

# THE ILLUSION OF CHOICE: Evictions and Profit in North Minneapolis

**Author:** Principal Investigator, Dr. Brittany Lewis, Senior Research Associate

**Contributing Authors:** Molly Calhoun, Cynthia Matthias, Kya Conception, Thalya Reyes, Carolyn Szczepanski, Gabriela Norton, Eleanor Noble, and Giselle Tisdale

**Artist-in-Residence:** Nikki McComb, *Art Is My Weapon*



“I think that it definitely has to be made a law that a UD should not go on a person’s name until after you have been found guilty in court. It is horrific that you would sit up here and have a UD on my name that prevents me from moving...You would rather a person be homeless than to give them a day in court to be heard first...You shouldn’t have to be homeless to be heard.”

– Biracial, female, 36 years old

“I’ve heard bad things. He’s known as a slumlord...But against my better judgment, to not wanting to be out a place and homeless and between moving, I took the first thing. It was like a desperate situation.”

– Biracial, female, 45 years old



“There is a fear premium attached to North Minneapolis. Because what’s the stereotypical image people have of North Minneapolis? I could tell you. Bang, bang. People are afraid of it. If you tell people, I bought a property in North Minneapolis. What they say is, ‘Why would you do that?’”

– White, male, 58 year old, property manager and owner



For more visit [z.umn.edu/evictions](https://z.umn.edu/evictions)



Center for Urban and  
Regional Affairs | cura

UNIVERSITY OF MINNESOTA

# PURPOSE, SELECT LITERATURE REVIEW, RESEARCH DESIGN AND METHODS

## Purpose

Single Black mothers face the highest risk of eviction in the United States. Matthew Desmond's 2016 book *Evicted: Poverty and Profit in the American City* brought this national crisis from the margins to the center of public discourse. From 2013-2015, approximately 50% of renter households in North Minneapolis experienced at least one eviction filing, a rate that is almost 25% higher than the 55402 zip code, which experienced the next highest rate of eviction filings in the city of Minneapolis. This disparity is particularly relevant given that these two zip codes contain just 8% of all rental units in the city.\* North Minneapolis is a community manufactured to contain undesirable populations through housing discrimination, decades of urban disinvestment, unfair lending practices, and disproportionate evictions; the situation has become further exacerbated by the rise in distressed-property investment.

**\*The language on the percentage of evictions in the two North Minneapolis zip codes of the study was updated to provide additional context and clarity.**

### Evictions Glossary

- **Eviction Action:** A court action in which a landlord asks to recover possession of the apartment or rental home from a tenant.
- **Unlawful Detainer (UD):** Eviction actions were formerly known as unlawful detainers; often these terms are used synonymously.
- **Writ of Recovery & Order to Vacate:** A legal notice as a result of a ruling in favor of a landlord, in which tenants are ordered to vacate the property. A writ is served by the sheriff.
- **Expungement:** The sealing of a tenant's eviction action record by court order.
- **"Cash for Keys":** A strategy employed by landlords where they offer tenants small amounts of cash to vacate the property in an effort to avoid a formal eviction filing (Hiller 2013).
- **Distressed Property Investment:** The investment in properties that have been foreclosed upon or short-sold in lieu of foreclosure for the purpose of rental housing (Mallach 2014).
- **Limited Liability Corporation (LLC):** A type of legal business entity developed to provide business or property owners with a lower level of legal liability.

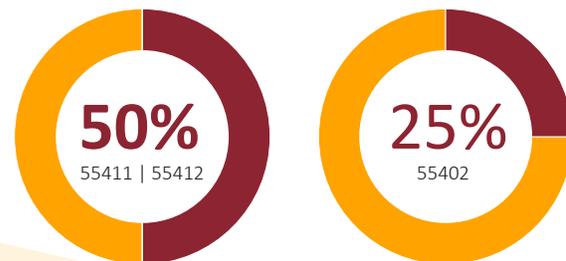
Single Black women with children living below the poverty line lead more than 60% of the Black households in North Minneapolis. As a result, 67% of residents are on some kind of county and federal government assistance, living one financial crisis away from losing their homes (Hartman and Robinson, 2003).

An eviction, also known as an unlawful detainer (UD), often elicits the vision of a sheriff knocking on a family's door with a writ of eviction and a group of workers removing and placing a family's belongings on the curb. In its narrowest form, an eviction can be described as the forced removal from someone's home. In reality, evictions in the United States are much more complex. The threat of an eviction filing or repeated eviction filings have become tools in the landlord-tenant power dynamic, even when they do not result in a tenant vacating the home (Immergluck et al., 2019). In fact only 22% (15) of tenants interviewed had a writ of removal issued (i.e., the sheriff coming to forcibly remove the tenant from the home). A more holistic definition of an eviction filing includes "any involuntary move that is a consequence of a landlord-generated change or threat of change in the conditions of occupancy of a housing unit" (Hartman and Robinson, 2003, p. 466).

The focus zipcodes 55411 and 55412 contain a dramatically disproportionate share of the city's eviction filings.



Source: Rental license data and Hennepin County Eviction Dashboard 2018



Nearly HALF of renter households in the focus zipcodes of 55411 and 55412 experienced an eviction from 2013 to 2015, nearly DOUBLE the rate in the next highest zipcode.

Source: Minneapolis Innovation Team, 2016

## Select Literature Review: Integrating the National and Local

“Lutie braced her body against the wind’s attack determined to finish thinking about the apartment before she went in to look at it. Reasonable—now that could mean almost anything. On Eighth Avenue it meant tenements—ghastly places not fit for humans. On St. Nicholas Avenue it meant high rents for small apartments; and on Seventh Avenue it meant great big apartments where you had to take in roomers in order to pay the rent. On this street it could mean almost anything.”

### The Street by Ann Petry (1946)

Black women, like Ann Petry, the first Black female novelist to sell a million copies of *The Street* in 1946, have been producing knowledge about the exploitative realities of urban America for decades. Yet, it was not until Dr. Matthew Desmond wrote the book *Evicted: Poverty and Profit in the American City*, in 2016, that policymakers across the nation began to pay attention to the issue. *Evicted* follows the lives of two landlords and eight families experiencing evictions in Milwaukee, WI, providing a nuanced ethnographic analysis of the intersections of race, gender, and poverty.

Outside of Desmond’s work, little attention has been paid to those who are impacted the most by the phenomenon of evictions. What is quite evident is that evictions severely and disproportionately impact low-income women of color, with a significant overrepresentation of Black mothers with children (Desmond, 2016; Hartman and Robinson, 2003). Hennepin County exit interviews with those making their first housing court appearance found that 67% of people surveyed identified as Black or African American and 61% were women (Citation). CURA’s *The Illusion of Choice: Evictions and Profit in North Minneapolis* project interviewed 68 tenants, 62% of whom were Black women. The impacts of being evicted are not just about housing instability and economic well-being but also social and psychological well-being (Hartman and Robinson, 2003). Additionally, Desmond suggests that evictions create a cycle that leaves low-income women and their children without access to quality housing in the future, forcing many families into periods of homelessness without quality physical and mental health resources.

Landlords are in a unique position to aid or disrupt the unequal power dynamics within a society that differentially values the voices of owners versus renters in academic literature and public policy discourse (Hartman and Robinson, 2003). Yet, the imbalance of power between landlords and tenants in the rental market is a fairly understudied component of housing instability literature (Rosen, 2014). While tenants are seeking a home for themselves and/or their families, these homes also represent investment properties for landlords (Madden and Marcuse, 2016). Although not all landlords enter into the market for the same reason, renting properties is a business proposition based on risk and reward within the housing market. In the distressed property market, landlords buy low-value



NIKKI MCCOMB

property but charge market-value rent (Desmond and Wilmers, 2019). Additionally, landlords are left balancing their motivations for entering the housing market with the risks that they associate with certain tenants and the regulation pressure of the state.

Actions taken at the federal, state, and local municipal level intersect in the landlord and tenant dynamic. The US Department of Housing and Urban Development’s (HUD) One Strike, You’re Out policy for publicly subsidized residents, led and reinforced by both the Reagan and Clinton administrations and upheld by the Supreme Court (*Department of Housing and Urban Development v. Rucker*, 535 U.S. 125, 2002) requires that tenants and/or their guests who engage in criminal activity are subject to a termination of housing benefits regardless of conviction (Johnson, 2001; Lethabo King, 2010). Across the United States, including in Minneapolis, many local municipalities have used the one-strike policy to build crime-free housing ordinances for all rental properties (Ramsey, 2018). Rental housing regulation changes such as these have created increased pressure on landlords to respond to nuisance calls as well as the misconduct of children, guests, and tenants (Swan, 2014) and, in turn, put pressure on landlords to evict tenants or their guests who have been accused of participating in criminal activity, even if the tenant had no knowledge of the activity (Ramsey, 2018).

Finally, housing courts across the nation provide little in the way of tenant protections and due process (Bezdek, 1991). Tenants face court with an overwhelming lack of representation, even though data clearly show that legal representation matters in this context. In a 2018 report entitled *Legal Representation in Evictions*, which examined the Fourth Judicial District Housing Court of Hennepin County, Grundman and Kruger (2018) found that fully represented tenants won or settled their cases in 96% of these cases, while those without any legal services won or settled only 62% of these cases. Moreover, in cases where tenants agreed to move, fully represented tenants received twice as much time to do so and were drastically less likely to have an eviction record after this agreement.

## Research Design and Methods

In July of 2016, the Minneapolis Innovation Team published a report on Evictions in Minneapolis, which was inspired by Desmond's work, with the hopes of producing data that would assist the city in the process of improving rental housing stability, quality, and access. However, the heavily quantitatively-based report was not comprehensive enough to inform concrete policy interventions, which led many of CURA's community-based partners, impacted low-income residents, and tenant rights advocates to question whether the city and state were simply sensationalizing the problem without any real intention of creating tangible policy and programmatic change.

Driven by community feedback, *The Illusion of Choice: Evictions and Profit in North Minneapolis* project aims to answer the questions of why and how the eviction trends that were highlighted in the Innovation Team's report were taking place from the perspectives of tenants and landlords themselves. CURA conducted a community-based mixed methodological research project

drawing on one-to-one meetings, in-depth interviews, and critical ethnographic observations, as well as Hennepin County housing court records and city of Minneapolis rental license records. In preparing for the project, the first step was to connect with over 30 local housing practitioners and those most affected by housing instability in North Minneapolis. The second step was to convene an Advisory Council comprising of tenants, landlords, community organizers, community-based staff members, and staff members from the city of Minneapolis as well as Hennepin County. These engagements helped frame the project.

For the project itself, a total of 100 residents (68 tenants and 32 landlords) participated. In-depth interviews were conducted with each participant who had either experienced (tenants) or filed an eviction action (landlords) in the two zip codes within the last 3 years. Interviews were transcribed verbatim and coded using constant comparison and theoretical framing from the literature.

### Tenant and Landlord Profiles

## TENANTS

#### Of 68 tenants interviewed:

-  61% (54) are **Black women**
- Average age: 44**
- 43% (30) completed **some college**
-  97% (66) had a **written lease**
- 10% (7) **negotiated** their lease
- 50% (34) participated in **underground economics**
-  59% (40) had **past experience with eviction**
- 94% (64) appeared in **housing court**
- 56% (38) did **not have an attorney** for housing court

#### At the time of eviction:

-  **average monthly rent: \$932**
- average monthly income: \$1,560**
-  72% (49) were **not in Section 8 or MPHA Housing**
- average length in home: 2.7 years**
- 2 adults and 2 children** in home, on average

## LANDLORDS

#### Of 32 landlords interviewed:

-  69% (22) are **non-Hispanic white**
- 63% (20) are **male**
- 59% (19) have a **college degree**
-  84% (27) **live outside 55411 or 55412**
-  56% (18) landlord as **primary income source**

#### Practices reported by interviewed landlords:

- 91% (29) **accept Section 8**
- 78% (25) **manage their own properties**
- 63% (20) **do their own repairs**
- 59% (19) **support expungements**
- 50% (16) **have attorney for evictions**
- 34% (11) **have budget for evictions**

Source: The Illusion of Choice interviews and intake data, CURA 2018

## Key Findings and Conclusions

Findings demonstrate distinct tenant and landlord experiences, yet similarities exist when these groups discuss the roles that social services and city/county/state policy play in their ability to be successful landlords or tenants. Landlords' self-motivations and tactics for mitigating risk, and the ways in which they exercise power (retaliation, discipline, and punitive measures), illustrate an imbalance in power, whereas tenants are trapped in a system where they are living one crisis away from eviction. Tenants are subject to the economic imperatives set forth by distressed property investors, many of whom

are not compelled to provide safe, affordable, quality housing. However, despite the obvious tension in their relationship, they agree on the inequitable and time-consuming nature of social service processes that leave tenants feeling dehumanized and both parties frustrated with the length of time it takes to receive payments. This is further exacerbated by city/county/state policies that are either components of statutes that are never enforced or discriminatory practices with little oversight and protections.

# LANDLORDS

## Motivations for Becoming a Landlord

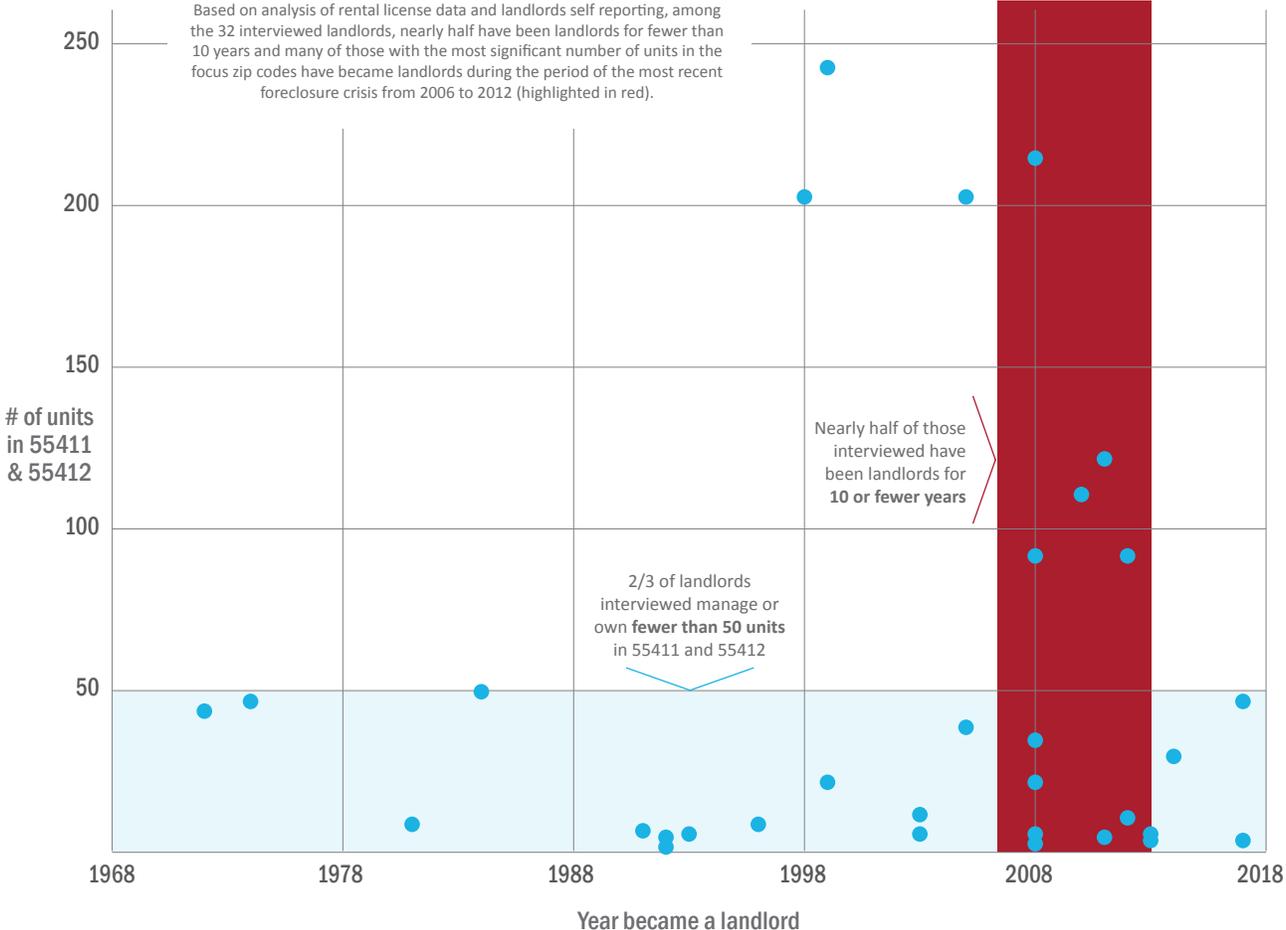
- 100% of the landlords interviewed identified cheap acquisition costs as one of the primary reasons they invested in North Minneapolis.
- Nearly half of those interviewed have become landlords in the past 10 years and one-third became landlords during the housing crisis from 2007 to 2012.
- The most common reasons cited for becoming a property manager or landlord were that they “fell into the work” because of a lack of professional experience or for investment or retirement purposes.
- Nearly two-thirds of interviewed landlords owned fewer than 50 units.

- The least common reasons cited for becoming a property manager or landlord were their careers in real estate led to rental property ownership or their entire careers involved the buying, selling, and rehabbing of properties typically with a construction or trades background.

## Strategies for Mitigating Loss

- The most common approaches used to mitigate loss by the landlords interviewed were cash for keys and mutual termination of lease by nonrenewal.
- The least common approaches used to mitigate loss by the landlords interviewed were double deposits and lack of cleanliness. Of the 68 tenants interviewed, only 16% (11) paid a double deposit, thus supporting this statement.

### Tenure as a landlord and number of units



Source: The Illusion of Choice interviews and intake data, CURA 2018 and City of Minneapolis data on active rental licenses

## Type of ownership

There are various types of ownership models for landlords to hold their properties. In interviews, some landlords acknowledged that creating and holding properties in different Limited Liability Corporations (LLCs) can better manage their risk. (“If we had a tenant get hurt and sue us, we could sell out the assets of that LLC, but still be able to continue operating.”) According to city data, the two target zip codes had significantly more properties in LLC ownership (36%) than the rest of the city (22%). Within that, the two target zip codes also have nearly twice as many properties in large entity LLCs (31%) than the rest of the city (16%).



### Ownership of properties in 55411 & 55412



### Ownership of properties in rest of MPLS



Source: The Illusion of Choice interviews and intake data, CURA 2018 and City of Minneapolis data on active rental licenses



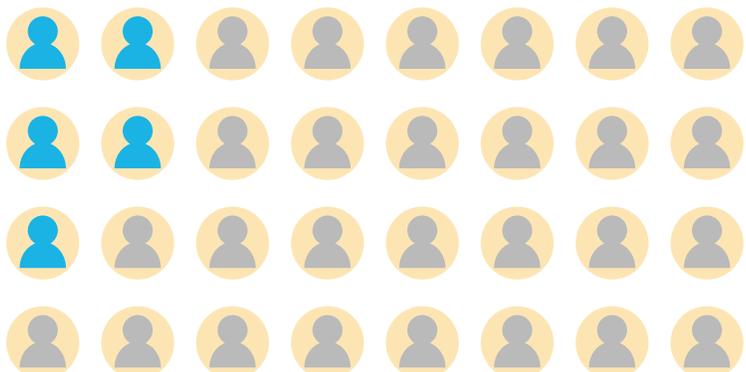
NIKKI MCCOMB

- Nearly twice as many properties in North Minneapolis were owned by large-scale LLCs (31%) compared to the rest of the city (16%). The LLC ownership structure allows landlords to shield their personal assets and makes identifying ownership and legal responsibility difficult.

## Perceptions of Tenants

- Landlords typically described their tenants using deficit-based language that often included references to high rates of unemployment, domestic violence, driving while Black, getting pregnant at a young age, grandmothers raising grandchildren, no boyfriends on the leases, tenants being majority single mothers, drugs, and intimate partner violence. These perceptions then ensure that any transactional breakdown in the relationship is understood to emanate from these presumed deficits.
- Only 5 of the 32 interviewed landlords list an address on their rental license or pay taxes on a home in the two focus zip codes. In the two focus zip codes overall, only 9% of units are owner occupied compared to 21% of units being owner occupied in the rest of the city.
- The least common way that tenants were described by landlords was through a strictly transactional lens. These rare landlords were not concerned with how tenants made money, nor did they want to get involved in their personal lives or probe into their general well-being, but simply wanted to maintain a consistent financial relationship.

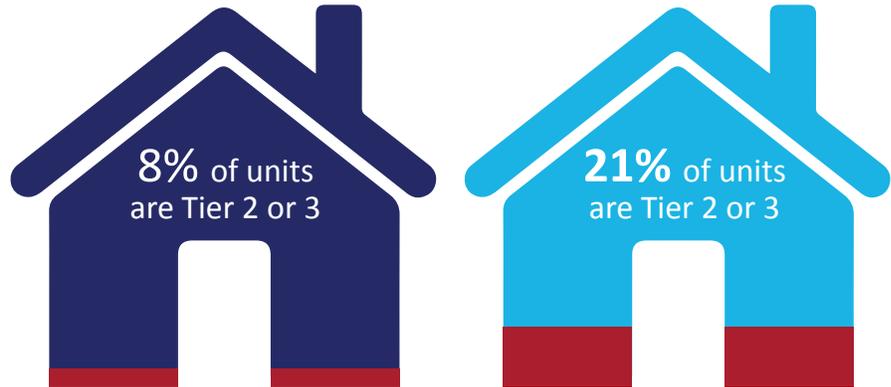
Of the 32 landlords interviewed, **only five** list an address on their rental license or pay taxes on a home **in the two focus zip codes.**



## Relationship with the City and the State

- Almost all landlords expressed vocal disdain for the “crime-free addendum” that the city of Minneapolis was forcing landlords to use to evict tenants who made too many 911 calls.
- Almost all landlords interviewed expressed a need for the Hennepin County emergency assistance process to become more efficient both in the length of time it takes to receive notification and in its ability to work directly with social workers and share information, and many noted a general lack of professionalism on the part of frontline personnel.
- Almost all landlords described *city inspections as a biased* system, stating that code enforcement differed based on the inspector assigned. Landlords described feeling like they were being treated as “slumlords” while others

Rental units are classified by Tiers, with Tier 1 being the best and Tier 2 and 3 deemed lesser quality and requiring more frequent inspection. Compared to the rest of the city, the two focus zip codes have a much higher percentage of Tier 2 and 3 rental units.



Source: City of Minneapolis data on active rental licenses

- complained about the city charging them for tenants’ actions, impacting their tier classification.
  - In the two focus zip codes, 21% of units are Tier 2 or Tier 3—of lower quality—compared to just 8% of units in the rest of the city.
- Almost all landlords felt that Housing Court and the on-site attorneys were tenant centered to the point that some landlords would do anything in their power to avoid court altogether by simply not renewing a lease or paying cash for keys.

## TENANTS

### The Illusion of Choice

When tenants were interviewed they expressed having to constantly make decisions under extreme distress. The “choices” that they had available to them were constrained by the context under which they were forced to move into the property they were evicted from and the economics of maintaining a household with limited resources.

- Only 4 out of 68 tenants selected the home they were evicted from because they actually desired to live in the property and were not forced to choose the location because of homelessness or desperation.

#### In particular:

- Of the 68 tenants interviewed, 29 said that the property from which they were evicted was their first choice of housing, and 39 declaratively stated that it was not their first choice of housing.
- Of the 29 that stated that the property they were evicted from was their first choice of housing, 25 explained that in actuality it was the only choice available, because they were



homeless, they selected the property out of desperation, or they choose the property because no one else would take their Section 8 voucher.

- 68% (46) stated that they often had to decide between paying rent or fulfilling some other financial obligation, which most commonly included paying light and water bills or car note or buying food and items for children such as clothes, shoes, and school supplies.

- At the time of the interview, 71% (48) were no longer living where they were evicted from, while 29% (20) were still living in the place where they experienced the eviction filing.
- Of the 71% of tenants who were no longer living where they were evicted from, 58% (28) were homeless.
- Of those 28 tenants who became homeless after eviction, 31% (15) were in the shelter, 15% (7) were couch surfing with family or friends, and 12% (6) were staying in their car or a motel or living on the street.
- Regardless of the outcome, 29% (20) of the 68 tenants interviewed received multiple eviction actions (more than one eviction action) from the same landlord.
- 25% (5) out of those who experienced multiple eviction filings, lived in properties managed or owned by frequent filers identified by the Minneapolis Innovation Team’s (2016) report.
- 28% (19) of the 68 tenants interviewed reported receiving some type of housing subsidy including 17% (12) Section 8 voucher holders and 10% (7) public housing residents; in a tight rental market, voucher holders face barriers to housing choice.
- Based on data provided by the Minneapolis Public Housing Authority (MPHA) 71% of eviction action filings filed between 2015-2017 resulted in paid rent with the tenant remaining in place. In alignment with this rate, 5 out of the 7 (71%) MPHA public housing residents who were interviewed remained in the same home after experiencing the filing.

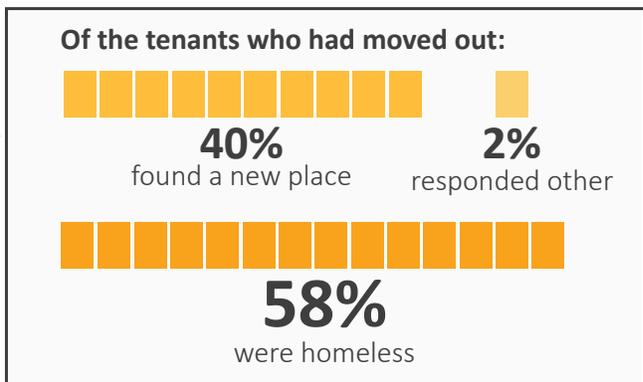
**Multiple Filings: Living in the place you were evicted from**

From the perspective of tenants nonpayment of rent was connected to the illusion of choices that they had living under economic duress, but only identifiable in the fact that 29% (20) of the 68 tenants interviewed were living in the place they were evicted from with about a third of those tenants experiencing multiple eviction filings from the same landlord, which was 10% (7) of all tenants interviewed.

Interviewed tenants said the home they were evicted from was:



At the time of their interview:



■ = 2 interviewees



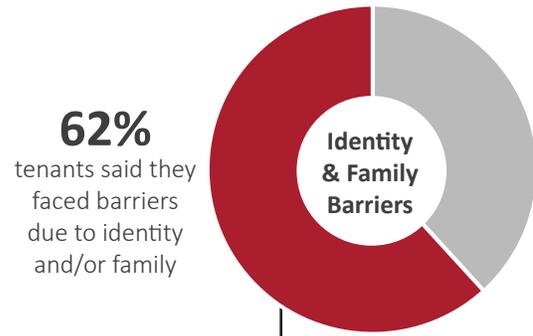
said they often had to decide between paying the rent and another financial obligation

Source: The Illusion of Choice interviews and intake data, CURA 2018

- Of the 7 public housing residents we interviewed, all were older adults (55+) who live(d) in high rise buildings that accommodate seniors and those with disabilities. All seven stated that their financial circumstances makes it so that MPHA is their only option despite the fact that most reported that their buildings are severely mismanaged.

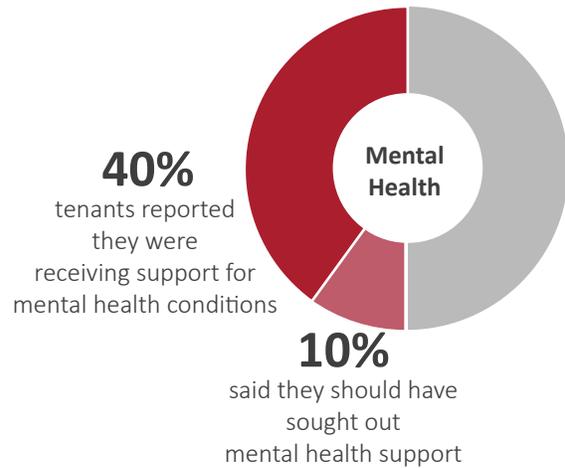
### Barriers to Attaining Safe and Affordable Quality Housing

- 62% (42) of tenants said that they faced barriers to securing safe and affordable quality housing due their identity or family structure.
- Of those 62% (42) interviewed, the top two reasons tenants named for those barriers were their race or nationality 36% (15) and their criminal background history or that of a family member 31% (13).
- 40% (27 tenants) of the 68 tenants interviewed were either receiving mental health support services or sought out mental health services as a result of their eviction.
- Of the 59% that stated they were not receiving any mental health services and did not seek them out, 10% (7) said that they should have sought out mental health services.
- Despite the deficit-based narrative presented by landlords, 57% (29) of tenants reported their primary income as work, with 21% (14) also receiving assistance (cash assistance, SSI/SSDI, or a combination).



**Top Two Identity & Family Barriers these tenants named:**

 Race or Nationality (36%)	 Criminal History - Theirs or Family Member's (31%)
---	--



Source: The Illusion of Choice interviews and intake data, CURA 2018



NIKKI MCCOMB

# THE COURTS

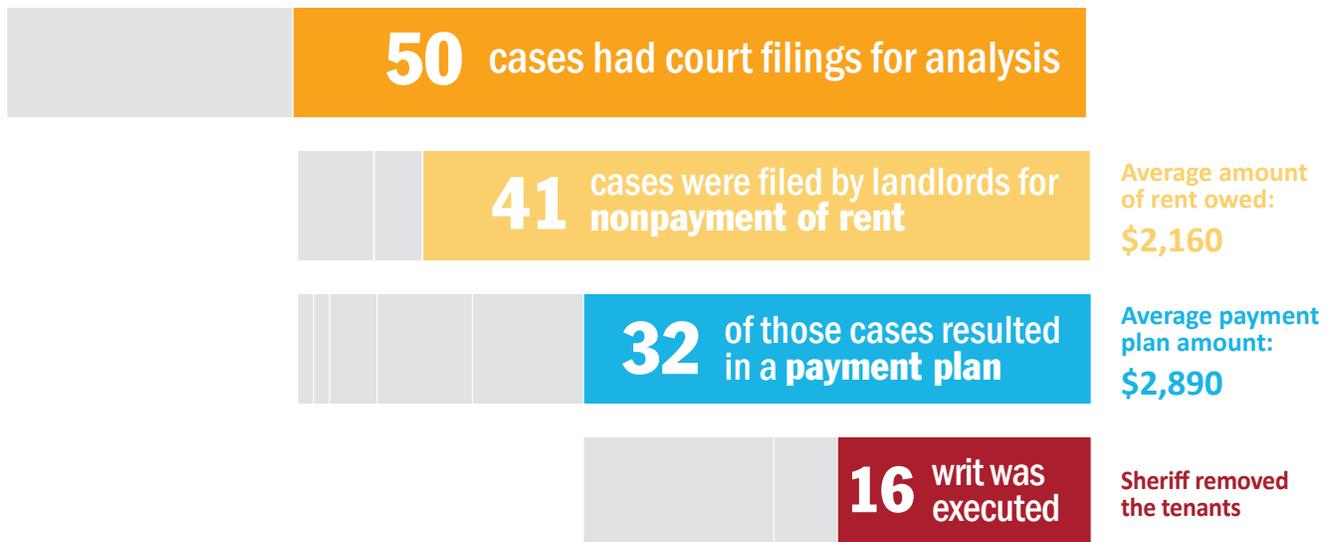
Court documents related to each interviewee’s unlawful detainer (UD) filing were reviewed for key data (when available).

- Of the 68 tenants interviewed, 50 had court filings records available for analysis related to the address discussed in their interviews..
- Of the 50 court filings, fewer than 1/3 (16) ended with an executed writ, which means the sheriff had to come to remove the tenant from the property.
- Of the 50 court filings, 6 resulted in a judgement for the landlord in the initial hearing and in 7 the tenant agreed to vacate the premises, but the vast majority (32) resulted in a

payment plan. Of those cases, 41 were for nonpayment of rent and 4 were for breaches of lease or property damage. Of the remaining cases, 3 were filed by the tenants, in 1 the tenant abandoned the property and 1 resulted in mediation.

- The average amount owed by the tenant in these courts filings was \$2,160.
- The average amount of court fee(s) passed on to the tenant was \$361.
- For those 32 tenants who agreed to a payment plan, they were given an average of 32 days to pay an average amount of \$2,889 in back rent.

## Outcomes of Court Cases



Source: Analysis of Hennepin County Housing Court cases pertaining to evictions discussed in qualitative interviews

## What’s Behind Nonpayment of Rent?

In the Minneapolis Innovation Team’s *Evictions in Minneapolis* report it states that nearly 93% of the city’s eviction filings were for nonpayment of rent. Similarly, of the 68 tenants who were interviewed, 81% (55) of their evictions were filed for nonpayment of rent. However, CURA’s research findings highlighted a need to demystify what nonpayment of rent really means from the perspective of those most impacted. From the perspective of landlords (both nonprofit and for-profit), most stated that because they cannot get the support from local law

enforcement to appear in Housing Court, particularly for lease violations, filing nonpayment of rent becomes the easiest way to get rid of “problem tenants.” What is not captured in this analysis and the existing literature, however, are the ways that nonpayment of rent is being used by many to disproportionately evade tenants’ rights to be free from retaliation. Two Minnesota laws protect tenants from retaliation by landlords. One applies when a landlord seeks to terminate a tenancy as a penalty for a tenant’s attempt to enforce rights. The other bans retaliatory evictions under the Tenant Remedies Act (TRA).

On August 3, 2018, Dorsey & Whitney, LLP, submitted an *amicus curiae* (Latin for Friend of the Court; a legal brief submitted on behalf of a party outside of a case that has expertise which may inform the case). On behalf of InquilinXs UnidXs por Justicia (“United Renters”) in support of Aaron Olson to the Minnesota Supreme Court in an appeal. The court case focused on the anti-retaliation provision of the TRA, which states that “a residential tenant may not be evicted, have their obligations increased, or have their services decreased, if it ‘is intended as a penalty for the residential tenant’s or housing related neighborhood organization’s *complaint of a violation.*” A “complaint of a violation” refers to a complaint on behalf of a tenant regarding landlord housing code violations or unaddressed issues with the property. However, the Court of Appeals constructed a limited and exclusionary definition of what legally constitutes a “complaint of a violation”: it would constitute solely complaints filed in court with the intention of civil actions to be taken against the landlord.

Dr. Brittany Lewis was sought out for her research findings and proceeded to analyze the 38 tenant interviews that had been completed at the time and wrote an official declaration for the *amicus curiae*. Of the 38 tenants that she interviewed as a component of this study, 11 of them had “experienced what the tenant perceived to be a form of retaliation by their landlord in response to the tenant complaining about an issue with their housing arrangement,” and 5 of these individuals reported specifically that their landlord filed an eviction action shortly after they reported a problem with their housing (through the city’s Inspections Department). In addition, due to deplorable living conditions, landlords often make informal verbal arrangements for late rental payments. However, these verbal agreements would be immediately broken with an eviction action being filed by the landlord if and when the tenant called the Inspections Department. Under the Court of Appeals’ interpretation, the tenant would only be protected under section 504B.441, if the tenant filed a lawsuit. Dr. Lewis notes that under the Court of Appeals’ interpretation of what entails a “complaint of violation,” Minnesota’s retaliation would only get worse—“unscrupulous landlords would be emboldened to retaliate against complaining tenants, landlords would be incentivized to take retaliatory actions at the first sign of a complaint (to head off a possible retaliation defense), and a chilling effect would result in more tenants choosing to live in unhealthy conditions instead of exercising their rights to live in safe conditions free from discrimination.”



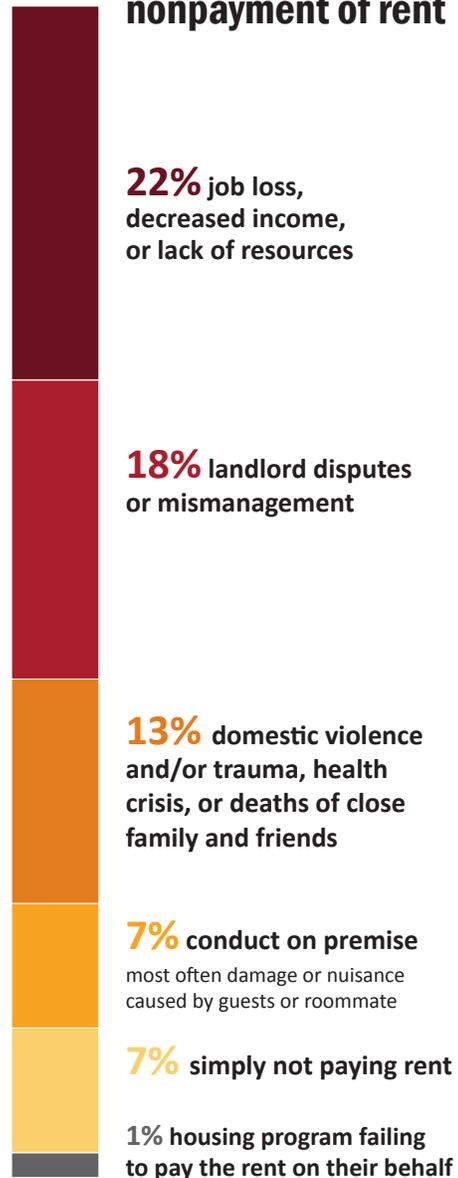
NIKKI MCCOMB

## Causes of Eviction Actions

Of the remaining 47 interviews, a majority of whose cases were filed for nonpayment of rent, tenants stated that in fact their eviction filing was spurred by other factors, challenging our common-sense notions of why tenants are finding themselves one crisis away from becoming evicted.



### Tenant-stated reasons for nonpayment of rent



Source: The Illusion of Choice interviews and intake data, CURA 2018

## Landlord Retaliation

After completing analysis of all 68 interviews, considering the anti-retaliation provision of the TRA and looking closely at those cases that fell outside its provision, we found that there is much more behind nonpayment of rent that no current data has yet to uncover.

- Of the 68 tenants interviewed, 21% (14) reported cases that could fall under the anti-retaliation provision and 10% (7) fall outside of the limiting framework of the provision but provide insight into potential gaps in the current provision. Those 7 cases were inclusive of tenants who reported retaliation, because they refused sexual advances by their landlords, landlords refused to accept payments after an agreement was made, and landlords prematurely anticipat-

ed tenants not paying due to their plans to move. Although the landlords' conduct violates the law, since they filed the evictions as nonpayment of rent cases instead of seeking to formally end the tenancies, Minnesota's anti-retaliation statutes—in their current form—do not apply.

- Even when the anti-retaliation statutes do apply, existing eviction procedures make them nearly impossible for many tenants to access. Courts have not created an accessible way for tenants to assert the defense of retaliation outside an eviction action itself. Many tenants are unwilling to take the risk of losing an eviction case in hopes they might convince the judge that the retaliation defense applies. And those who do face a confusing, extremely fast eviction process to make their cases. And there are not enough lawyers to represent them all.

## What is the Social Service Runaround?

When tenants were interviewed, it was quite common for them to describe their experience of applying for Hennepin County emergency assistance as “dehumanizing” and show emotional anguish or often cry. Interviewee(s) would go further and state that when they were in the process of applying and seeking support, they felt they were given the “runaround.” In short, the “runaround” was quite literally the process of collecting the forms, paperwork and permissions at different places, within a frame of limited information. For example, tenants were often told after the fact, that they needed a formal eviction filing to be eligible for services, forcing them to “run around” between social services, housing court and property managers to gather the paperwork needed to even apply for support services.

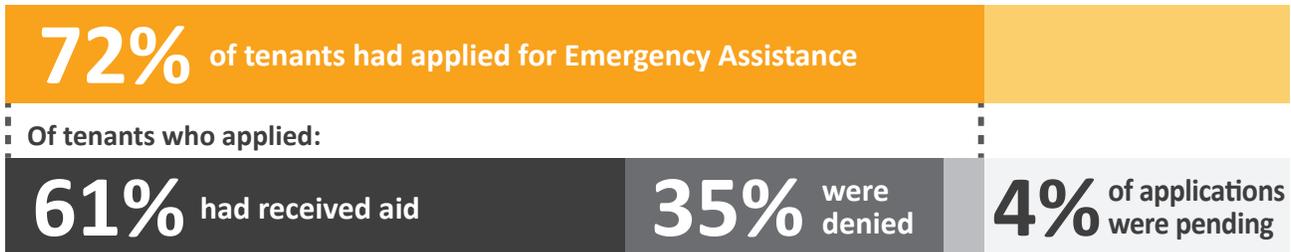
- 72% (49 tenants) of the 68 tenants we interviewed applied for Hennepin County emergency assistance.
- Of the tenants who applied for emergency assistance, 61% (30) reported receiving aid, while 35% (17) reported being denied. At the time of the interview, two tenants reported that their emergency assistance decision was pending.

## The Politics of Dehumanization

To understand the social services landscape from the perspectives of people providing and connecting residents to housing support, the CURA Evictions Research team collaborated with the Youth Participatory Action Research (YPAR) team at Juxtaposition Arts, an arts education and youth empowerment organization located in North Minneapolis. The youth-led team interviewed partners from community-based nonprofits, housing and social service organizations, religious and faith-based organizations, and Hennepin County departments. The interview data was collected and used to create an interactive simulation, *The Social Service Runaround*, aimed at cultivating a better understanding of the inefficiencies and difficulties inherent in the county's current social service systems.

The game is structured such that participants are randomly assigned to certain realities, such as “unemployed, seeking housing,” and given a checklist of tasks they must complete, such as “seek unemployment,” before the end of the game. Participants engage in the “runaround” by traveling to and from different social service offices, such as the county and human services office, while waiting in long lines to receive documen-

### At the time of their interview:



Source: The Illusion of Choice interviews and intake data, CURA 2018

tation like emergency assistance denial letters needed to obtain other services. Throughout the process, “blessing” and “curse” cards are given randomly to participants to demonstrate the *illusion of choice* that people often face when seeking services.

Recurring themes from interviews with social services navigators interviewed were:

- The intense dehumanization and despair clients feel when attempting to access (successfully or not) various parts of the social services network in Hennepin County and the short- and long-term mental health implications of UD stigma and homelessness.
- Several interviewees saw how those seeking housing with UDs on their records would have their applications denied and actively worked against this trend, interacting with applicants in good faith and not using UDs as automatic disqualifiers for housing. They named UD reform via expungement options as one route to destigmatize a pressing problem affecting tenants of color in Minneapolis.
- The education of clients about the social services system and their rights as tenants as a vehicle for personal and community empowerment.
- The need for humane and culturally appropriate services and interactions between tenants and their families with landlords, property managers, and county social services employees.



The Social Service Runaround game was designed by the Youth Participatory Action Research (YPAR) team at Juxtaposition Arts in collaboration with the CURA evictions research team

JUXTAPOSITION ARTS

- Many interviewed named retaliatory landlords and landlords with eviction rates higher than 50% as a particular concern because of the trauma involved in repeated negative interactions and turnover of affordable housing to investment firms that do not retain affordable units.
- A moral reorientation of social services is a necessary first step to ensure housing stability for Minneapolis residents.
- Numerous interviewees discussed how their social services organizations placed relationship-building with tenants as a major component of their work to ensure tenants’ stability and comfort, with much success in regard to keeping evictions and tenant turnover low.

## Informal Evictions

### An Understudied Phenomena

- Similar to other eviction research projects (Desmond, 2012), quantifying formal eviction actions may obscure the reality of lease terminations between landlords and tenants in North Minneapolis. As one of the landlords noted, “I try to do the mutual agreement first, again, to avoid the cost of the eviction and knowing the impact on the family. Also, if the family has a Section 8 voucher, an eviction can impact their voucher. Not always, but sometimes.” Both tenants and landlords gave us an insight into the reality of informal evictions in North Minneapolis:
- 6% (4) of the 68 tenants interviewed described informal evictions, meaning that they did not receive a formal eviction filing and did not appear before a Housing Court judge but were required to vacate the property without due process. (Rate may be significantly skewed toward formal eviction actions due to the sampling framework of this project.)
- 81% (26) of the 32 landlords interviewed noted the use of mutual termination in an effort to evict tenants without involving an eviction filing. Across the group, some landlords noted the rare use of mutual terminations, one landlord about 50% of the time, and a number of landlords pursue a mutual termination almost every time.

# POLICY RECOMMENDATIONS

A final step in elevating the expertise and power of our project participants, who we see as co-producers of knowledge, was to ensure that the perspectives of those individuals and families who are directly impacted by eviction actions are centered in the report's policy recommendations to local government, housing practitioners, developers, and tenant advocacy organizations. To do this, the CURA Evictions Research team reviewed eviction policy literature while working with project participants, community activists, local community leaders, and current policymakers to gather the relevant insight and information necessary to make informed recommendations. A three-part process guided the creation of the CURA evictions policy recommendations: (1) a review of all interviews to analyze policy recommendations that arose from stories shared by tenants, property managers, and landlords; (2) an analysis of current policy proposals in Minnesota regarding evictions at the city, county, and state levels; and (3) an assessment of tenant and landlord perspectives on current policy proposals. The CURA Evictions Research team choose what they deemed the most pressing and winnable policy and programmatic issues to highlight. As such, this is not a comprehensive documentation of all the reforms that must and should take place to mitigate the disproportionate reality of evictions in Hennepin County.

## **Policy Recommendation #1: Lengthening of Evictions Process**

We recommend extending the length of the eviction process. Minnesota has one of the fastest court eviction processes in the country. Under current law, a landlord can file an eviction the first day rent is overdue. An initial hearing is held between 7 and 14 days after the landlord files the case (Minn. Stat. § 504B.321). If the case is not resolved at that hearing, the tenant faces a full trial, which the court schedules for a maximum of 6 days out (Minn. Stat. § 504B.341). According to the Minneapolis Innovation Team's report, on average, eviction filings are closed in 14 days, with over 90% closed within 30 days. The rapid nature of the process leaves minimal time for tenants, Legal Aid, and emergency assistance to garner the resources necessary to resolve or mitigate the consequences of an eviction action.



**"If the notice is for eviction, and the landlord does not have a 'just cause' for the eviction, the landlord should give the tenant a 30-day notice from the date the rent is paid on, to move. Nothing less." (Black, female, 55 years old)**

## **Policy Recommendation #2: A Human-Centered Timely Approach to Emergency Assistance**

We recommend a revisioning of the social services model utilized in the emergency assistance (EA) and emergency general assistance (EGA) programs. It is imperative that the revision center on culturally relevant service as well as a reduction of time spent processing EA/EGA requests aligned with the Housing Court eviction process. Ensuring that the EA/EGA system is redesigned using a culturally relevant approach that centers the needs of each individual and/or family while reducing the requirements placed on tenants to determine qualification. Additionally, due to the rapid nature of the eviction action process, the timeline of EA/EGA application and appeal response needs to be shortened. We recommend the redesign process have an open and transparent community engaged process for collecting feedback from those most impacted by the EA/EGA program and includes diverse partner organizations and advocates.



**"I wish that the system was more humane for people to have some kind of dignity, somewhere along the way. It'd be okay with asking for help, and not having so many doors shut in your face. And all the hoops you have to jump through, with the county, trying to get assistance. And then find out that you don't get it. Why the hell does that take so long?" (Black, female, 50 years old)**

## **Policy Recommendation #3: Ending Self-Pay at County Shelters**

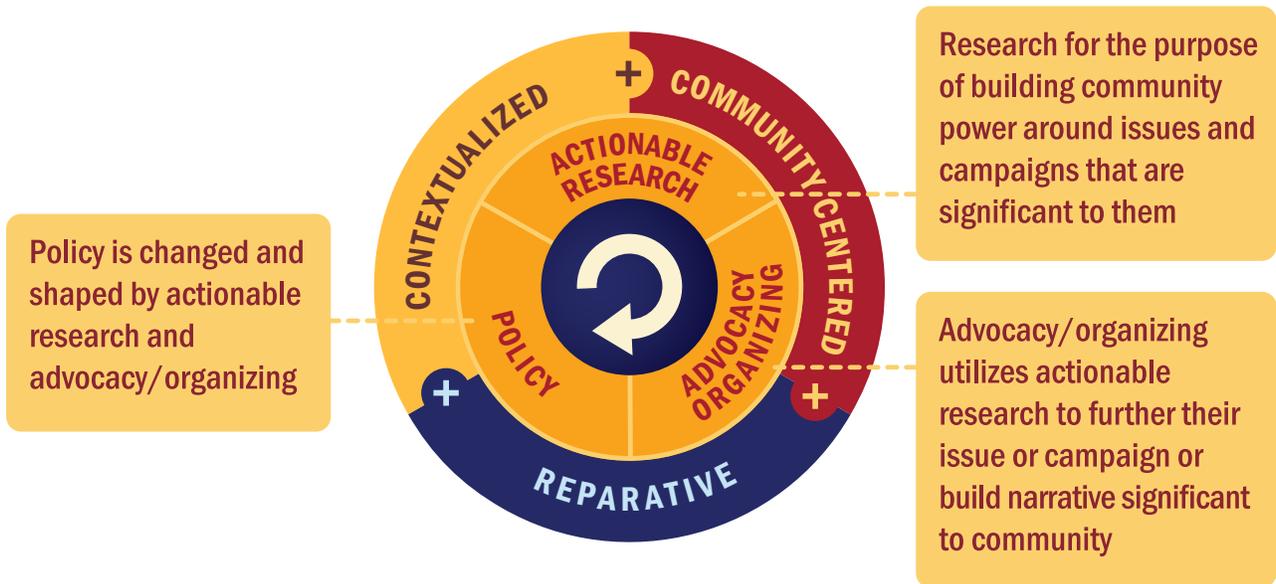
We recommend ending the county's policy on self-pay at shelters to enable shelters to develop and implement asset-building and empowerment programs for shelter guests. The relevant statutes require shelter guests to exhaust all available resources to address their emergency. However, many tenants interviewed discussed the paradox of being evicted because they did not have enough money to pay rent only to enter into a shelter system that required them to pay-per-bed. Ending self-pay will allow shelters to play a positive and empowering role for distressed shelter guests through asset-building and financial education programs.



**"They were paying two, three thousand dollars a month for the shelter, but was taking more money than that from me. If they woulda just let us save that money for one month, we woulda been outta there the first month." (Black, male, 28 years old)**

## Understanding Dr. Brittany Lewis's Actionable Research Model

### CURA's Research Model and Racial Equity Framework

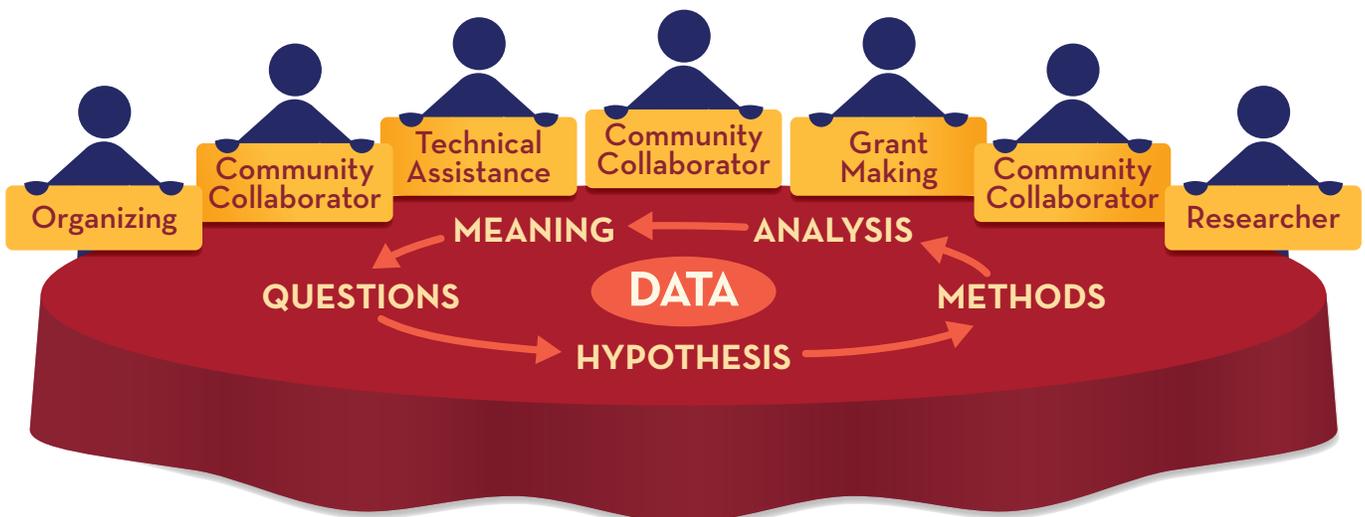


There is power in defining research questions and in controlling the production of knowledge. When research is done in communities of color and low-wealth communities, a power imbalance often exists between researchers and community-based organizations that must be disrupted. Community-engaged action research values community knowledge and people's lived experiences. It reflects meaningful collaboration between academics, advocates, policymakers, service providers, and impacted communities. It leads to more robust and holistic data,

more effective policy solutions, and stronger community action. When we use a community-based action research model, community members are not the subjects of research—they are the co-producers of knowledge. Dr. Brittany Lewis employs an actionable research model that uses a mixed methodological research approach to: (1) build community power, (2) assist local grassroots campaigns and local power brokers in reframing the dominant narrative, and (3) produce community-centered public policy solutions that are winnable. This model relies heavily on the

development of reciprocal relationships across sectors that embrace an open process where the collective develops shared understandings for the purpose of creating social transformation. This actionable research model embraces a racial equity framework that asserts that we must: (1) look for solutions that address systemic inequities, (2) work collaboratively with affected communities, and (3) add solutions that are commensurate with the cause of inequity.

### Shared Expertise: Live-in Model of Research



# ACKNOWLEDGMENTS

## JUXTAPOSITION ARTS, YOUTH PARTICIPATORY ACTION RESEARCH (YPAR)

Adrienne Doyle, Lead Facilitator

## JUXTAPOSITION ARTS YPAR YOUTH APPRENTICES

Elijah Buchanan, youth  
Taisia Cleveland, youth  
Bird Coulter, youth  
Dara Crawford, youth  
Tatiyana Gross, youth  
Justice Jones, youth  
Ky'Mari Love, youth  
Sage Mack, youth  
Makeda Parrish, youth

## EVICCTIONS RESEARCH PROJECT ADVISORY COUNCIL

Jennifer Arnold, InquilinXs UnidXs por Justicia  
Bob Bono, Alliance Housing, Inc.  
Christopher Ervin Brown, tenant  
Lucretia Brown  
Elizabeth Glidden, Minnesota Housing Partnership  
Luke Grundman, Mid-Minnesota Legal Aid  
Eric Hauge, HOME Line  
Jewelean Jackson, tenant  
Shanika Henderson, tenant  
Julianne Leerssen, City of Minneapolis  
Lael Robertson, State of Minnesota  
Rosalind Sullivan, Attorney  
Carolyn Szczepanski, The Alliance  
Zoe Thiel, City of Minneapolis  
Lisa Thornquist, Hennepin County  
Jonathan Williams-Kinsel, City of Minneapolis

## ARTIST-IN-RESIDENCE

Nikki McComb, Art Is My Weapon



JONATHAN MILLER

## EARLY ENGAGEMENT PARTNERS

InquilinXs UnidXs por Justicia  
HOMELine  
Mid-Minnesota Legal Aid  
Minneapolis Promise Zone  
Hennepin County Courts  
Minnesota Multi Housing Association  
Urban Homeworks  
Project for Pride in Living  
AEON  
Northside Achievement Zone  
Minneapolis Public Housing Authority  
Neighborhood Hub  
Northpoint  
People Serving People  
Community Action Partnership  
City of Minneapolis, Regulatory Services  
Stairstep Foundation  
1 Family, 1 Community  
Minneapolis Public Schools  
Faith leaders across 55411 & 55412  
St. Stephens Human Services  
Black Women's Wealth Alliance

## CURA STAFF

Jonathan Miller  
Kristen Murray  
Katie Hare

## Funders

