20-14 and 20-73 are rescinded. Paragraphs 2 through 13 of this Executive Order are effective as of August 4, 2020 at 12:00 am.

2. The ability of property owners, mortgage holders, or other persons entitled to recover residential premises to file an eviction action on the grounds that a residential tenant remains in the property after a notice of termination of lease, after a notice of nonrenewal of a lease, after a material violation of a lease, after the termination of the redemption period for a residential foreclosure, or after nonpayment of rent, is suspended. Nothing in this Executive Order relieves a tenant's obligation to pay rent. This suspension does not include eviction actions where the tenant:

    a. Seriously endangers the safety of other residents;

    b. Violates Minnesota Statutes 2019, section 504B.171, subdivision 1;

    c. Remains in the property past the vacate date after receiving a notice to vacate or nonrenewal under paragraph 4 of this Executive Order; or

    d. Materially violates a residential lease by the following actions on the premises, including the common area and the curtilage of the premises:

        i. Seriously endangers the safety of others; or

        ii. Significantly damages property.

3. Residential landlords must not issue notices of termination of lease or nonrenewal of lease or terminate residential leases during the pendency of the peacetime emergency unless the termination or nonrenewal is based upon one of the grounds permitted by paragraph 2.

4. Paragraph 3 does not apply to residential landlords who issue a termination of lease or nonrenewal of lease due to the need to move the property owner or property owner's family member(s) into the property and where the property owner or property owner's family member(s) move into the property within 7 days after it is vacated by the tenant.

5. All officers who hold a writ of recovery of premises and order to vacate must cease executing such writs as required by Minnesota Statutes 2019, section 504B.365, subdivision 1, with the exception of:

    a. Writs designated as a priority execution under Minnesota Statutes 2019, section 504B.365, subdivision 2;

    b. Writs issued as a result of an eviction action judgment entered prior to the enactment of Executive Order 20-14 on March 24, 2020 at 5:00 pm; or

c. Writs issued as a result of an eviction action permitted by paragraph 2.

6. All property owners, mortgage holders, or other persons seeking possession on grounds permitted by this Executive Order must 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.

7. Nothing in this Executive Order is intended to modify the relief available, including exclusion from the dwelling, in an order for protection issued under Minnesota Statutes 2019, section 518B.01, or in a domestic abuse no contact order issued under Minnesota Statutes 2019, section 629.75.

8. Financial institutions holding home mortgages are requested to implement an immediate moratorium on all pending and future foreclosures when the foreclosure arises out of a substantial decrease in income or substantial out of pocket medical expenses caused by the COVID-19 pandemic, or any local, state, or federal governmental response to COVID-19. Financial institutions are also strongly urged not to impose late fees or other penalties for late mortgage payments related to the COVID-19 pandemic.

9. I strongly encourage property owners, mortgage holders, or other persons entitled to recover residential premises to work with tenants to reach amicable resolutions where possible without filing eviction actions. I strongly encourage tenants who are able to pay their rent to continue to do so.

10. Pursuant to Minnesota Statutes 2019, section 12.45, a person who willfully violates paragraphs 2, 3, and 5 of this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed $1,000, or by imprisonment for not more than 90 days. The Attorney General may also seek any relief available pursuant to Minnesota Statutes 2019, section 8.31.

11. This Executive Order does not apply to properties on federal tribal trust land.

12. Nothing in this Executive Order creates grounds for eviction or lease termination beyond what is provided for by Minnesota Statutes.

13. Nothing in this Executive Order may in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

14. Executive Order 20-14 and Executive Order 20-73 remain in full force and effect until superseded by this Executive Order according to its terms.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on July 14, 2020.

Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Approved by the Executive Council on July 14, 2020:

Alice Roberts-Davis
Secretary, Executive Council

Filed July 14, 2020
Office of the Minnesota
Secretary of State
Steve Simon