

Post-Pandemic Update on Commercial Evictions in Minnesota

by Eric A.O. Ruzicka, Roxanna V Gonzalez, Anna Boyle, and Elena Modl

In August 2020, we circulated an article addressing [COVID-19's Impact on Commercial Evictions and Landlord-Tenant Relations in Minnesota](#). Nearly three years later, much has changed and it's time for an update.

Minnesota's moratorium on residential evictions phased out gradually starting in July 2021 and ended completely in June 2022. Due to the backlog created by the moratorium (among other factors), scheduling for eviction cases continued to lag outside statutory deadlines in many Minnesota counties through the end of 2022. Although the moratorium was never intended to impact commercial eviction actions, the reality was that commercial cases were equally delayed in most Minnesota counties due to logistics of court administration. Anecdotally, this pattern was pervasive in jurisdictions throughout the United States.

At this point, most of Minnesota's eviction dockets have returned to normal scheduling procedures at least for first appearances—meaning an initial hearing occurs within 7-14 days after issuance of a summons. See [Minn. Stat. 504B.321, subd. 1\(d\)](#). In the context of our commercial practice, many eviction cases continue to be resolved at or before the initial hearing.

Going forward, one notable change from pre-pandemic practice in the majority of Minnesota counties is that eviction proceedings (along with many other court appearances) will be held remotely through videoconference unless the court finds that exceptional circumstances call for an in-person hearing. See [oneCourtMN Hearings Initiative Policy \(Judicial Council Policy 525\)](#); [ADM20-8001](#).

Hennepin County, however, has opted to deviate from this statewide policy and in January 2023 reverted to in-person initial appearances in its specialty housing court (which is the venue for all evictions, including commercial properties).

Overall, we think the pandemic-induced move to remote hearings—at least for eviction cases—improves efficiency, convenience, and access to justice for litigants in

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commercial and residential cases alike. But even with the switch to remote hearings, many Minnesota courts are still struggling to keep up with their heavy caseloads. For eviction cases that proceed beyond a first appearance to dispositive motion practice or trial, parties can expect it may take several months to reach final adjudication, despite a statutory requirement that trial should occur within six days. See Minn. Stat. 504B.341(a).

On that note, just last month the legislature passed several impactful amendments to Minnesota Statutes Chapter 504B governing landlord-tenant relations. Among those amendments is a repeal of the requirement that trial occur within six days in favor of the following new statutory language, which will take effect on January 1, 2024:

When scheduling a trial date, the court must select a date that allows for a fair, thorough, and timely adjudication of the merits of the case, including the complexity of the matter, the need for the parties to obtain discovery, the need for the parties to ensure the presence of witnesses, the opportunity for the defendant to seek legal counsel and raise affirmative defenses, and any extenuating factors enumerated under section 504B.171 [governing the prohibition against certain unlawful activities in leased residential premises].

See Laws of Minnesota 2023, ch. 52, secs. 107, 115 & 116. Watch for future updates on this and other recent amendments to the Minnesota statutes governing landlord-tenant relations.

Dorsey's real estate litigation team represents landlords and tenants of all sizes in commercial leasing disputes in Minnesota and throughout the United States. Please contact one of our attorneys if your business is or may become party to an eviction or other legal action.