

THE ILLUSION OF CHOICE: Evictions and Profit in North Minneapolis

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“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



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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.

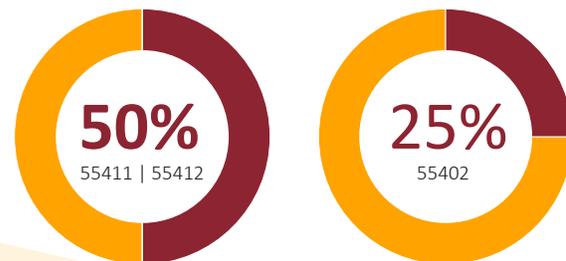
Single Black women with children living below the poverty line lead more than 60% of the Black households in North Minneapolis. As a result, 67% of residents are on some kind of county and federal government assistance, living one financial crisis away from losing their homes (Hartman and Robinson, 2003).

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



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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

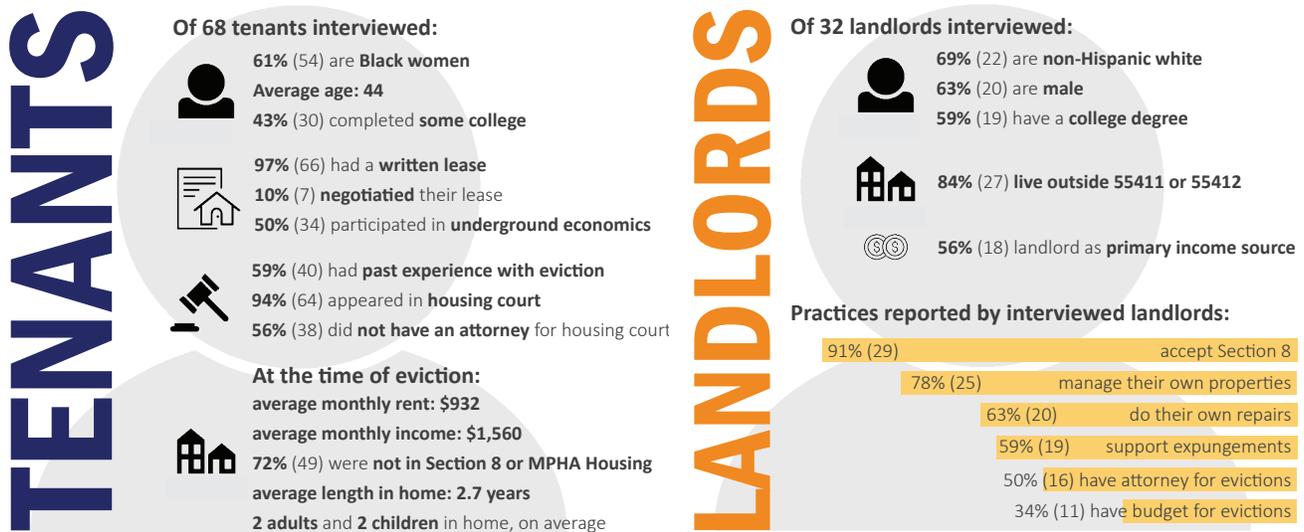
In July of 2016, the Minneapolis Innovation Team published a report on Evictions in Minneapolis, which was inspired by Desmond's work, with the hopes of producing data that would assist the city in the process of improving rental housing stability, quality, and access. However, the heavily quantitatively-based 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



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

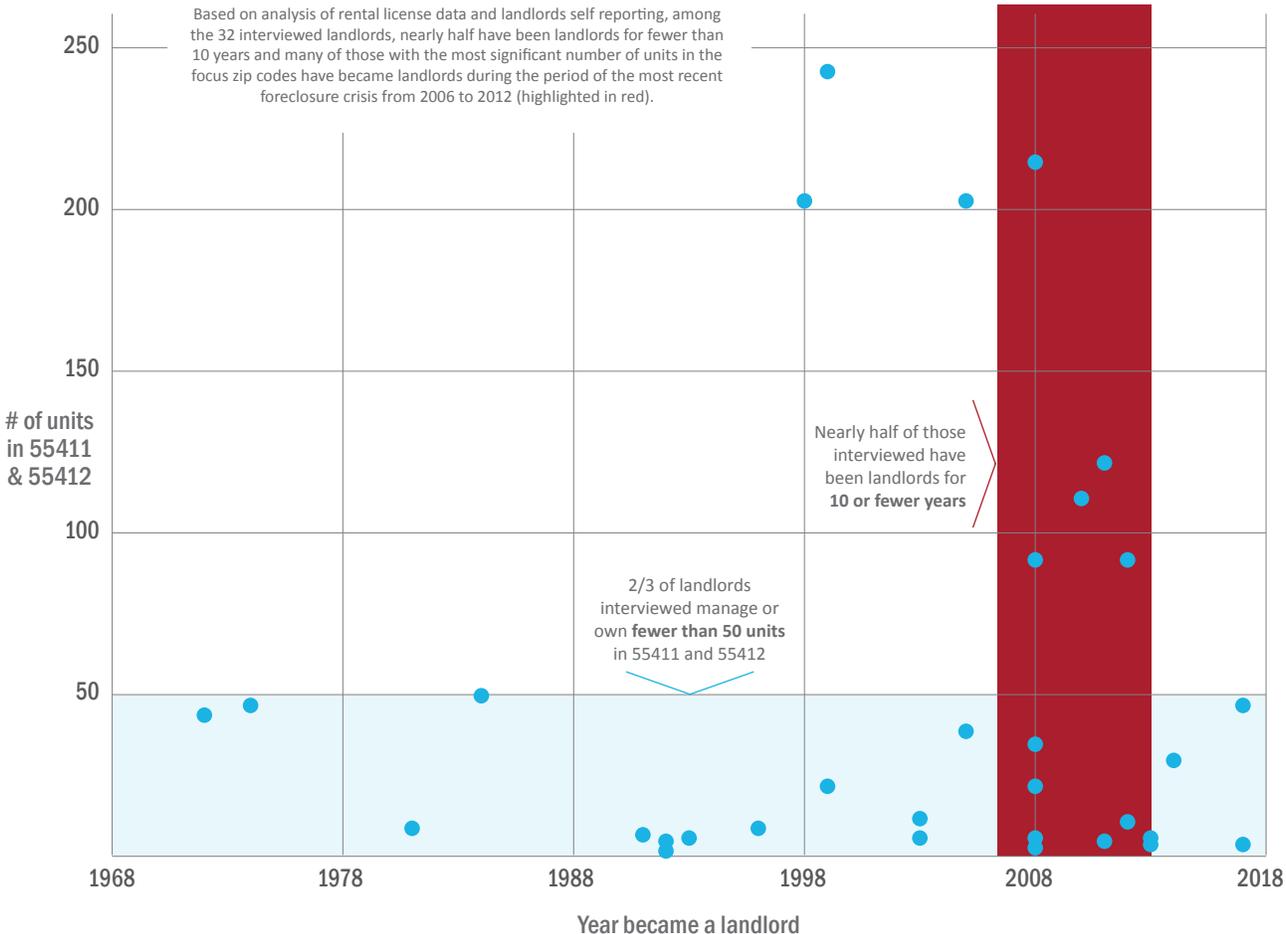
- 100% of the landlords interviewed identified cheap acquisition costs as one of the primary reasons they invested in North Minneapolis.
- Nearly half of those interviewed have become landlords in the past 10 years and one-third became landlords during the housing crisis from 2007 to 2012.
- The most 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



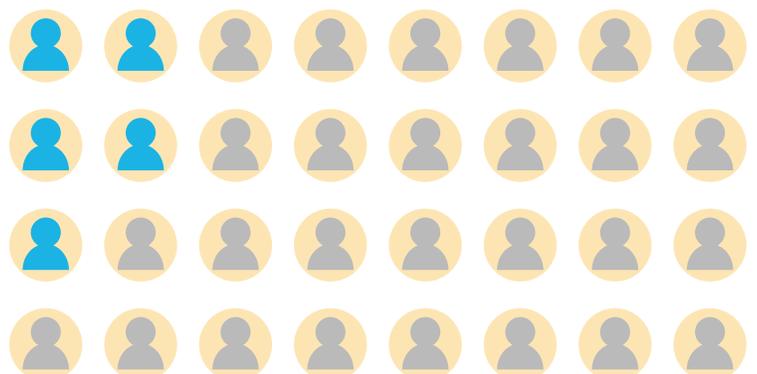
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- Nearly twice as many properties in North Minneapolis were owned by large-scale LLCs (31%) compared to the rest of the city (16%). The LLC ownership structure allows landlords to shield their personal assets and makes identifying ownership and legal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

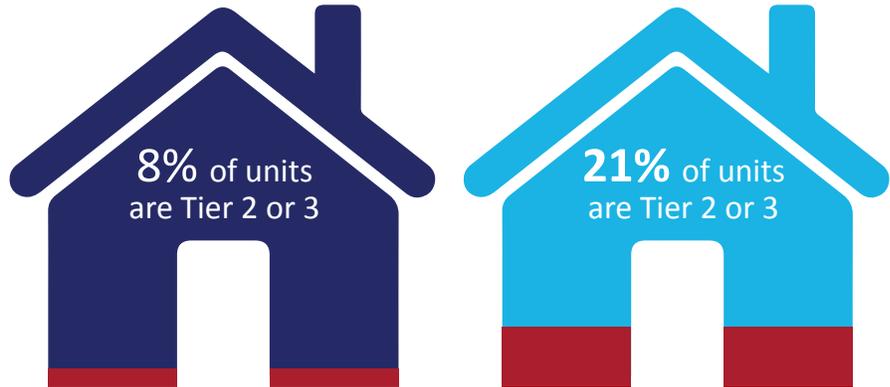
Of the 32 landlords interviewed, **only five** list an address on their rental license or pay taxes on a home **in the two focus zip codes.**



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



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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.

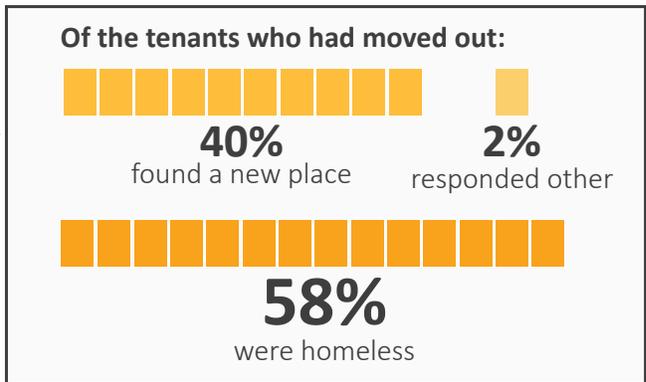
Multiple Filings: Living in the place you were evicted from

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



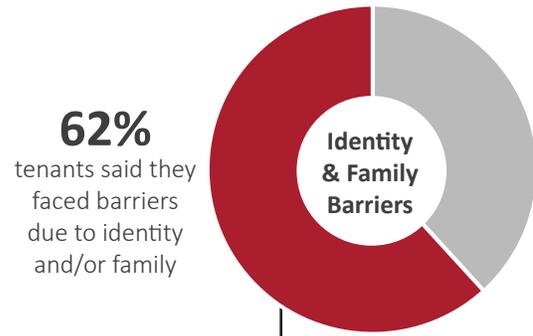
said they often had to decide between paying the rent and another financial obligation

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.

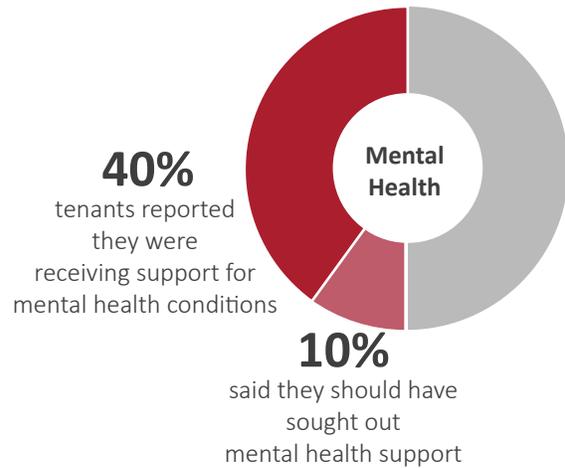
Barriers to Attaining Safe and Affordable Quality Housing

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



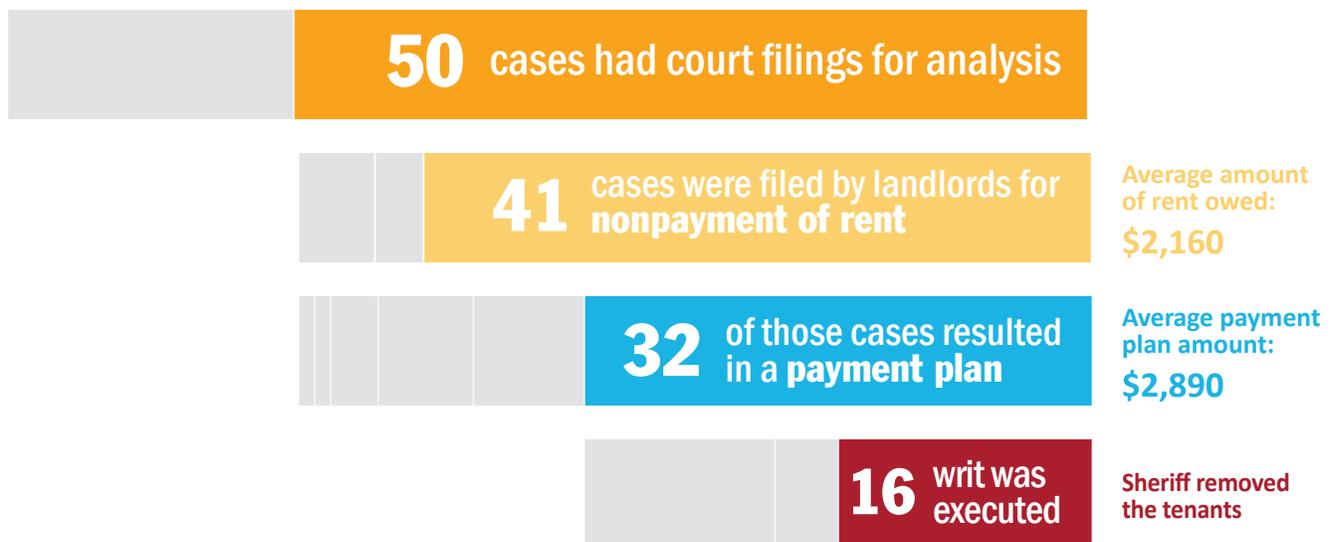
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THE COURTS

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.”



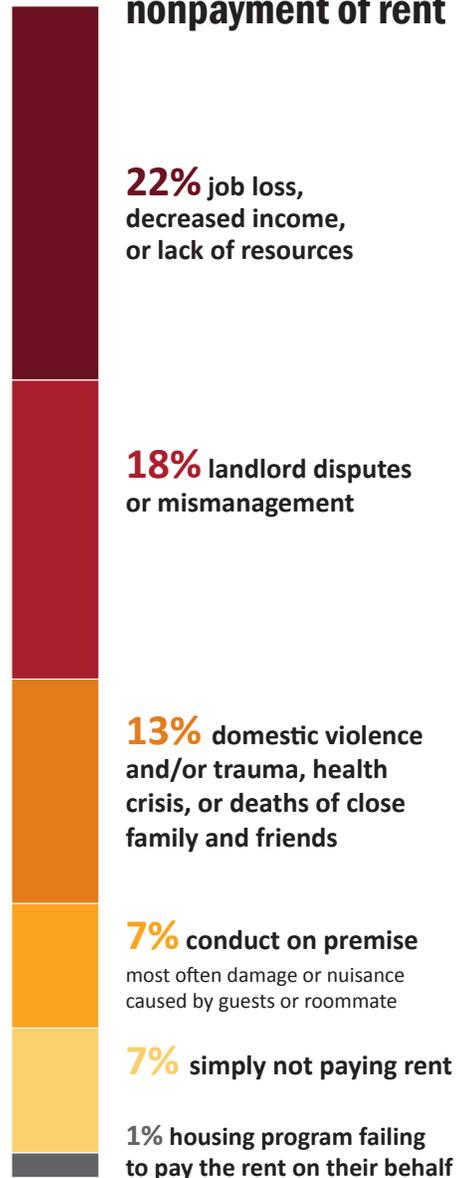
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Causes of Eviction Actions

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.

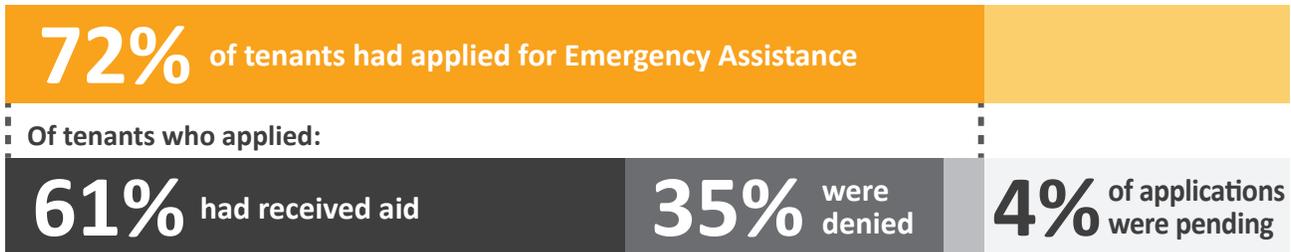
- 72% (49 tenants) of the 68 tenants we interviewed applied for Hennepin County emergency assistance.
- Of the tenants who applied for emergency assistance, 61% (30) reported receiving aid, while 35% (17) reported being denied. At the time of the interview, two tenants reported that their emergency assistance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

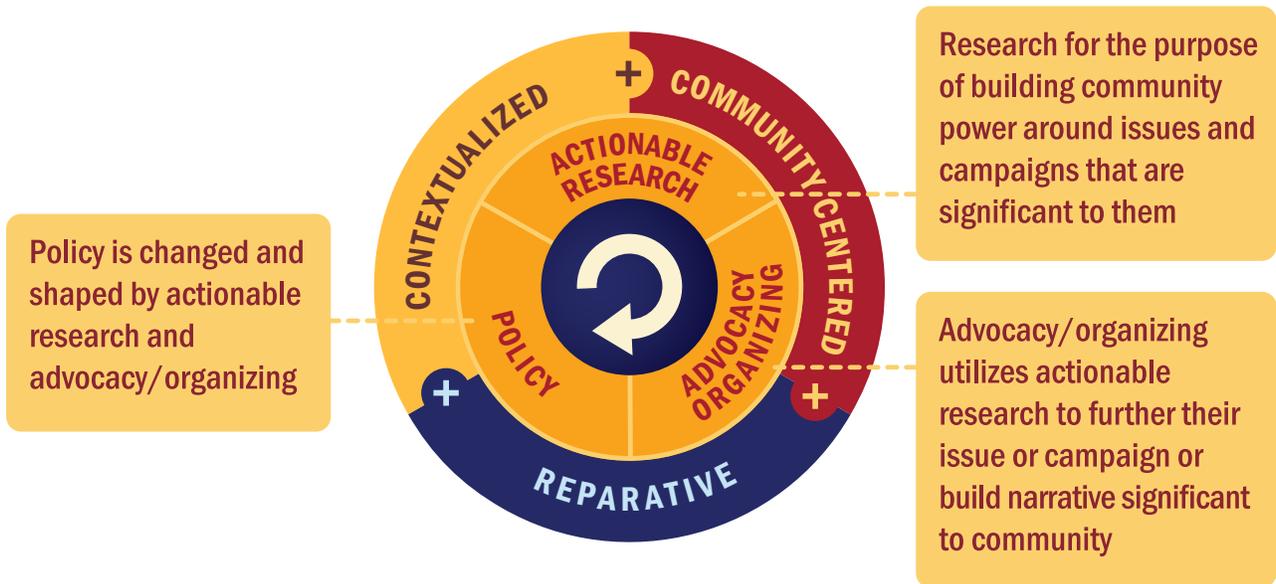
We recommend ending the county's policy on self-pay at shelters to enable shelters to develop and implement asset-building and empowerment programs for shelter guests. The relevant statutes require shelter guests to exhaust all available resources to address their emergency. However, many tenants interviewed 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

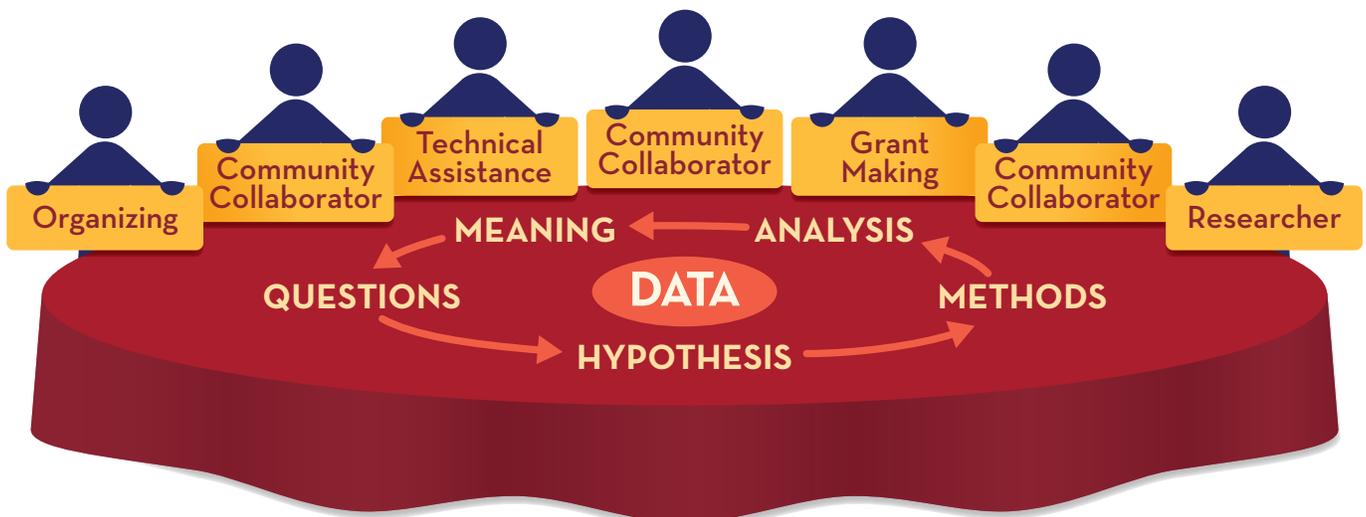


There is power in defining research questions and in controlling the production of knowledge. When research is done in communities of color and low-wealth communities, a power imbalance often exists between researchers and community-based organizations that must be disrupted. Community-engaged action 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



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AEON
Northside Achievement Zone
Minneapolis Public Housing Authority
Neighborhood Hub
Northpoint
People Serving People
Community Action Partnership
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Stairstep Foundation
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Minneapolis Public Schools
Faith leaders across 55411 & 55412
St. Stephens Human Services
Black Women's Wealth Alliance

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The Illusion of Choice

Evictions and Profit in North Minneapolis

"The Illusion of Choice: Evictions and Profit in North Minneapolis" full report

Introduction to Project

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 years old, property manager and owner)

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)

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)



photo by Nikki McComb

What must we understand about the intersection of affordable housing, economics, and Black women in North Minneapolis?

North Minneapolis is experiencing the social crisis of evictions. The neighborhood is designated as a racially concentrated area of poverty. It was created after decades of disinvestment and neglect from radical de-industrialization, White flight, racially segregated public housing, redlining, and blockbusting by unscrupulous real estate agents supported by Federal Housing Administration (FHA) mortgage policies and practices. Today, North Minneapolis is described as a place to “escape from” because of its popular depiction as a dilapidated inner-city community riddled by Black poverty, high unemployment, poor-performing schools, oppressive policing, and segregated housing, which have endured over time. Both strategic city and state policies and racial prejudice have created a highly segregated portion of the city with one of the worst achievement and unemployment gaps between Blacks and Whites in the nation.

Black women in Minnesota, and North Minneapolis more specifically, are faced with an economic crisis that has gone unaddressed for far too long. A study completed by Algernon Austin of the Economic Policy Institute called *Uneven Pain—Unemployment by Metropolitan Area and Race* found

that in 2009, during the height of the recession, the Black unemployment rate in Minneapolis and Detroit was over 20%. In the case of Minneapolis, the Black unemployment rate was three times the White rate. In March of 2011, Randy Furst with the Minneapolis *Star Tribune* confirmed these statistics by reporting that the Black jobless rate in the Twin Cities was at 22%, 3.4 times the White rate of 6.4%. However, the disaggregation of the data by sex shows that at the height of the economic recession, Black women's unemployment in the state of Minnesota was slightly higher than that of Black men. Additionally, 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 (Lewis, 2015).

Housing is at the center of family stability. Currently, the city of Minneapolis is experiencing a housing crisis with a 4% vacancy rate, causing families to confront a challenging housing market where rent has increased 28% across the Twin Cities since 2007, disproportionately impacting Black women and their families.

Why does CURA do this work, and why is it important to center the voices?

At CURA we believe that fair housing is about choice. We believe that all people should have full and equal access to the housing market, with the option to live in the communities they desire. In the case of North Minneapolis, we believe that despite the popular fair housing rhetoric, communities of color see value in their neighborhood and resist the stigmatization that claims their communities are only places to escape from. Rather, North Minneapolis residents are proud of their communities. The challenges that exist are a result of housing discrimination, decades of urban disinvestment, unfair lending practices, disproportionate evictions, the racism behind differential social services, and the realities of poverty and unemployment. These exploitative systemic realities are why some from the community might decide to disengage, even if they continue to see the value in their neighborhood. As such, it is critical that we center the voices of those most impacted by our discriminatory housing practices, because they are the experts on housing injustice in this country.

What is the problem?

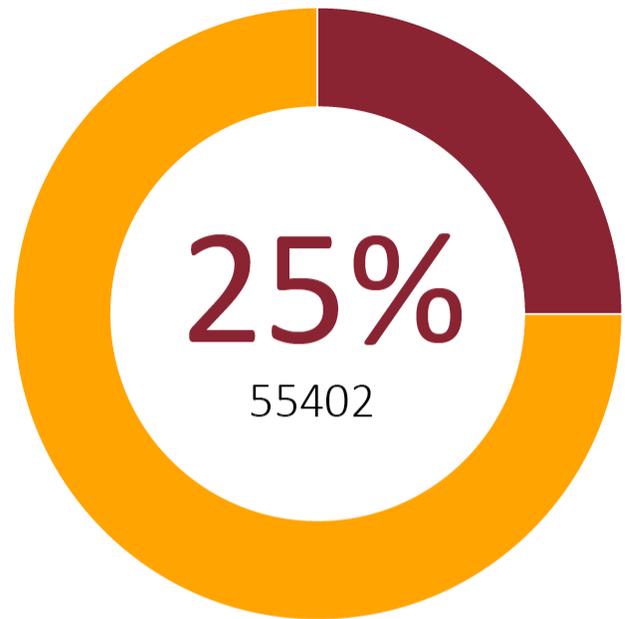
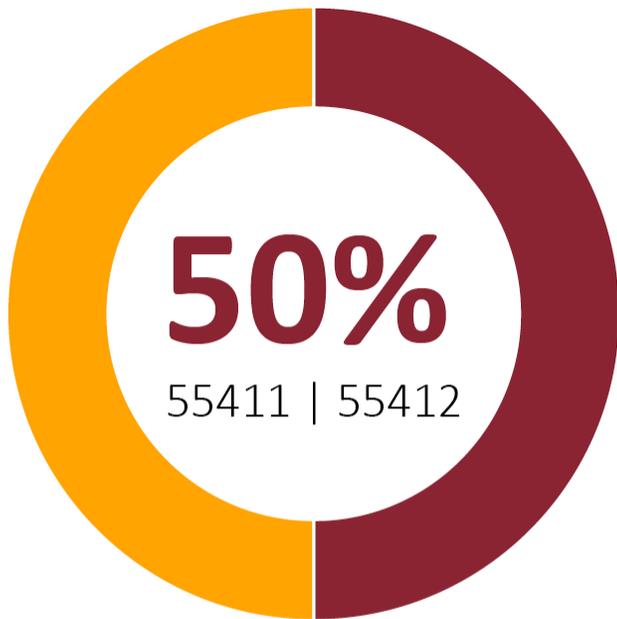
In July of 2016 the Minneapolis Innovation Team's *Evictions in Minneapolis* report found that from 2013-2015, approximately 50% of renter households in North Minneapolis experienced at least one eviction filing, a rate that is almost 25% higher than the 55402 zip code, which experienced the next highest 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, that an eviction action stays on a tenant's record for an average of 7 years, and that a tenant is four

times less likely to use homeless shelters if they had legal representation (Minneapolis Innovation Team, 2016). An exit survey conducted in the summer of 2017 by Hennepin County staff from the Office of Housing Instability at Housing Court found that Black women are disproportionately affected by evictions (55%), which further supports Dr. Matthew Desmond's claim that if incarceration has come to define the lives of men from impoverished Black neighborhoods, eviction is shaping the lives of Black women (Desmond, 2012; 2016). An eviction action, commonly known as an unlawful detainer (UD), is now akin to having a criminal background, preventing Black women from attaining safe and affordable housing for themselves and their families.

The focus zipcodes of 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

These trends, disproportionately represented in certain zip codes, require us to consider different approaches and ask different questions to analyze the realities of renters. Yet renters are often overlooked in quantitative data analysis, in part because of the lack of individualized data available through tools such as US Census data. To isolate renters, we cross-analyzed national Evictions Lab and Equifax Credit data, where we made a distinction between nonmortgage holders and mortgage holders. This data illustrated a clear disparity between eviction filings by zip codes and shares of credit risk scores, alluding to disproportionate filing practices across low-wealth neighborhoods compared to nearby affluent neighborhoods.

The blue line in the figure is what you would expect to see for the average rate of eviction filings based on credit risk scores across the Minneapolis, St. Paul, and Bloomington areas. The zip code 55408, a more affluent area with a higher rental population (noted by a larger circle) extending from Uptown to Powderhorn Park in Minneapolis, represents what one would expect to see for eviction filings versus credit risk score. Two of the other zip codes highlighted, 55106 and 55119 on the Eastside of St. Paul, represent areas with higher risk yet fall close to the expected eviction filing. However, the filing rates for North Minneapolis, specifically 55411 and 55412, which have lower renter populations compared to the 55408 zip code, deviate significantly from what would be expected. Beyond the scope of this report, 55429 in Brooklyn Center was identified as an

extreme outlier. This illustrates the potential for outlier filing behavior in the two North Minneapolis zip codes.



Source: FRBNY Consumer Credit Panel/Equifax. Data analyzed by Michael Williams, Federal Reserve Bank of Minneapolis

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).

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-saled 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.

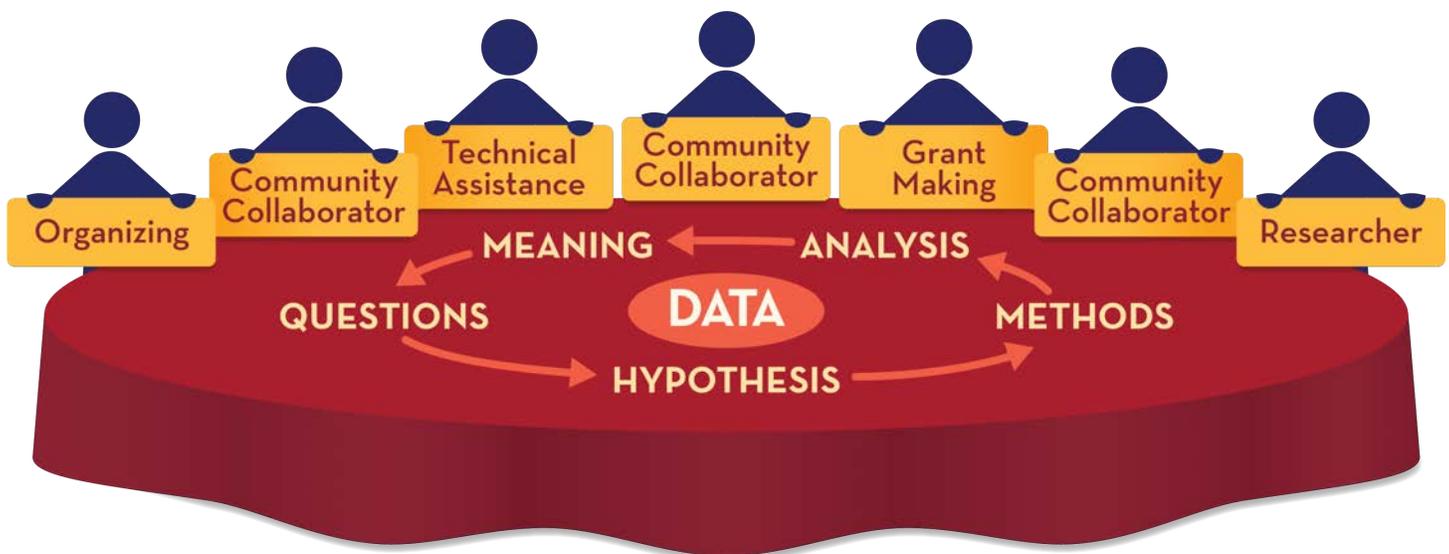
For low-income people and people of color across the country and in Minneapolis, evictions pose a significant barrier to accessing and maintaining quality, stable housing. Not only is a forced move destabilizing for households but having an eviction (i.e., UD) on your rental record is also a major barrier to accessing future housing, especially when the available Naturally Occurring Affordable Housing (NOAH) is often of lower quality. Single Black mothers face the highest risk of eviction in the United States (Desmond, 2012; Hartman and Robinson, 2003). Housing instability and displacement puts these women and their families at risk for a myriad of social, political, and economic hardships. Mothers who experience eviction and housing displacement are much more likely than their housing-stable counterparts to experience negative health outcomes, not only for themselves but their children. (Desmond and Kimbro, 2015).

Why an actionable research study on evictions in North Minneapolis?

CURA and its community partners value the quantitative research study by the Minneapolis Innovation Team in 2016, but we collectively found that it did not answer the critical questions of *why* and *how* these trends were taking place from the perspectives of tenants and landlords themselves. Senior Research Associate Dr. Brittany Lewis's actionable research model stays committed to the idea that the only way to successfully develop public policy solutions and innovative programmatic interventions is to center the voices of those tenants that are most

negatively impacted by evictions and the landlords investing in these local communities, because they are our most valuable sources of knowledge in the study of evictions.

Researchers committed to community-engaged action research must fundamentally believe that the communities we work with are the experts on their own realities. This is particularly important for low-income Black women, whose knowledge of the social, political, and economic world has been deemed unimportant and irrelevant (Stabile, 2006). Popular media and elected officials regularly shame and blame low-income Black mothers for their experiences of poverty. This is evidenced in derogatory popular images such as the “welfare queen” and inscribed in policy “reforms” that aim to discipline the poor (Alexander-Floyd, 2007; Hancock, 2004; Jordan-Zachery, 2009). Community-engaged action research values community knowledge and people’s lived experiences. The model reflects meaningful collaboration between academics, advocates, policymakers, service providers, and impacted communities. Additionally, 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.



Shared Expertise: Live-in Model of Research

In 2017, under the leadership of Dr. Lewis, CURA launched an in-depth qualitative research study of evictions in North Minneapolis with the local community as co-collaborators. The purpose of the project was twofold: (1) to gain a clearer understanding of housing composition and stability over time, as well as various income streams of tenants who have experienced an eviction filing, to help better inform the development of targeted interventions, needs, and policy prescriptions and (2) to gather data to better inform the ways that the city and state can work with landlords as partners in community building. Dr. Lewis and her team utilized a community-engaged actionable research model that aims to use research to:

- build community power;
- assist local grassroots campaigns and local power brokers in reframing the dominant narrative;
- produce community-centered public policy solutions that are winnable.

This model relies heavily on building 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:

- look for solutions that address systemic inequities;
- work collaboratively with affected communities;
- add solutions that are commensurate with the cause of inequity.

For *The Illusion of Choice* project, CURA and its community partners co-developed an in-depth qualitative research project that included 100 tenant and landlord interviews in the 55411 and 55412 zip codes in North Minneapolis. In conjunction with a number of supportive, actionable research strategies and tools, the project not only created primary source data on evictions but also used that data as a tool of action to inform, influence, and transform public policy discussions and action across the state of Minnesota.

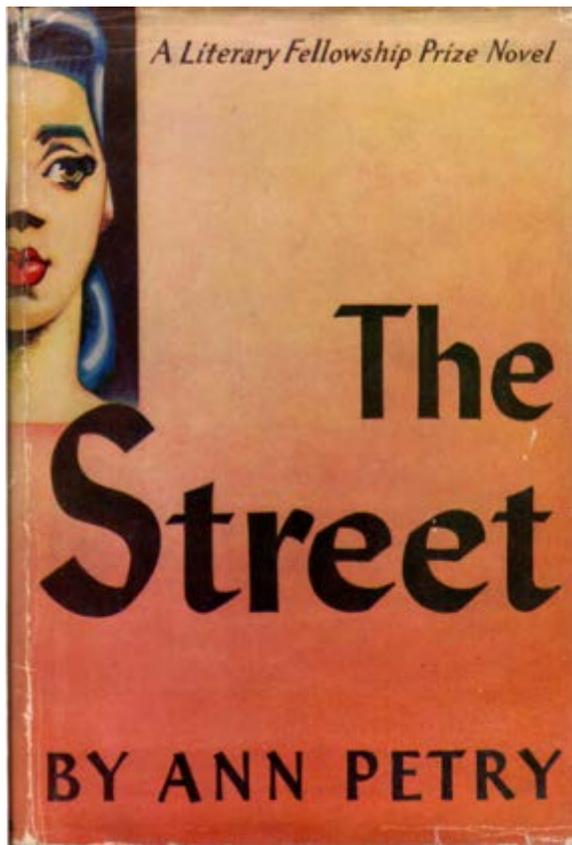
Literature Review

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)

Who were the originators of intersectional knowledge on housing instability and poverty in urban America, and how is their work being sustained today?

Ann Petry became the first Black female novelist to sell more than a million copies of a book when she published the novel *The Street*, in 1946. Petry saw the ways that the accounts of Black



women's lives were either demonized or completely unexamined by not only Black thinkers but also a nation of White onlookers pushing policy changes that aimed to name the Black woman as the scapegoat for urban America's social and economic problems. It is no coincidence that Petry named her book *The Street*, because it served as a metaphor for the multiple forms of oppression and exploitation that Black women faced every day as they tried to navigate *the streets*: unscrupulous landlords, uninhabitable living conditions, street hustlers, tumultuous intimate partner relationships, discriminatory social service agencies, and full-time domestic work while trying to raise their own children.

In "The Ownership Society, or, Bourgeois Publicity Revisited," Robert Asen (2010) argues that we live in a society that values engaged participation from

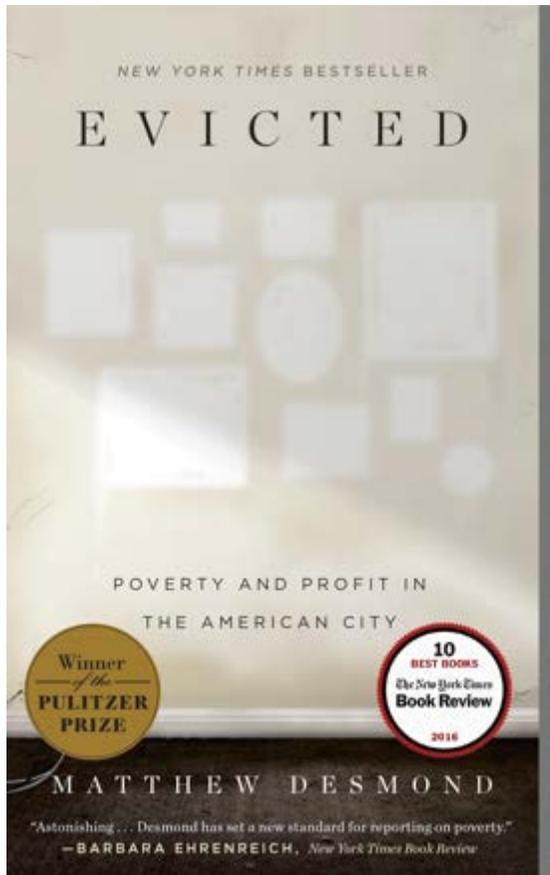
homeowners via property ownership, privileging their experiences in social and political reforms. An ownership society then resists meaningful participation from non owners (i.e., renters), who bring "new experiences, raised different concerns and asked alternative questions." For landlords, they are then in a unique position to aid or disrupt the unequal power dynamics within a society that differentially values whose lived experiences frame our understanding of what a safe, dignified, stable, and healthy community looks and feels like, thereby guiding policy imperatives. Whereas landlords are often shunned by homeowners if they are determined to be a part of the problem, other housing providers with a mission-based ethic are presumably helping to build and sustain underserved communities that cannot participate in the private market.

Valuing multiple forms of knowledge must first recognize that those most impacted by the exploitative realities of urban America have always been Black women and their families. For far too long they have been locked out of traditional means of producing knowledge about evictions, which does not mean they have not been producing knowledge. Rather it just means we often do not recognize those most impacted as the experts on their own realities. This situation is further exacerbated in the academic literature. The realities of eviction did not become a part of the nation's popular discourse when Ann Petry wrote *The Street* in 1946, which was after the Great Migration turned a mostly rural Black population into highly exploited urban dwellers. It was when Matthew Desmond wrote the book *Evicted* in 2016 that policymakers across the nation began to invest in an intentional dialogue about the ways inner-city Black

women and their families were being pushed out of their housing as the intersecting realities of gentrification and evictions became too stark to ignore.

We begin this literature review with the acknowledgment that there are multiple forms of knowledge production that have not always been highly regarded in public discourse or public policy discussions. Many of these forms have come before those scholars most recognized for their scholarly work on evictions.

Desmond Book and Eviction Lab



Matthew Desmond's *Evicted* outlined an ethnographic account of the stories of eight families and their experiences with housing instability and eviction in Milwaukee, WI. Although evictions had been relatively absent from academic literature (Hartman and Robinson, 2003), Desmond (2016) almost immediately popularized the issue through the popular press and his book tours, calling readers to understand evictions as a *cause* of poverty rather than a consequence. *Evicted* won the 2017 Pulitzer Prize for General Nonfiction and made the *New York Times* best-seller list (Badger and Bui, 2018). This notoriety opened the doors for Desmond's Eviction Lab at Princeton University, one of the first attempts at compiling a comprehensive national database on evictions. Desmond's work has been met with accolades, and its impact is not to be undervalued or underestimated. He has been able to take an issue that has been historically invisible to a nation of White onlookers and disengaged power brokers and highlight

how evictions disproportionately impact low-income Black mothers.

Simultaneously, Desmond's work has been met with some skepticism over a lack of transparent engagement with housing activists and community-based organizations in regard to how his Eviction Lab data are collected across the country (Aiello et al., 2018). Additionally, Desmond's position, with the Eviction Lab, allows his voice to be heard as the expert, which he has used to share the stories and narratives of tenants and landlords in Milwaukee. However, much of the national attention has focused on Desmond *himself* as the scholar, without elevating the millions of low-income women of color who experience evictions on a daily basis.

Power is reflected in who gets to tell the story, a frame that this project seeks to change. The truth about eviction research is that outside of Desmond's work, there has been little attention

paid to those who are impacted the most by the phenomenon. Perhaps this is because in the housing literature, as Hartman and Robinson (2003) propose, homeowners are privileged over renters, a suggestion that illustrates the weight of position and voice within the academy and in our popular housing policy discourse. Another analysis would include the fact that the eviction process is complex, often it is difficult to pinpoint, and data collection has been anything but uniform. Although the Eviction Lab has made some progress in this area, there is no comprehensive or reliable data source for understanding the scope of evictions, the underlying causes, and the inevitable outcomes of a phenomenon that is wreaking havoc in urban centers across the country. Finally, we would be remiss not to acknowledge the racialized, gendered, and income-based realities of evictions, which unless examined through a lens that is willing to problematize the welfare state are rarely seen and heard. *The Illusion of Choice: Evictions and Profit in North Minneapolis* project seeks to illuminate how and why evictions occur from the perspectives of landlords and tenants themselves. In doing so, we aim to address the inequity in whose voices are centered in the development of evictions research questions and public policy solution making.

Evictions and Housing Instability in the Urban Center

The Cause of Evictions

Housing insecurity, displacement, and dispossession have cycled throughout the history of the United States (Bratt et al., 2006; Madden and Marcuse, 2016; Wacquant, 2008), and in the urban center they are once again on the rise. Tight housing markets, combined with issues of low wages, a strangled and diminishing welfare state, racial discrimination, and gentrification pressure in previously disinvested areas, are causing a historic rise in housing instability and evictions (Desmond, 2012; Elliott-Cooper et al., 2019; Madden and Marcuse, 2016; Purser, 2016). In CURA's *The Diversity of Gentrification* report, historic residents across the Twin Cities noted a fear of displacement, including cultural and political displacement, highlighting a heightened precarious reality due to increased costs of living in once affordable neighborhoods. Yet again, historically low-income communities of color have always faced housing instability due to a political economy that is not grounded in the provision of affordable, accessible, and quality housing to all residents but rather to a capitalist, profit-driven market for investment (Bratt et al., 2006; Madden and Marcuse, 2016).

Multiple Forms of Eviction

An eviction often elicits the vision of a sheriff knocking on a family's door with a writ of eviction and a group of workers 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. They are not only an *event* but a *process*. The use of an eviction filing does not necessarily result in a tenant leaving the home. For example, "serial

evictions,” which involve the filing of multiple evictions on the same household, can be used as a continuous threat and punishment for tenants (Immergluck et al., 2019; Madden and Marcuse, 2016). Evictions are also used as a strategy for policymakers and law enforcement to control crime (Ramsey, 2018). Additionally, when tenants do vacate their homes as a result of an eviction, it is not always the result of a formal writ. In a study on foreclosures and evictions in Chicago, Hiller (2013) cites a strategy known as “cash for keys,” which became a popular mutual termination tactic for landlords during the foreclosure crisis. When landlords utilize cash for keys, tenants are offered small amounts of cash to vacate the property in an effort to avoid a formal eviction filing. This strategy continues to be an option for mutual termination of a rental agreement rather than formal eviction actions (Hare, 2018).

A significant challenge for research on evictions is that it is difficult to quantify evictions that do not occur as a result of a writ of eviction or formal eviction action. In addition to the millions of individuals and families who experience formal eviction actions annually (Desmond and Kimbro, 2015), the actual number of individuals and families who vacate their space voluntarily or through mutual agreement with a landlord is unknown. 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).

Tenants

Disproportionate Impact

What is quite evident from both housing literature and the daily reality illustrated by Housing Court tenants and community-based narratives collected by the CURA research team is that evictions severely and disproportionately impact low-income women of color with a significant overrepresentation of Black mothers with children (Desmond, 2012; Hartman and Robinson, 2003). In a 2017 national survey of renters, Black households were found to experience the highest rate of eviction, with high risk for tenants without a college education, households with children, and households led by single parents (Salviati, 2017). Additionally, based on a national sample, Desmond and Wilmers (2019) found that tenants who rent in low-income neighborhoods, particularly those with a high percentage of Black residents, are more likely to experience exploitation, meaning they pay higher rents in relation to property values.

The process of a forced eviction from a home is larger than just physical displacement. Particularly in gentrification literature, the definition of displacement has garnered significant debate (Elliott-Cooper et al., 2019; Goetz et al., 2019). Elliott-Cooper and colleagues refer to the forced removal from one’s home as the process of “un-homing,” whereas the displacement impact is more than just tenants vacating a physical place but also their connections to neighbors and often the community as a whole. Additionally, there is an economic, social, and

psychological impact of eviction displacement (Elliott-Cooper et al., 2019; Hartman and Robinson, 2003). For those who experience evictions, research has shown higher mobility rates, including to neighborhoods with higher poverty and crime rates (Desmond, 2012; Desmond and Shollenberger, 2015), job loss (Hartman and Robinson, 2003), increased depression and mental health hardships (Desmond and Kimbro, 2015), risk for suicidality (Fowler et al., 2015), and broken neighborhood relationships (Sampson et al., 1999). Additionally, there is a significant link between evictions and homelessness. In a national study on homelessness, lack of rent resources, job loss, and forced displacement were cited among the top reasons for becoming homeless (Burt, 2001). As Desmond (2012) has theorized, the impact of an eviction helps to replicate a cycle of poverty for future generations.

The disproportionate impact on low-income Black residents is about more than the economic and social implications of poverty. Both individuals and systems help to reinforce this reality. As Desmond and Wilmers (2019, p. 1092) note, "Inequality is not benign; someone profits from it. Thus, a relational perspective sees exploitation as the foundational mechanism of inequality." 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, which is what makes the inclusion of landlord voices in a study of evictions a powerful component to understanding how and why eviction trends take place.

Landlords

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. 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. 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.

Within a tight housing market, Rosen (2014) points out that rental housing selection has become a "reverse selection" process of landlords selecting tenants, rather than tenants having a choice on where to live. Much of this is due to a tenant's lack of resources, knowledge of opportunities, and urgency of housing need. Using Section 8 voucher holders in Baltimore as a case study, Rosen describes a process where landlords seek out tenants who have the ability to pay, match them with units that are harder to rent, and often look for tenants who have fewer resources that would allow them to move. Conversely, Immergluck (2013) found that although housing voucher holders in Atlanta provided more housing stability and low turnover, some property managers were incentivized to bring in new tenants, potentially spurring high turnover. In this

context, tenants are often left with less of a choice than an urgency to find a property that will accept them.

Be it based on perceived risk, property maintenance, housing stock, or other factors, landlords in high-poverty neighborhoods also contribute to higher rental rates versus property market value (Desmond and Wilmers, 2019). Often landlords raise rental rates in an effort to mitigate loss based on issues such as previous experiences with bad tenants and/or the perceived “risk” of renting to tenants in low-income neighborhoods—often a stigma that has been perpetuated rather than experienced.

Not all motivations for renting homes in low-income neighborhoods are profit-driven. At the same time, a national study of median rental rates in low-, middle-, and high-income neighborhoods found that even when adjusting for the cost of housing stock, landlords in low-income neighborhoods net higher profits compared to the higher-income neighborhoods. Additionally, when adjusting for property values, Desmond and Wilmers (2019) suggest that when landlords purchase rental properties in high-poverty neighborhoods, they do so with a short-term profit investment strategy based on low property values and taxes, but market value rental income.

Particularly since the Great Recession, the ownership of rental properties in low-income neighborhoods has changed the landscape of eviction impact as well. For example, Raymond and colleagues (2016) from the Federal Reserve Bank of Atlanta found that large corporate owners were 8% more likely to file eviction actions than small landlords for single-family homes, and that evictions as a whole were spatially located in primarily Black neighborhoods. In a separate study, Travis (2019) outlines the role that the limited liability company (LLC) has had on rental ownership. LLC ownership decreases the liability and personal risk for individual investors. In a study in Milwaukee, WI, LLC ownership was positively associated with housing disinvestment.

The landlord and tenant relationship is not an isolated interaction, rather, actions taken at the federal, state, and local municipal levels intersect in this dynamic. Understanding the role of the state is a critical foundation to illuminating how and why eviction trends take place in North Minneapolis.

The Role of the State: Public Housing and the Use of Regulation

The Influence of “One Strike, You’re Out” on Rental Housing Regulation



Photo by Nikki McComb

The US Department of Housing and Urban Development (HUD) provides housing subsidies for low-income individuals and families through local public housing authorities. In 2016, over 2.2 million households in the United States utilized a Housing Choice Voucher (HCV), with an additional 1.0 million public housing households (Center on Budget and Policy Priorities, 2017). Although the impact of evictions in publicly subsidized housing is relatively universal, living in subsidized housing can afford a resident greater protection as well as greater surveillance. For example, according to HUD's public housing occupancy handbook, public housing residents must be given a 14-day notice prior to filing an eviction action on a tenant for nonpayment of rent, a timeframe that is not currently afforded to non-public housing residents. However, HUD, in partnership with the US government, also reinforces the precarious nature of public housing and subsidized housing residency through policies such as "one strike, you're out." In partnership

with HUD, the Reagan administration laid the foundation for the “one strike, you’re out” policy for subsidized housing residents, whereas tenants and/or their guests who engage in criminal activity are subject to a termination of housing benefits (Johnson, 2001). This policy was reinforced by the Clinton administration in 1996, the same year that the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), or modern welfare reform, as we know it, was enacted (Johnson, 2001; Lethabo King, 2010). “One strike, you’re out” infers that if anyone in HUD-subsidized housing is accused of criminal activity, including drug activity, regardless of the tenant’s knowledge of the crime, or a conviction, that should result in an immediate filing of an eviction action (King, 2010). Although housing authorities hold some discretion in the application of this policy, the policy itself has been upheld by the Supreme Court (*HUD v. Rucker*, 535 US 125, 2002).

The use of this policy has extended beyond HUD-subsidized residents. Across the United States, including in Minneapolis, many local municipalities have implemented regulation changes in city ordinances to increase pressure on landlords to monitor and surveil not only their residents but residents’ family and friends. These ordinances 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). New public ordinances have included parental liability ordinances, which “threaten parents with fines and other penalties if they do not prevent their children from bullying others, or if their children engage in other targeted behaviors” (Swan, 2015, p. 825); crime-free ordinances, based on the one-strike policy (Ramsey, 2018); and nuisance laws, which are a set threshold for police calls (Swan, 2015).

Through an ethnographic study in Cleveland, OH, Greif (2018) found that city ordinances, particularly on water use and nuisance, played an integral role in landlords’ reports of assessing their risk with potential tenants and moving toward eviction. Landlords mitigated their own risk by increasing screening criteria, rent amounts, and family structure. These state oversight regulations potentially create a more volatile relationship between tenants and landlords, with tenants risking access to affordable housing and/or paying the literal price for increased state oversight.

Although there has been a dearth of literature on eviction, more attention has been paid by the legal community to the repercussions of an eviction filing once the action enters legal proceedings (Purser, 2016). In 1991, Bezdeck critiqued the process of rent court in Baltimore, where tenants are virtually silenced through lack of representation, due process, and a complex set of rules unknown to the tenant. Although a function of the state, housing courts across the nation provide little in the way of tenant protections and due process (Bezdeck, 1991). Additionally, while tenants face court with an overwhelming lack of representation, data clearly show that legal representation matters in this context (Grundman and Kruger, 2018).

Purser (2016) also points out another area where eviction data are growing—the tenant screening industry. This industry allows data on potential tenants to be accessed and bought by landlords to assess risk by examining credit, criminal backgrounds, and other relevant housing histories. This lack of due process, as well as growing access to personal data, reinforces the notion that an eviction action in the context of housing has become synonymous with a criminal record, limiting the access to quality, accessible, and affordable housing for low-income women of color.

State of Evictions Research in the Twin Cities

On a local level, several agencies have examined the process and outcomes of evictions across the Twin Cities metropolitan area utilizing available quantitative data. These projects are briefly outlined here.

City of Minneapolis Innovative Team Evictions Report

Motivated by Dr. Matthew Desmond's work regarding evictions in Milwaukee, WI, the Minneapolis Innovation Team (2016) set out to examine the prevalence, trends, and underlying issues related to evictions in Minneapolis in its report *Evictions in Minneapolis*. The report maps the geographic distribution by zip code of eviction filings, conducts a case file review of a random sampling of eviction cases in 2015, and provides detailed state data extract analysis from 2016. The report effectively identifies eviction trends in the city of Minneapolis using quantitative data and mapping of a small sampling of eviction court case files. Besides spurring greater conversation within the city of Minneapolis and Hennepin County to further analyze evictions and address their serious social consequences and implications, the Innovation Team's research concludes that of over 3,000 evictions filed in the 4th District Housing Court each year, 45% to 48% of renter households experiencing evictions in the past 3 years were taking place in two Minneapolis zip codes, 55411 and 55412. These two zip codes make up a majority of North Minneapolis, influencing the CURA Evictions research team's decision to study evictions in North Minneapolis.

Hennepin County Exit Interviews

In the summer of 2017, the Hennepin County Office to End Homelessness staff conducted a 7-week voluntary and anonymous survey of 67 people exiting Hennepin County First Appearance Housing Court. The purpose was to decipher the intricacies of the evictions process and the people involved and affected by eviction actions (Hennepin County Health and Human Services, 2017). The overall goal was to inform new strategies to strengthen housing stability for residents of Hennepin County through research that produced startling and informative results. Notably, 67% of people surveyed identified as Black or African American and 61% were women. Additionally, the average family household size was 4.6 people, with an average rent of

\$1,006/month. Approximately 63% of those surveyed reported never applying for emergency assistance. This information further illustrates that evictions disproportionately impact single Black mothers with children, most of whom are cost burdened.

HOMELine City of Brooklyn Park Evictions Report

To further examine the state of evictions in Brooklyn Park, the city of Minneapolis Innovation Team partnered with HOMELine, a Minnesota nonprofit tenant advocacy organization, for an August 2018 report titled *Evictions in Brooklyn Park*. In 2016–17, HOMELine partnered with a team of University of Minnesota Humphrey Institute Policy Fellows to produce a report for the city of Brooklyn Park. Through a geographic distributional analysis of zip codes and addresses of evictions in Brooklyn Park, randomly selected case file reviews of eviction cases filed between 2015 and 2017, and a detailed state data extract analysis of evictions filed in the city, the team determined that, on average, evictions were filed after 16 days in nonpayment cases and 53% of all eviction filings resulted in tenant displacement (HOMELine, 2018a). Moreover, 61% of the evictions filed between 2015 and 2017 were filed by four frequent filers, who in total own just 28% of rental units. Finally, similar to other evictions research, Black and African American women faced the highest rate of eviction actions in Brooklyn Park yet were the least likely to have access to an attorney.

HOMELine City of Saint Paul Evictions Report

The same group of collaborators also produced a September 2018 report titled *Evictions in Saint Paul*, utilizing the same methods to examine evictions in the Saint Paul housing context (HOMELine, 2018b). In 2017, landlords filed an estimated 1,710 residential eviction actions against tenants in Saint Paul, which accounted for 3% of residential rental units within the city. The team found that 24% of all evictions filed between 2015 and 2017 occurred in the 55106 zip code, a neighborhood of predominantly Asian Americans, specifically Hmong people. Furthermore, nonpayment cases accounted for 94% of eviction filings and 62% of cases ended in a tenant displacement.

These reports add substantially to our understanding about the state of evictions in the Twin Cities metropolitan area and provide a strong foundation for *The Illusion of Choice* project. Nevertheless, a fuller picture of *how* and *why* eviction filings occur from both the perspectives of tenants and landlords is critical to our ability to assess the causes and consequences of eviction actions in North Minneapolis, which necessitates a mixed methods approach that equally values qualitative data.

Methodology

CURA's Community-Engaged Research Model

The Center for Urban and Regional Affairs (CURA) believes in the production of community-engaged research, which means that we value the meaningful involvement of our community-based partners and their clients throughout the research process, from the identification of research question(s) to the dissemination of results. CURA's community-based research model aims to invert the traditional academic research model of entering a community as the expert, extracting data, and returning to the academy. There is power in defining research questions and in controlling the production of knowledge. When research is conducted in communities of color and low-wealth communities, a power imbalance often exists between researchers and community-based organizations. CURA's community-based action research model aims to reorder that power relationship.

We believe that such engagement can influence research to be more community centered, useful, and trustworthy—and ultimately lead to greater use and uptake of research by practitioners, clients, and policymakers. In short, we embrace a collaborative model of engaged research in which it is critical to consult our partners on the development of the research design/questions and collaborate with our partners and relevant stakeholders as we conduct the research and disseminate research findings. We want to ensure that we can troubleshoot any unforeseen challenges/barriers together and encourage our partners to utilize CURA's research and recommendations to strengthen their impact on low-income communities and their investors. When we use a community-based research model, community members are not the subjects of research—they are the co-producers of knowledge.

Early Engagement Partnerships

The first step in elevating the expertise and power in our communities was to connect with community partners who are currently working in the area of evictions. In the fall of 2017, Dr. Brittany Lewis set out to listen to and engage with community partners to ensure that:

- the project was useful and important to our community-based housing partners and local government;
- we defined the characteristics of our study participants to help minimize risk and any unnecessary disruption to their lives;
- those people most impacted by evictions in North Minneapolis are at the center of the data collection pool;
- meaningful and direct connections were made with end users of our research findings.

To meet these objectives, Dr. Lewis conducted one-on-one interviews with local housing practitioners and those most affected by housing instability in North Minneapolis. These

partners have critical insight into the realities of evictions and housing stability that helped to inform CURA and its partners' knowledge of the work. Additionally, these insights helped to inform the semi-structured interview tools used for both tenant and landlord interviews.

Early Engagement Partners Included:

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

CURA Evictions Research Project Advisory Council

The second step in engaging the community in the project was to convene an Advisory Council comprised of tenants, landlords, community organizers, community-based staff members, and staff members from the city of Minneapolis as well as Hennepin County ([see acknowledgements and copyright information](#)). The Advisory Council has had four primary roles and has aimed to collaboratively:

1. develop interview questions and participant engagement protocols;
2. help design recruitment strategies and actively recruit study participants;
3. review de-identified interview transcripts, major themes, and common narrative frames found in qualitative data;
4. disseminate research findings to appropriate stakeholders along with CURA's independently developed policy recommendations based on well-informed research, including an analysis of best practices in other cities.

In the fall of 2017 and early 2018, the CURA Evictions Research team worked with the Advisory Council to finalize the recruitment strategy for the project as well as the interview protocol for both landlords and tenants. In the spring of 2018, Dr. Lewis and the research team began outreach, recruitment, and data collection.

Research Design

The research design for this project is a convergent parallel mixed methods design. The goal is to collect qualitative and quantitative data to provide a stronger and more comprehensive picture of the issue of evictions in North Minneapolis (Creswell, 2014). This project draws on both in-depth interviews and critical ethnographic observations, as well as Hennepin County Housing Court records and rental license records. Qualitative and quantitative data were collected for both landlords and tenants, with all four categories being analyzed separately. The analyses were then integrated and explicated in the project's findings.

Research on evictions can be challenging due to a lack of recordkeeping, the vast array of experiences of both tenants and landlords, and the lack of importance placed on low-income mothers of color (Hartman and Robinson, 2003). The strength of a mixed methods approach is that each method can provide different types of information and can minimize the limitations of the other method (Creswell, 2014), which is critical in the study of an elusive and complex process such as evictions.

Setting and Participants

The Minneapolis Innovation Team's *Evictions in Minneapolis* report found that of the over 3,000 evictions filed each year (2015/2016), 45% to 48% of renter households that experienced

evictions took place in two zip codes: 55411 and 55412. As noted previously, North Minneapolis residents have experienced historic disinvestment and intentionally structured racial segregation and discrimination. Additionally, these two zip codes host a high percentage of low-income Black mothers as well as a high rate of individuals who receive county and government assistance. For the purpose of CURA's research and capacity, we strategically focused on these two zip codes when identifying both tenant and landlord interview participants. In total, 68 tenants and 32 landlords were interviewed. Specific demographics of participants are outlined in the following relevant sections.

Landlords

Landlord Overview

In the 2018 CURA evictions study, we conducted interviews with landlords who have filed eviction actions on tenants in the 55411 and 55412 zip codes in the last 3 years. The landlord interviews were conducted to learn more about:

- what policies and procedures they have in place to determine that filing an eviction is the best course of action for dealing with a tenant;
- how they decide when to evict a tenant and then determine both the cost benefit of eviction and owning rental property in the two zip codes;
- what practices or tactics they employ once the decision is made to evict.

Landlord Sampling Strategy

Landlords were chosen for interviews based on a controlled random sampling using the contact information found from the Active Rental License dataset, which is regulated by the city of Minneapolis and shared through the Minneapolis Open Data portal. Data was pulled on January 24, 2018.

Records were separated into two lists based on zip code (55411 or 55412) and then further sorted by tier classification (Tier 1, Tier 2, Tier 3) within each zip code, resulting in six separate listings of properties. For each tier, a list of unique property owner names was generated. Some property owner names appeared more than once in these lists if they used multiple spellings or name formats to apply for licenses (different spellings, use or omission of a middle initial, etc.). Using the Excel random number function, a random number was generated and assigned to each name in each unique-name list. The names in each list were then ordered from smallest random number value to largest random number value. The top 10 property owner names were selected from each list in each tier, resulting in a sample of 60 unique names.

Second and third samples were pulled using the same procedure as the first sample. The second sample was pulled from the complete list of property owner names—names from the first

sample were not removed. Consequently, some of the same names appear in both the first and second samples.

Response rate of landlord recruitment strategy:

Sample 1: 60 names	
Intakes completed	12
Interviews completed	12
Unable to contact	10
Sample 2: 60 names	
Intakes completed	10
Interviews completed	1
Unable to contact	12
Sample 3: 60 names	
Intakes completed	20
Interviews completed	12
Unable to contact	5

Participants

Landlord Profile

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*

A total of 32 landlords were interviewed including 72% (23) males and 28% (9) females. The sample primarily self-identified as White male 53% (17), 19% (6) identified as White female, with 13% (4) identifying as Black or African American female, 6% (2) as East Asian male, and 3% (1) as South Asian female, Latino male, and Native American female, respectively. Of the landlords interviewed, 19% (6) either worked for organizations or were personally listed on the

Minneapolis Innovation Team's report as frequent filers. Finally, 16% (5) of the landlords interviewed reside in 55411/55412, with 84% (27) residing elsewhere.

Frequent Filers of Eviction Actions Representation in Focus Zipcodes



Of the 42 landlords identified as frequent filers in the report, **HALF** have properties in the focus zipcodes and their portfolios account for **16% of ALL units** in those zipcodes.

Source: Minneapolis Innovation Team, 2016 and city rental license data

Procedures^[1]

Data for the landlord qualitative portion of this project were collected through semi-structured interviews at a place of convenience for the landlord.^[2] An initial introductory email was sent to all owners who had entered an email address on the rental license application. Each owner in the sample then received a minimum of two follow-up calls from graduate research assistants who explained the project and invited participation. Additionally, any landlord who appeared in the sample and was also noted by the Minneapolis Innovation Team's report as a frequent filer was personally contacted by Dr. Lewis to ensure representation from these individuals in the sample.

All interested landlords were asked to complete an intake form to self-identify demographic information as well as easily quantifiable data such as the number of properties owned and/or managed in 55411/55412 and rental term lengths of properties. Upon recruitment into the study, landlords were walked through a consent form that described the project, the voluntary nature of participation, and contact information for both Dr. Lewis and the University of Minnesota.

To begin the interview, landlords were asked to identify themselves and describe how long and why they chose this type of work. Participants were asked the same structured interview questions, and answers were probed when appropriate. Interviews lasted approximately 45 to

60 minutes, and each participant was given a \$50 Visa gift card in appreciation for their time and expertise.

Quantitative Data Analysis

Our analysis examines ownership trends and dynamics within four scales: (1) the specific properties of the 32 interviewed landlords, (2) the properties and landlords in the study area of 55411 and 55412, (3) the city of Minneapolis with the study area of 55411 and 55412 excluded, (4) and the entire city of Minneapolis. The four scales were chosen to illuminate not only how the interviewed landlord sample differed from trends and practices in rental property quality, ownership, and management citywide but also how the study area differed from the city as a whole.

In addition to the self-reported data from the intake forms and qualitative interviews with the 32 selected landlords, we utilized:

- Minneapolis active rental licensing data, extracted from the city's open data portal in January 2018, to identify the number of landlords and units at our specified geographic scales, the type or structure of ownership of those units, the quality or tier of those units, and to compare the nature of this data, where fields are self-reported by property owners, to data collected in a third-party nature by the county (see next).
- Hennepin County parcel data, downloaded in January 2018, to identify homesteading status, taxpayer information, and property type for the 32 interviewed landlords.

Tenants

Tenant Overview

In 2018, we conducted interviews with 68 tenants who had experienced an eviction filing in either of the zip codes (55411 or 55412) since 2015. The tenant interviews were conducted to:

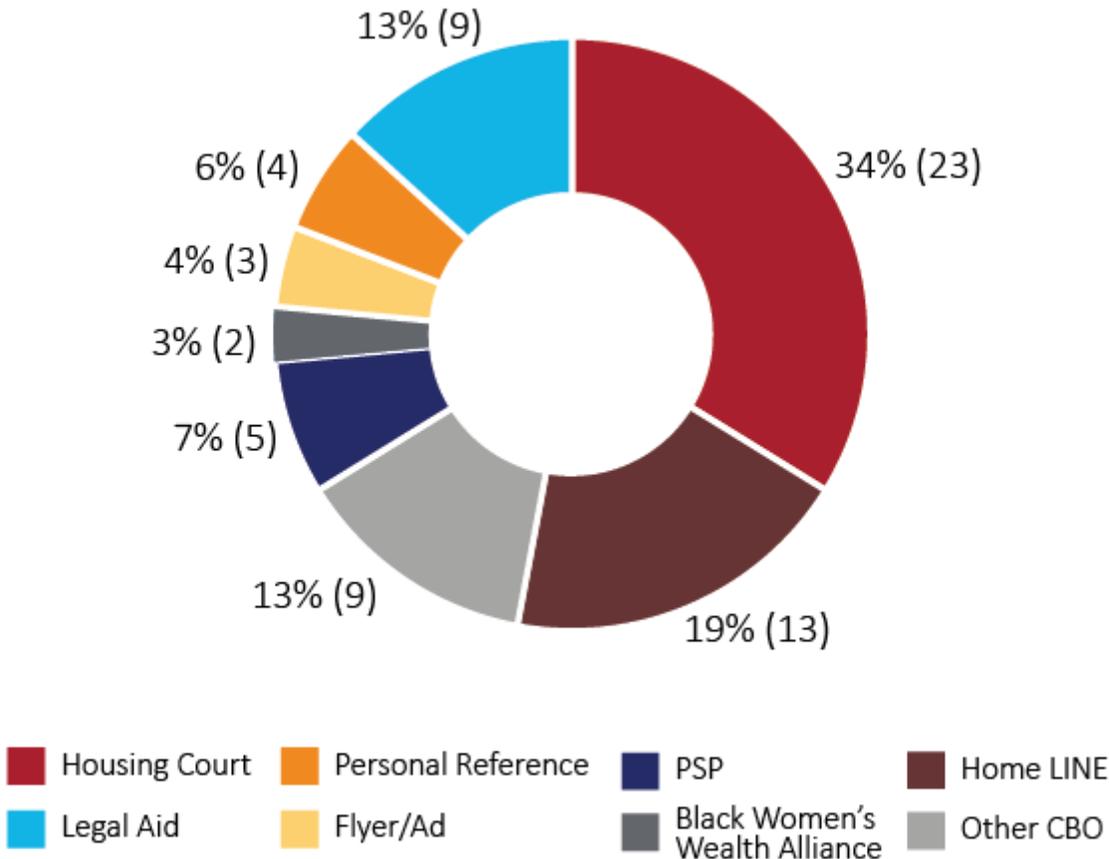
- identify the conditions that often lead to housing instability and eviction;
- gain a clearer understanding of these tenants' housing composition and stability overtime;
- understand the various income streams and the networks of support that tenants rely on for survival.

Tenant Sampling Strategy

In the spring of 2018, the Evictions Research team began recruitment for participation in this project. A purposeful, homogeneous sampling strategy was utilized to engage participants with similar personal experiences of an eviction filing in the same two zip codes, while each participant provides a unique voice and insight for a deep understanding of the evictions experience (Patton, 2015). Participants were recruited through outreach with Hennepin County

Housing Court, community-based partnerships and events, and word of mouth. In total, 34% (23) were recruited from Housing Court, 19% from a partnership with HOMEline, 16% (11) from a community-based organization, 13% (9) from Legal Aid, 10% (7) from a personal referral or flyer, and 7% (5) from a partnership with People Serving People. Tenants were recruited for participation in the project until August 31, 2018. They were eligible for the project if they had received an eviction filing within the last 3 years in either the 55411 or 55412 zip codes. Eviction actions were confirmed by the research team through Hennepin County case records.^[3]

Referral source for tenant interviews



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

Participants

In total, 68 individuals participated in the tenant interviews. The majority of tenant participants identified as female, 78% (53), with 22% (15) identifying as male. The largest percentage of participants self-identified as Black or African American females at 62% (42), with 18% (12) identifying as Black or African American males, 6% (4) as biracial or multiracial females, 6% (4) Native American females, 3% (2) White females, and 1% (1) East Asian female, East Asian male, Native American male, and White male, respectively. The average age of respondents was 44.2

years old, with a range of 22 to 70 years old. In total, 13% (9) reported that they did not complete high school, 37% (25) reported a high school diploma or GED, 44% (30) reported some college, 4% (3) had a bachelor's degree, and 1% (1) reported a doctorate. Finally, 28% (19) reported receiving either a public housing or Section 8 subsidy.

Tenant Profile

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

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

Procedures

Data for the tenant qualitative portion of this project were collected through semi-structured interviews at a place of convenience for the tenant. Through community-based partnerships and attendance at Hennepin County Housing Court, the CURA Evictions team advertised the opportunity to participate in the project and interested tenants opted into the program. Eligible tenants, those who had experienced an eviction in the 55411/55412 zip codes within the last 3

years were enrolled in the study through an intake process that included questions regarding relevant demographic, income, and eviction experience information.

Upon recruitment into the study, participants were invited for a one-to-one interview at a time and place of their convenience. At times, these interviews were conducted at Housing Court, immediately after an eviction hearing, and others were scheduled within the following week. At the beginning of the interview, Dr. Lewis reviewed a consent form that described the project, the voluntary and confidential nature of participation, and contact information for both Dr. Lewis and the University of Minnesota.

To begin the interview, tenants were asked to state their names, how they located the property in question, and whether or not it was their first choice. All tenants were asked questions from an interview protocol, and answers were probed when appropriate. Additionally, as with semi-structured interviews, participants had the opportunity to elaborate on responses when appropriate. Each interview lasted approximately 45 to 60 minutes, and each participant was given a \$50 Visa gift card in appreciation for their time and expertise.

Quantitative Data Analysis

The quantitative data analysis for tenant data consisted of examining court documents related to each participant's unlawful detainer (UD) filings (when available). Records were accessed using public workstations made available for that purpose in the 4th District Court Records Center in the basement of the Hennepin County Government Center. Court records were accessed by entering the first and last name of the interviewee. Records consisted of scanned court documents, organized by case number. Each document was reviewed for key information including:

- address for UD filing;
- date of filing (when the landlord submitted the eviction filing to the court);
- name of landlord;
- reason stated for filing a UD;
- whether or not the plaintiff/defendant appeared in court and had legal representation;
- name of the referee;
- date and outcome of the hearing;
- sums or actions agreed to in settlement agreements;
- any additional actions resulting from noncompliance with the settlement agreement;
- notation of any additional documents;
- notation of when/whether a Writ of Recovery of Premises was issued/executed

- whether or not any rent escrow or conciliation filings appeared to be associated with the UD filing.

Notes were compiled on any attachments, and any extensive handwritten notes that appeared on documents were copied verbatim or noted in a detailed manner. Data were then examined on a case-by-case basis as well as in the aggregate to provide a more comprehensive picture of the nature of eviction action filings among the tenant participants.

Qualitative Data Analysis Process: Landlords and Tenants

The process for analyzing the interview data from the landlord and tenant interviews follows a similar, multistep process, though each group was analyzed separately.

To begin, each interview was audio-recorded. Dr. Lewis also took extensive notes and immediately following the interview, she noted important aspects and reflections. This process was documented and critical to eliminating recall bias. Additionally, each audio recording was transcribed verbatim through Rev.com. A member of the research team then reviewed each transcription to ensure its quality, as well as clarify any points in the interview that were noted as inaudible. A second review of each transcription was completed at that time, and the transcriptions were de-identified to protect the identity of the participant.

Data analysis for the interviews utilized both inductive and deductive processes. First, inductive grounded theory techniques of open coding and constant comparison were used to evaluate emerging themes in the data. Open coding allows the research team to inductively look for patterns in the data, whereas constant comparison is a process of evaluating where emerging themes were similar and different across and between interviews (Corbin and Strauss, 2015; Patton, 2015). Throughout data collection and analysis, the evictions team collaborated on compiling emergent themes and eventually created a code book with concepts from the data. Additionally, previous research and case studies provided a deductive framework for where the emergent themes were or were not congruent. Any disagreements on themes were resolved through a team discussion. Finally, the interviewer's notes and reflections were integrated with the emerging concepts and themes, as well as the actual statements from interviewees, to make meaning of the similarities and differences across eviction filing experiences.

Evictions Research Project Advisory Council



Photo by Jonathan Miller

The mixed methods approach is intentionally employed in this project to minimize the limitations of each method. However, to ensure the rigor of qualitative data, the research team engaged in several strategies to ensure quality assessment. Two meaning-making sessions were held with the Evictions Research Project Advisory Council across the project timeline, with a landlord session in the fall of 2018 and a tenant session in the winter of 2019. Participants were given copies of de-identified transcripts and asked to generate their own themes and profiles of landlords and tenants, respectively. This form of data triangulation increases the credibility of data due to the use of multiple perspectives in the findings (Lincoln and Guba, 1985). By engaging in data analysis strategies collectively with individuals who are deeply ingrained in the work, as well as others who can approach the work from the outside, the findings are more transferable and provide a stronger illustration of the impact of evictions, an underanalyzed phenomenon yet a social crisis, particularly for low-income communities of color.

^[1] All procedures, as well as consent protocols and measurement tools, were approved by the Institutional Review Board (IRB) of the University of Minnesota.

^[2] In the rental license records, each property owner name is connected to an “applicant”; in some cases the owner is the applicant, and in other cases, the applicant is an individual or company hired to manage the property. Owners for each property were contacted.

[3] Exceptions included cases that had been expunged from a tenant's record and/or three cases of informal evictions, which are noted in the report.

Findings: Landlords

The Small-Scale Rental Sector: An Understudied Population of Mostly Individual Owners

Before the modern ghetto collapsed in the postindustrial economy, real estate brokers developed a new technique of exploitation, one focused on selling black families houses "on contract," often for double or triple their assessed value. "The reason for the decline of so many black neighborhoods into slums," writes Satter (2009, p.5), "was not the absence of resources but rather the riches that could be drawn from the seemingly poor vein of aged and decrepit housing." (Desmond and Wilmers, 2019)

The collapse of the housing bubble with the Great Recession, and the ensuing waves of foreclosures in the city of Minneapolis, hit distressed single-family housing markets on the north side the hardest in 2010. According to the City of Minneapolis Department of Community Planning and Economic Development (2015, p. 5) report *Housing Investment Analysis: 2008–2014*, "The Twin Cities was in the top 10 highest rated metropolitan areas for fraudulent mortgage activity in the country which contributed to the recession." This economic tsunami was further exacerbated by the 2011 tornado in North Minneapolis, which created hundreds of vacant and boarded-up properties in an area where over 60% of residents were already receiving county assistance (Wheeler, 2012).

According to the report *Uneven Recovery: A Look Back at Minnesota's Housing Crisis*, published by the Minnesota Housing Partnership and Minnesota 2020, North Minneapolis and nearby neighborhoods in the west metro have struggled the most to recover from the recession because of "enormous loss of home wealth, expensive and hard-to-find rental housing, and lagging incomes" (Egerstrom and Rosenberg, 2014). Across the metropolitan area, an economic transformation is taking place, whereas in many neighborhoods a distressed housing stock has been converted into mostly rental occupancy due to cheap acquisition costs for investors. This is especially true in high-foreclosure areas like North Minneapolis. Although this process of individual investors targeting low-wealth communities has been taking place for years, recently it has become widely recognized that a new institutional asset class of large real estate investment groups have entered the landscape and rapidly expedited the process of destabilization in North Minneapolis, as well as similarly situated inner-city urban communities all across the country.

Little research has been done on the small-scale rental sector made up of mostly single-family homes, which accounts for nearly one-third of the American rental housing stock (Mallach, 2014).

In the Twin Cities, a great deal of organizing led by Inquilinx Unidxs Por Justicia has surrounded the fraudulent mismanagement of large multifamily housing buildings in areas adjacent to downtown in South Minneapolis. However, it was not until former North Minneapolis landlord Mahmood Khan's rental licenses were revoked in 2017 that a discussion about the city's most distressed housing stock went from the margins to the center of public policy discussions. The majority of Khan's 43 properties were duplexes and single-family homes. The exploitative nature of rental housing in North Minneapolis, and the fact that close to 300 families faced homelessness due to the revocation of Khan's rental licenses, shined a light on an issue that the city of Minneapolis is still trying to navigate. The Minneapolis *Star Tribune* (2016) reported that between 2008 and 2015, Khan's properties racked up more than 3,550 housing violations.

A more recent investigation by Fox 9 News (2018) on a Georgia-based company named HavenBrook Homes highlighted the ability of large investors to buy single-family homes as investment properties in areas such as North Minneapolis, prohibiting local residents from purchasing their own homes. HavenBrook Homes purchased 400 homes in the Twin Cities, half of which are located in North Minneapolis. This investment strategy only reaffirms that the community has been and continues to be a place from which to extract wealth, thereby continuing the life cycle created by history of redlining, racial covenants, disinvestment, predatory lending, gentrification, and displacement.

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?" I say, "Because it's like pretty much anywhere else." You got about 90% of the people who are fine. Then you got 5% of people who are sketchy. You got about 5% who are actually all your trouble people. That pretty much carries through anywhere. We had a drug house on our block. You don't think it's going to happen in suburbia on a cul de sac. It happens. That fear premium is that values there would be pressed, not only by the mortgage crisis, but by the fact that people don't want to own property there if they're afraid. (White male, 58 years old, property manager and owner)

The *Illusion of Choice* report moves beyond the limiting confines of quantitative analysis to the understudied realities of mostly small-scale individual landlords to understand from their perspective *how* and *why* close to 50% of renter households in North Minneapolis experienced at least one eviction filing (Minneapolis Innovation Team, 2016). The in-depth interviews that CURA's research team conducted with 32 landlords helped to determine:

- what policies and procedures landlords have in place to determine that eviction is the best course of action for dealing with a tenant;
- how landlords determine the cost-benefit analysis of evicting a tenant and more generally owning rental property;

- what practices landlords employ once the decision to evict is made, including whether and why those practices are employed for certain rental populations.

These findings aim to help better inform how the city and state can work with landlords as partners in community building.

Landlord Profile

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*

This report's landlord findings are arranged to examine three major themes:

1. motivations for becoming a landlord,
2. assessing risk and mitigating loss, and

3. the role of nonprofits or government-supported housing agencies. (Note that landlord names have been changed to protect the anonymity of the interviewee.)

The three themes are examined in separate sections, each beginning with a short case study and followed by the emerging concepts as evidenced by actual statements made by landlords in their interviews. Finally, we end with a summation of how the themes examined in context relate back to how and why eviction trends are taking place in North Minneapolis from the perspective of landlords.

Motivations: Small-Scale Landlords in North Minneapolis

Jack is a White male landlord who has owned and managed properties in the Twin Cities since 1977. He currently owns 30 properties in North Minneapolis. Jack was in real estate, naturally gravitated into real estate investment, and became a landlord who pursued North Minneapolis because the acquisition costs were cheap. In a tight rental market, Jack is more selective, but at other times he would take anyone who could "fog a mirror" to fill a vacancy. "I think, if you have very regimented requirements, and very strict guidelines, I think you'd be better once you get the tenant. However, that comes with a price. If you're gonna really hope people will come, and only take the top-notch applicant, you're gonna have vacancies, 'cause you're not gonna fill places." Jack admits that in the beginning of his career, he was kind of sloppy in his screening process, but it has become more formal through the years.

Jack has a new property manager, Deana, whose philosophy he does not 100% support, as she is willing to work with people with a challenging past and make nontraditional arrangements. Deana, whom Jack calls a "Den Mother," is a property manager with a self-described broken past. She has a criminal background but has been out of the life of "drugs and prostitution" for 15 years. Deana is called to the homeless, because she can identify with their needs. She is most interested in working with those people living in Jack's properties with a difficult background, which is somewhat different from how Jack has managed historically. Deana is interested in helping to give people a second chance.

Jack is adamantly against someone with violent felonies. If a tenant has a prior unlawful detainer, Jack talks with the former landlord to ensure all debts are settled. He will also collect a larger deposit, as he sees those applicants as major risks to his investment. Unlike Jack, Deana will arrange unique weekly payment plans instead of once-a-month payments with tenants. She believes that most people who have experienced housing instability in the North Minneapolis area must be taught how to manage their money when their incomes are often inconsistent.

To test her approach, Jack recently gave Deana a property with three people who she determined did not have enough money to move in. Deana stated that it took a month to iron out the "bumps" of her working relationship with these tenants and clarify what they needed to do. Unlike some landlords in

North Minneapolis, Deana tells people up front that there is an application fee and will only collect the fee if they are getting into the property. She asks people to be honest about their backgrounds, so that they (Jack and Deana) can decide whether or not they can work with them.

Jack has given Deana about 10% to 15% of his properties to see how it goes with her approach, although he is skeptical. He does not believe it is sustainable but is willing to allow her to try it out. Jack reiterates that Deana is then responsible for the tenants she takes in. "I keep telling her, she's looking at life through rose colored glasses, and I keep saying to her, I hope these people work out."

Deana recalls when she went to collect the rent from one of Jack's tenants and learned that the tenant had relapsed 2 to 4 months ago. The tenant later came up with some of the money, but he needed help. Deana does not agree with Jack that if a tenant pays a deposit (or double deposit for those with troubled backgrounds) and first month's rent out of their pocket, that they are usually better tenants. She argues these folks are borrowing to pay those deposits and that's what the county is for, to help those people. Both Jack and Deana value the county emergency assistance program but believe that the process must be quicker. "In the old days, it used to be quick. If somebody went to emergency assistance, and you get a call in a few days, and then the check would be next week. Okay. Now sometimes it's 30 or 30+ days and that puts a hardship on the landlord, because now he's not getting his money, and you've got other payments to make, and other bills to pay, and you've got to wait." Deana is currently trying to convince Jack to begin to rent rooms instead of entire homes or units to one family, as she believes that will be more financially sustainable for the people she is trying to serve.

Jack's 40+ years of experience has led him to resent the city for making tenants' issues the landlords' responsibility, such as inoperable vehicles or unlicensed tabs on the property. He feels the courts cheat landlords and does not agree with arguments presented by Legal Aid that compare the homeowner foreclosure process to the tenant eviction process. Jack does not see the city police as an ally, particularly the forced use of the crime-free addendum, which made the tenant responsible for all drug- and crime-related activity. Jack was forced to evict someone due to an arrest without a conviction. He later appeared on the popular TV show Hot Bench with his former tenant, a tenant he had preferred to keep. The California judge stated on live television that the crime-free addendum was unconstitutional, as the tenant had not been charged with a crime.

Although Deana supports unlawful detainer expungements, Jack does not. He noted:

"Very seldom do I feel that a tenant deserves, or should have his or her record expunged, because my experience is, when someone's been evicted, they've had plenty of opportunities not to have it on their record. And I feel like they have got this form there, the comments are 'may the public be benefited by this being removed from their record?' And I feel, as a landlord, I don't want a tenant to come in and apply for a property, and they just had their record expunged, and it's not there. I wanna know what's on their record."

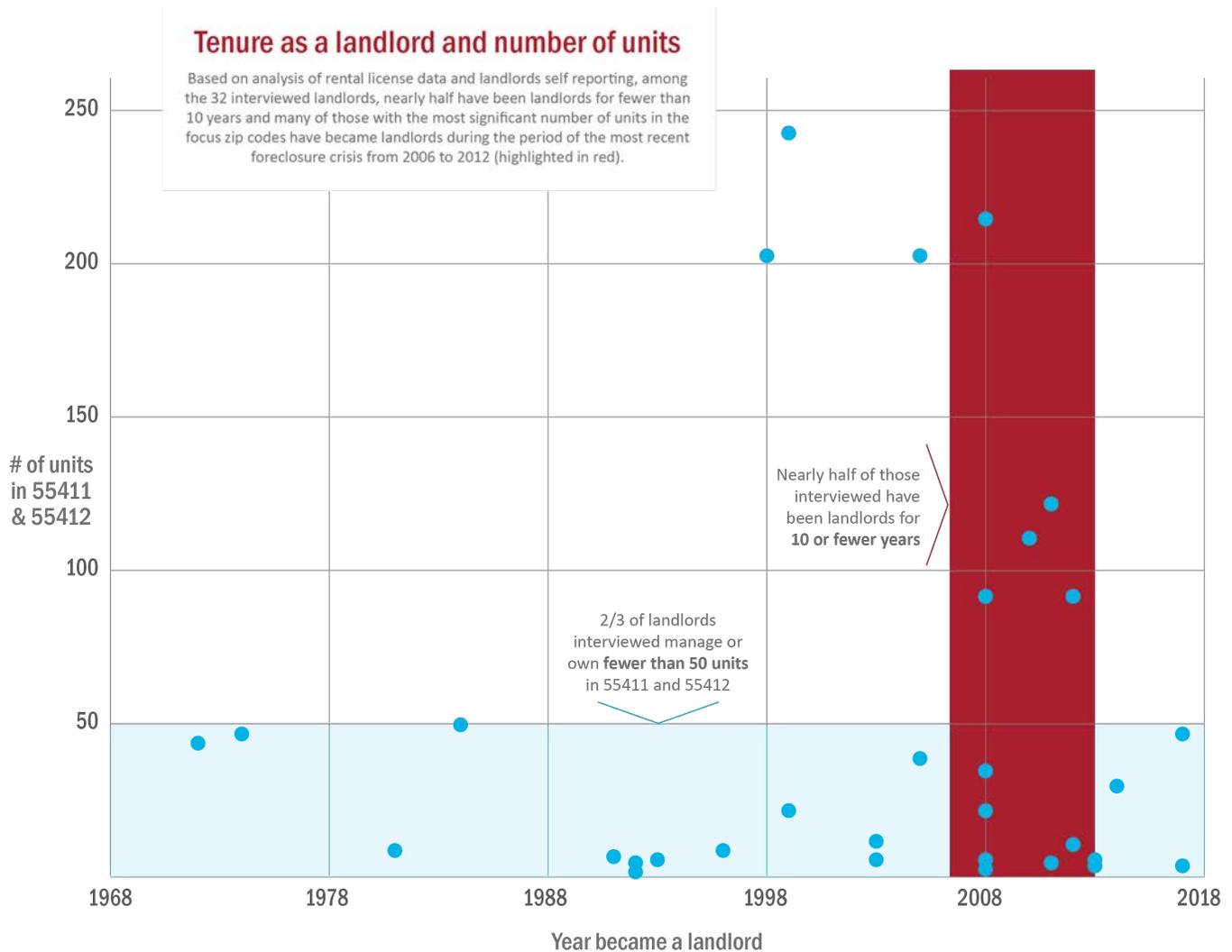
Deana described attending an expungement hearing: "She [the tenant seeking expungement] needed to get her record cleared up, so she can move on with her life. You know what I mean?...Expungement is another opportunity for people in the 1-1 [55411] and the 1-2 [55412 zip codes], particularly, to get a second chance at life."

Jack and Deana are exemplary examples of the tensions that many landlords and property managers face. Over 90% of the private landlords interviewed aligned with the opinions Jack expressed, with few coming to the work of property management with the same ethics as Deana. Jack and Deana's interview illustrates a host of challenges that all of the landlords we interviewed must confront to some degree, as they make decisions around their motivations to become landlords or property managers—which in turn directly impacts how they understand the use and purpose of evictions. In this case, Jack is a middle-aged White male, not from the community, who has had a long career in real estate and property investment. Similar to Jack, all of the landlords we interviewed stated that they purchased in North Minneapolis because acquisition costs were low, with about one-third of the property owners purchasing between 2007 and 2012, at the height of the housing crisis. Deana, on the other hand, one of only four of those we interviewed, became a property manager not to generate and build wealth but to earn a livable wage doing work that directly impacts the sustainability of low-income Black families in North Minneapolis.

Jack and Deana illustrate the spectrum on which landlords discussed their motivations for owning rental property or becoming a property manager in North Minneapolis. A common topic that landlords discussed is what influence the market and economic forces have had on both their perception of North Minneapolis and their decision to either purchase or manage in North Minneapolis. Landlords cited: (1) history of predatory practices, (2) the increased presence of large real estate investment groups, and (3) cheap acquisition costs. Predatory practices were cited by many landlords as a sign that North Minneapolis is always being manipulated by unscrupulous businessmen/women who aim to exploit a community that does not always have the right information or education to assess the nature of the products being sold. Yet many landlords noted the statistical realities of poverty and crime and used them as commonsense understandings to explain who the tenants were that they serve. A small minority cited the fear of large real estate investment groups that were seen as investors simply flooding the market when they sold. However, all of the landlords who we interviewed, most of whom were small-scale rental owners, stated that cheap acquisition costs was the primary reason that they purchased in North Minneapolis, or the owners who they managed for chose to invest in North Minneapolis.

Motivations for Becoming a Landlord

One hundred percent of the landlords interviewed identified cheap acquisition costs as one of the primary reasons they invested in North Minneapolis. Nearly half of those interviewed became landlords in the past 10 years, and one-third became landlords during the housing crisis, from 2007 to 2012.



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

I did the majority of my investing in that area around 2010 through 2012 and the main reason was because of how good prices were in the area. Yeah, and I took a lot of properties that were completely uninhabitable and renovated them and made them nice. I did full rehabs of the city to bring them up to modern day code. I put a lot of work into them...Probably [spent] between \$30,000 and \$50,000 and then it would usually require about that much in renovations. (White female, 35 years old, individual property owner and manager)

I looked at it and said okay, from a purely rational, financial standpoint, if I was to buy a property like if I bought a duplex in Burnsville where I could get...At that time, the first time I bought it was \$885 a

month both sides. If I was going to get that much rent in a duplex in Burnsville, it probably would've cost me about \$180K. The duplex I bought in north Minneapolis was \$89K. (White male, 58 years old, individual property manager and owner)

Mostly because it's a high rental opportunity, and we look throughout the entire Twin Cities. We work with some realtors and try to find houses that we can buy for cheap. I don't think we've paid more than \$40,000 for a house. We can't get that kind of purchase price anywhere else. (White female, 36 years old, individual property manager and owner)

I chose it number one, for the price. The cash flow is really good. It is because unfortunately, it's not as desirable for the location. I think there's investors that won't even look up north, they wouldn't even consider it. (Black female, 44 years old, property manager for nonprofit agency)

During the real estate crash, I bought a couple of properties that were adjacent for a couple of reasons. Like that those properties affect me anyway and that they had crashed. They were maybe 15 cents on the dollar from before the crash. Not of real value but of inflated prices that had been paid before. (White male, 62 years old, individual property manager and owner)

But I like it. I'm waiting for the next crash [laughter], and I'm buying in North Minneapolis because I feel North Minneapolis is going to change. There's a lot of houses just burning down and then new developments pop up. So that's gonna increase the rent and that's gonna increase the value, it has to. I mean, downtown can't grow past the river. It can't move to Uptown. Uptown there's a lot of beautiful, beautiful houses in Lake Calhoun that they're not gonna tear down. So I think North Minneapolis is the easiest, cheapest way to go. I mean, I know that the district, the Section 8 office is, where the warehouse used to be, all that has changed a lot and it keeps changing. But I'm seeing a lot of change North Minneapolis, so I'm keep that in mind. I know it's changing. I know...Brooklyn Center really is getting screwed because everybody's moving that way. (Latino male, 34 years old, individual property manager and owner)

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 landlords owned fewer than 50 units.

When I got divorced, I moved into a building. The owner asked if I would do care taking for him, I said absolutely, this would be great for me. Several months after, the building sold to a developer, and I was hired on by that developer. What he would do was buy distressed properties, rehab them, we would re-rent them, if it was a cash cow, he would keep it. Otherwise he would sell it. It just kind of snowballed since then, 20 years later I'm still doing it. (White male, 44 years old, property manager for a for-profit organization)

I think, as most property managers, I kind of fell into it a little bit. When I was living in San Diego, it was an opportunity to have housing, and that was a part-time gig where I was getting a free apartment

since housing is very expensive in San Diego. My wife and I were in a transition, so it was like, oh, I can do this a little bit. (White male, 32 years old, property manager for a for-profit organization)

I've been with [for-profit organization] for, I think it's about, 13 years now. And, I guess I got into it by chance. I did not intend to get here. I started out working with the maintenance side of the property management company. (White female, 39 years old, property manager for a for-profit organization)

Despite the acquisition costs of North Minneapolis, many landlords noted that according to popular perception, investing in North Minneapolis was quite *undesirable*. Across the landlord sample, a small group were seasoned investors—11 out of the 32 landlords (34%)—many of whom were licensed contractors, yet a majority of the landlords did not have long careers in property management or investment—21 out of 32 landlords (67%). When describing their tenant screening processes, several landlords openly admitted a devastating learning curve. Many stated that they were quite “sloppy” in their initial screening process, stating that when the market was tough they would take anyone, which would end up costing them time and money. Inexperienced landlords described that they initially failed to pay attention to things such as income and background checks.

Well I didn't do any, and then I got screwed doing that, and so I started doing background checks and then realized I'm just paying a bunch of money. Even though they were subsidizing the cost of the applications, I didn't really know what to do...Because the tenants weren't really up to the standards of who I'd want to rent to. So you just kind of go with your gut of whoever you think wants to turn a new leaf. (White male, 32 years old, individual property manager and owner)

Landlords stated that it was nearly impossible to find a tenant who did not have bad credit, to the point where they no longer used credit history as a determining factor for residency. This finding frames the ways in which landlords create a typology of what the typical North Minneapolis tenant is like, prior to taking an application or meeting them face to face.

Yeah, and I really don't go looking at credit because I know that many people who apply for properties in North Minneapolis, they don't have good credit. (South Asian female, 52 years old, individual property manager and owner)

Initially I didn't do background checks. And then I did a couple, I think I did five for one. And they all basically came back the same, bankruptcies, unlawful detainers, very poor credit scores, arrests, things of that nature. They were all pretty similar so I kind of do think why would I even do a background check if that's just pretty much the norm? (White male, 32 years old, individual property manager and owner)

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.

I've been a landlord since 1984, since 34 years. It started out just owning one or two properties and gradually grew to, I got up to 39 properties. I'm down to 37 properties...I [also] have a tax practice. (White male, 60 years old, individual property manager and owner)

The reason I got into the business is that I worked construction in high school, so I knew how to build. It was all new construction of course, but being around the trades it interested me as far as doing plumbing and wiring, roofing, framing, all that type of thing, and so when I turned 22 I got my real estate license. (White male, 68 years old, individual property manager and owner)

I've been a landlord for 10 years, and I've probably been in property management for 35. I'm a licensed contractor...I had an opportunity to buy some properties, a couple of duplexes, 10 years ago, contract for deed, that were in desperate need of repair. And so I kind of got into it that way. Before that, I was a HUD [US Department of Housing and Urban Development] supervisor. I was in charge of 2,500 homes for inspecting. Also was in charge of the whole West Bank [University of Minnesota] as far as maintenance. (White male, 62 years old, individual property manager and owner)

These landlords typically stated that they were beginning to sell off their properties and aging out of the work. The era of the career landlord has certainly begun to decline, especially as many of those with a sizable rental portfolio, which they accumulated over the last 10 to 20 years, have begun to cash in on their investments and larger firms are buying more properties.

At the present time I'm at the end of my career pretty much. I'm slowly selling off properties. At one time I had over 100 individual properties, and I'm down to 57 at the current time. (White male, 68 years old, individual property manager and owner)

It's 37 [properties that I own], that'll probably be down to about 35 by the end of the year. I'm starting to sell and donate some properties. (White male, 60 years old, individual property manager and owner)

The Impact of Landlords' Motivations on Eviction Filings in North Minneapolis

Alan Mallach (2014), in his article "Lessons From Las Vegas: Housing Markets, Neighborhoods, and Distressed Single-Family Property Investors," uses a case study model to explore distressed property investor strategies in high-foreclosure areas across the country. In the case of Las Vegas, NV, real estate investment during the housing market bubble was dominated by "market-edge flippers" who bought properties in fair or good condition to sell back into the market for a modest profit when the market rebounded. Whereas in Detroit, MI, as Mallach explored, the realities of low purchasing prices with high property taxes invited the "milker" strategy. This strategy allowed for investors to rent out a single-family home, not pay property taxes, provide

limited maintenance and repairs, recover the investment in 2 years, and then exceed their initial investment by more than 50% in the third year. The investor would then allow the property to go into tax forfeiture with no intention of owning it thereafter. In these two cases, the market drives investment behavior.

In the case of North Minneapolis, it is critical that we understand how the market also drives investor behavior. According to Mallach's (2014) typology, North Minneapolis has seen three major types of distressed property investor strategies since the housing crisis. First, the "Flipper, predatory" model, where someone buys properties in poor condition and flips to buyers "as-is," often using unethical practices for immediate appreciation. Second, the "Rehabber" buys properties in poor condition, rehabs, and sells the properties in good or better condition for immediate appreciation. Third, the "Holder, medium-long term," where someone buys properties to rent out for an extended period of time for cash flow and potential resale in the near future.

2012, I got my first rental property. Why? Just, my strategy is to buy and hold. I tried the stock market, but it's too liquid for me. If I'm in trouble, I can always make a couple moves online and I'll have that money within a week. I mean, I try, I get a nice chunk of change and then something happens. It's real estate. Real estate is not going to save you. It takes months to get the money out, and that's allowed me to keep growing my portfolio. I see it as my retirement. I mean, I probably...I've got a good portfolio. I'm planning on buying more. Right now that market is really, really hot. So I'm buying, fixing, I'm flipping. Buy them, fix them, sell them. Once the market goes down again I'll buy again, fix them, and rent them. (Latino male, 34 years old, individual property manager and owner)

One of them I got in 2015, the other I think in '14. I just got them because that was a time when the prices were really down, and I just got it because I don't have any plans of keeping them long-term. After maybe 1 or 2 more years, I'll just sell them. (South Asian female, 52 years old, individual property manager and owner)

I'm planning on buying more, like I said. I bought all my properties in the recession, the last house that I bought to hold was in 2015 and since then I've been just flipping them. Buying, fixing, because they're very expensive. They're very, very expensive. You need to buy free and clear to be able to make a dollar, otherwise there's not that much profit to be made. (Latino male, 34 years old, individual property manager and owner)

Most landlords discussed their investment in rental property using free market thinking, however, this does not control for social, economic, and political realities and the power imbalance between landlords and tenants. Simply, the landlord sets the rent and legally owns the property in question. To the contrary, free market ideology and rational choice theory suggest that all citizens can equally participate in the market, which ensures that everyone will be able to afford a place to live in the community that they desire to live in. However, that is

simply not true. North Minneapolis has been, and continues to be, a place from which to extract wealth, continuing the life cycle created by a history of redlining, racial covenants, disinvestment, predatory lending, gentrification, and displacement.

Free market justification, particularly in a place like North Minneapolis, only works to reproduce predatory practices in a part of the city that has been manufactured to contain socially constructed, undesirable populations and extract its resources. A small minority of landlords divested from this model of thinking, one of whom called himself “altruistic” and proceeded to explain that his tenants suffer from a severe lack of income and become self-destructive and sometimes chemically dependent as a result. He worked diligently with them as they sought resources and support. “I understand how this is created, because as a country, we create these problems.” When landlords make decisions that are driven by the markets, the social impact for tenants becomes secondary, at best. This, in turn, provides zero incentive for landlords to avoid eviction filings. Rather, in many ways, a profit-driven motivation incentivizes eviction filings.

Assessing Risk and Mitigating Loss: Small-Scale Landlords in North Minneapolis



photo by Nikki McComb

David is a full-time realtor and became a property owner/manager in 2013. He bought his first three duplexes from an acquaintance who was buying foreclosed properties in North Minneapolis after the 2008 housing market crash. This owner had been remodeling properties just to keep from laying off his crew. David bought one of these properties and described himself as a risk taker who saw a good investment. He explained that he was not afraid of the stereotypes that stopped other investors from buying in North Minneapolis. Contrarily, David saw a great investment and profit-making opportunity that he realized would not be possible in his own suburban community.

What shocked David the most about tenants is that when he sits down with them with the intention of reading through the lease, they just want to know "where to sign." They don't want to go through it. To David, this tells him that they don't feel like they have a say, because if they did they would negotiate.

David inherited six units with tenants when he purchased his first property. Two of his Section 8 tenants were grandmothers who could not afford the damage deposit, so he allowed them to pay a little additional money each month until they reached their full damage deposit amount. David emphasized his willingness to work with people as long as they communicate and don't disappear. According to David, the most common challenge his tenants face is their social dynamics, which lead to financial hardships. "A girl gets pregnant, has a child, drops out of school, 'baby daddy' isn't living there and is not helping, and she winds up living with her parents or on some sort of assistance. She can't finish her education and things continue to snowball." David further states:

I've only had two instances where a man has been on the lease with a woman. It's always women who are on the lease, and then if there's a baby daddy, he's the couch surfer. If I get police calls, it's pretty much always because of the guy. It's not the women who cause the problem. When it is the women who cause the problem, and here's another real area of interest to me, a lot of it has to do with mental health problems. There's a surprising number of issues there. It never would've dawned on me, until I got into it.

David goes further to say that entire households are raised this way, and he sometimes meets grandmothers who are younger than he is as a result of this cycle. "They're permanently in a bind, and to me, it's like a slow motion train wreck."

He has only evicted one tenant. In this case, David was working with his tenant's boyfriend to receive the rent. However, although the tenant was giving her rent money to the boyfriend, David was not receiving it. The boyfriend told David numerous stories about why they weren't paying rent, including that his mom had passed away. Later, David learned from the previous owner that the boyfriend claimed that his mom died the year before. In reality his mom was still living. David met her a year later.

By the time David filed the eviction, the tenant and her boyfriend owed \$3,000 to \$4,000 in back rent. Since he had only corresponded with the boyfriend, David finally sent a letter to the tenant's job to

connect with her. She called David the next day and explained that she had no idea her boyfriend wasn't paying. She took out a 401(k) loan to pay the back rent and handed David an envelope with \$4,800 in cash.

Around the same time, the tenant's boyfriend robbed a bank and as a result, the police raided David's property and found one-tenth of an ounce of marijuana.

The problem the police had with me, was not that he was a bank robber. The problem they had with me was that they found a tenth of an ounce of pot in the house. Pot is a schedule 1 federal drug. I learned a lot in this experience. It's classified as a narcotic. I got a letter from Minneapolis police saying, "This is a problem property, and you're at fault."

David refused to evict the tenant, and when he later received a call from Luther Krueger (a former crime prevention analyst in Minneapolis), Krueger tried to convince him otherwise. In the end, David was forced to file a management plan by the city, because he refused to evict his tenant. He believed the boyfriend was taking advantage of his tenant and that she had no clue what was going on.

Through her 401(k) loan, David's tenant got caught up.

Then she's good, good, good. Then she's not good. Then things fall off, she stops talking to me. All she had to do was tell me what was going on. The state was garnishing her pay because of some past due tax issue. Even though they weren't married, they were tied together. She wound up having money garnished. This is one of those, I've told her literally 100 times, you just have to talk to me. She still gets scared, and she stopped talking to me. Then I had the eviction action filed, because I hadn't heard from her in months. Got to the point where I was driving by, trying to figure out if she even there.

The tenant did not show up for any of the court dates and only called when the sheriff posted a vacate notice. David asked her if she was going to pay and stay or not. They agreed that she would stay.

David now picks his tenant up each week and collects as much as she can pay until her debt is paid. "Right now she owes me, I think she's \$2,800 behind, but she's making progress. Is that smart or is that stupid? I don't know yet. Come ask me in 6 months." David admits, he likes her and he believes in her. "She could potentially get further and further behind, and maybe I'll lose \$5,000 or \$6,000, and then I'm going to feel like, 'Wow, I was the biggest sucker out there.'" He added:

I don't think it's going to happen. I think what I see is, she is going to make good. It's going to take a long time. I don't really care about that. I just want to know that she's going to make good. She has two kids, I like the kids. I like her, I just want her to understand, you got to talk to me through thick and thin. You got to talk.

The management plan enforced by the city aimed to ensure that similar problems with future tenants would not happen again. Now all of David's potential tenants must apply through Rental History Reports, a third-party site vetted by the city, and David is "completely detached from it." No one has yet to apply with any unlawful detainers, but he probably would not rent to them. To protect himself (unless the person is on Section 8), he will only sign a month to month to ensure they will pay consistently before signing a lengthy lease.

David made it clear that he employs these strategies because he is "not going to be Mary Jo Copeland. I'm not going to house people for free, because then I am costing myself. That might be selfish, but I bought these as an investment. An investment has to perform. You can still do it with heart. You got to balance off. Right and wrong, good and bad."

For larger multiplexes, a property management company can typically maintain its cash flow even when a few units go vacant as a result of eviction. However, it's more common for landlords who manage single-family homes, duplexes, or small multiplexes to have a more fluid set of policies or practices when it comes to the tenant eviction process. In addition, these landlords typically take on a higher risk of not being able to maintain consistent cash flow between periods of tenant turnover.

David is middle-aged white male landlord who stated that he had a fairly racially homogenous upbringing while growing up in Bloomington. Yet, he is a representative landlord who invested in North Minneapolis because he knew he could not make the profit margins elsewhere. He quickly entered a cultural context where he could not understand why his mostly low-income Black tenants did not try to negotiate their leases, and he was enamored by the fact that the grandmothers appeared to be younger than he was. David used phrases such as "culture of poverty" and "baby daddy," which have become popular linguistic tools used to justify why we should blame low-income people for their circumstances rather than understanding the exploitative context under which these social dynamics were created. David used his new insights to determine that his tenants' social dynamics led to financial hardships. When it mattered the most to him, he was able to support a tenant who many other landlords would certainly have evicted. However, he admittedly struggled with his own business interests and the needs of the people he claimed to want to serve.

Perception of Tenants: A Frame for Assessing Risk

Landlords typically described their tenants using deficit-based language that often included references to high rates of unemployment, domestic violence and intimate partner violence, driving while Black, getting pregnant at a young age, grandmothers raising grandchildren, no boyfriends on the leases, the majority of tenants being single mothers, and drugs. These perceptions ensure that any transactional breakdown in the relationship is understood to emanate from these presumed deficits.

I definitely think that there's enough money being thrown at this problem. I just think that it's being used poorly because we have major government-funded programs and then nonprofits surrounding that, plus a lot of other types of aid for furniture, food, cash assistance, medical benefits. There's plenty of ways for people to get the assistance that they need. I think that people need to appreciate it and they need to actually have...It needs to be structured in a way where it's not so easy for them that they want to just keep doing that and it needs to be structured in a way where there are real consequences for them, if they're not being a good citizen, really. (White female, 38 years old, individual property manager and owner)

Well, as I've seen it play out through a few generations now, there's a terrible epidemic of fatherlessness in our society, and I think it plays a huge role in this, a huge role. If I was to put my finger on one source of the problem, I would say that is a very large contributor. (White male, 57 years old, individual property manager and owner)

The moral construction of poverty locates its causes in the perceived poor character of the individual and ignores the racialized social, economic, and political structures under which those individuals exist. A failure in values or morals is then used to explain an individual's impoverished circumstances inversely, meaning that those who are not poor have a higher moral compass. This logic is informed by deficit-based language that then necessitates a paternalistic approach, which aims to regulate the lives of mostly poor mothers.

To some point because the biggest problem we have in North Minneapolis is you do have an applicant coming in and applying for it, and then it's unauthorized occupants because the person who will be moving in will be really, really clean, but once they move in, they'll start getting the trouble. Actually, especially with single moms, that's a bad turn I'm really seeing. (White female, 38 years old, individual property manager and owner)

This landlord, like many others, made note of the role that guests often play in causing discord in the rental relationship. However, in these instances the single mother is determined to be the one without sound judgment, rather than the individual guest. This displaces blame and further stigmatizes single motherhood.

All of the landlords employed some form of value-based judgments when deciding whether or not they would rent to a particular tenant. Value-based judgments often mean that the landlord made a series of assessments about the tenant, their identity, and their values based on racial or ethnic makeup, their family structure, paid work or lack thereof, and purchasing habits to determine if a tenant is responsible and subsequently would be a good tenant. This then explicitly factored into the landlord's willingness to sign a lease, renew the lease, or pursue eviction when the time comes.

I will not rent to anyone without a job. It doesn't matter if they are on Section 8. My money is getting paid. Even if my full money is getting paid, I will unless they have real disability. I do have two tenants who are on Section 8 who have been my tenants for 3 years. Both of them don't have jobs, but I know that they are disabled, and I don't have any problems with them. It's good. If I have them on Section 8, my money is being paid, but I've seen people play the system and so if they don't have a job, nope. I don't have a place. (White female, 38 years old, individual property manager and owner)

I probably spend more time than most landlords in screening. I actually go to the family's home. I actually knock on their door and say, "I'd like to see how you keep your present place." So that's always helpful. In fact, many of my good families, actually request me to...They'll say, "I keep a perfect home, a tidy home. Come to my house and I'll show you." That's music to the ears of a landlord. (White male, 60 years old, individual property manager and owner)

I'm getting more and more sensitive to it [UDs]. A UD, on average, costs me \$2,000, and that doesn't include anything for my time, and it doesn't include any lost rent that's happening while we're getting the place fixed back up. What I've found over the years is that UD's, once they've had one, they just keep having them. Very few people actually change. (White male, 60 years old, individual property manager and owner)

A lot of landlords are like oh I'm not going to rent to Section 8 anymore. Well, you can't do that here. Or the goofball that bought the threplex next to me, I'm not going to rent to Black people. I looked at him like "What? You can't do that." "Well it's my place." I'm like "I don't care, you can't say I'm not renting to Black people." (White male, 62 years old, individual property manager and owner)

The last impact of landlords' perceptions of their tenants is enforcing disciplinary actions. These landlords make assessments of the lifestyles of their tenants and will evict if their tenants' behavior makes them feel undervalued as a landlord. These landlords see their tenants' lack of self-discipline or consistency as an opportunity to discipline them for the purpose of ensuring they are more civically responsible. One such landlord described going to a tenant's house to collect back rent. While at the unit, he noticed a brand-new flat screen TV. He decided to ask about it, and the tenant stated that it was Black Friday. The tenant did not have the back due rent amount that she promised, which the landlord took as a lack of responsibility. He moved to dissolve the relationship.

Many landlords we interviewed had clearly become jaded. One landlord stated that he advised a potential new investor to avoid buying rental property in the city of Minneapolis all together and another landlord had been burned too many times from tenants with evictions on their records and now refuses to rent to them.

I'll answer that question but actually just recently a guy contacted me, cold called me, asking to buy this last remaining property I have in North Minneapolis. After speaking with him, I determined that

hey no matter what you offer me, I'm not selling you this property because he's got property in Brooklyn Park and other suburban areas, and this would be his first North Minneapolis property. And I just told him, you don't know the game. You're gonna get screwed and you're just better off staying outside of Minneapolis. And after speaking with him more, he's thankful. He has no interest anymore, going to North Minneapolis, or Minneapolis in general. (White male, 32 years old, individual property manager and owner)

Yes [a tenant will be successful], as long as I don't make an exception for people with evictions. I've done that way too many times. I'm way too nice and it always bites me in the butt. No good deed goes unpunished. (White female, 35 years old, individual property manager and owner)

Section 8 Risk and Reward

For every two jaded landlords, there is one who is consciously aware of how the moral construction of poverty locates the causes of poverty in the perceived poor character of individuals and ignores the social structures under which those individuals exist, especially when it comes to accepting Section 8 voucher holders as tenants. In 2017, the Minneapolis City Council approved a Section 8 anti-discrimination ordinance, which prohibited landlords from refusing to rent to Section 8 voucher holders. If a tenant felt that a landlord refused them because of their voucher status, they could seek damages through the city's Department of Civil Rights. However, after local landlords challenged the ordinance, a Hennepin County judge struck it down in 2018.

I don't do any Section 8. My rental properties aren't all like this, but they're very nice. I charge probably the upper end of the market for properties, A, because I can and B, you just get people who don't trash the place. So I don't have a lot of UD people or anything else of that nature. (White male, 41 years old, individual property manager and owner)

A lot of landlords embraced the Section 8 voucher program and are astutely aware of the challenges that many tenants face trying to find someone to take their vouchers.

I would say the other challenge is the difficulty of finding a place, so it will have an impact on their rental history. The last four leases I've signed, I believe three involved families that were on their last day of their last extension of their voucher. One was one hour away from losing her voucher. She had to sign the lease and race to Section 8 with that lease. (White male, 60 years old, individual property manager and owner)

The debate among landlords about the politics of accepting Section 8 vouchers is a complex discussion grounded in values and our perceptions of poverty. For the landlords willing to accept Section 8 vouchers, the program will guarantee income each month despite the federal Section 8 housing code guidelines, which can be cumbersome by creating additional checks and balances for the landlord and the tenant. Other landlords outright refuse to accept Section 8 voucher

holders because they have predetermined that those who qualify for this program will only damage their properties. Lastly, other landlords express vocal disdain for the Section 8 voucher program not because of the tenants but because of other landlords. They assert that absentee landlords quickly accept Section 8 voucher holders, not caring about the livability issues it creates for neighbors and other landlords. This logic reaffirms the prevalent notion that low-income families are of ill moral character by nature of being poor.

They have the right to double-check and check and stuff. They'll work with you, it's a good thing in a way that it trains inexperienced, absentee landlords that live out in Minnetonka, not to mention any...but just, that's the reality. You've got a lot of investors, "Oh, let's invest in North and put Section 8 or anybody that they find on the street, it doesn't matter because it's North," they don't live here, they don't care about the livability issues. They'll bring in anybody, and that kind of creates livability issues. (White male, 51 years old, individual property manager and owner)

I really like Section 8. I think it gives you more leverage because if you're not doing what you're supposed to be doing, I can throw you out, or I can get ahold of your case worker and, you know, they have the potential of losing their Section 8 which gives you a little more leverage on, you know, them doing their due diligence as well as me, you know. (White male, 62 years old, individual property manager and owner)

Girl, it goes back and forth. I have some Section 8 tenants that really take care of their property who I have absolutely no problem with. I don't call them, they don't call me. I go over to their house whenever I want to, it's an open door, "Hey Miss Smith, how you doing? You want to come in, have dinner? You busy?" But then you have some who can't even pay \$75, and then they get mad at you because, "You already get the majority of my rent. Why do you care about that other \$75? You already rich." Is you serious?...But then you tell them, "Okay, well I'm gonna notify Section 8, and let them know that you ain't gonna pay." "Okay, [landlord] I'm gonna get it down there to you as soon as possible." (Black female, [no age given], property manager for a for-profit agency)

Although a majority of the landlords interviewed said that they were willing to work with people who had unlawful detainers or would accept Section 8 vouchers, the manner in which they perceived tenants influenced the amount of risk they would take on future tenants. A number of landlords would not rent to anyone with an unlawful detainer. One in particular talked about knowing landlords who have explicitly stated that they would not rent to Black people, or rent to anyone with an unlawful detainer. Another stated he takes into account the condition of the interior of his potential tenants' cars as a reflection on their potential tenancy.

This moral constructionist framework has been written into our public policy framework. A prominent and deeply embedded example came from the Moynihan Report of 1965, officially titled "The Negro Family: The Case for National Action," published by the Office of Policy Planning and Research through the US Department of Labor. Former Senator David Patrick Moynihan

argued that although the history of slavery had grave effects on the Black family structure, it was in fact the lack of a Black male patriarch and the large number of Black, female, single-headed households that was the source of economic deprivation in the Black family. This “blame the victim” approach to a lack of “proper” nuclear family structure presumed a lack of values and the willful perpetuation of poverty. The perception of poverty and a few bad experiences with tenants can structure how landlords develop and implement strategies for mitigating loss that are often informed by factors such as a tenant’s race or job status, in turn determining a tenant’s level of responsibility or worthiness and decreasing their willingness to work with other tenants in the future.

Strategies for Mitigating Loss

The most common approaches used to mitigate loss by the landlords interviewed were cash for keys, mutual termination of lease by nonrenewal, and signing only month-to-month leases.

Cash for Keys

Cash for keys was a somewhat contentious topic for the landlords interviewed. One landlord stated explicitly that she was completely against offering tenants cash for keys, because she wants people’s choices to have consequences. Whereas others did not use the practice had no established opinion about the tactic, had never even heard of it, or had never gotten to the point where they thought it was a tactic worth using.

For those who have used and are still actively utilizing the tactic, they determined that they would spend less money offering tenants cash for keys than the entire cost of the eviction process. These landlords were also attempting to prevent the loss of income, because of the time and resources associated with the unpredictable Housing Court process. One property manager explained that offering tenants cash for keys might very well “kill” the property owner, who must come up with \$500 out of pocket to get someone out, but the cost of filing an eviction is too high.

The process often includes hiring a lawyer, only to be encouraged to “work it out” at court, which could result in an agreement that the tenant does not fulfill. Then the owner would have to file a writ to physically remove the tenants, all of which they determined could cost over \$2,000 and a lot of wasted time, despite the fact that very few evictions often end in a writ being filed.

It's anything you can think of, of what they would say back. Like, you'd say, "You know what? What if we come there with, \$200. Today, you sign the paperwork, and when we confirm you've moved out, here's another \$200." Or, whatever dollar amount you can put in there. I think probably, in that scenario, we wouldn't talk about the security deposit, because you'd just assume it's lost. You're not getting it back. They've already made that assumption. (White female, 39 years old, property manager for a for-profit housing organization)

I almost always actually do a cash for keys option before I do the eviction. I say, "If you're out by X date, then I will give you \$500 cash," just end of story. (White female, 35 years old, individual property manager and owner)

Mutual Termination of Lease

Mutual termination of lease is used most commonly for two reasons: either as a result of domestic violence and lease violations, or landlords will simply not renew the lease at the end of the term. Other landlords reported never needing to use it, because tenants, as one landlord stated, will "up and leave" without notice, preempting an eviction due to a lack of respect, or communication has taken place causing a strain on the relationship.

We always offer it [mutual termination]. The eviction process is so expensive and cumbersome, and it's such a big deal to do an eviction, that I try to avoid it at all costs...That's usually when I'm about to get ready to file for an eviction, I say, "I have to file for an eviction, unless you are out on this date at this time, for this amount of money." And I typically also offer it throughout the eviction process. It's usually a 60-day, sometimes we'll just serve a 60-day notice that we're not renewing the lease, because our leases are all 12 months, and then month-to-month thereafter, with a 60-day notice. (White female, 35 years old, individual property manager and owner)

Okay, so first stage of it is trying to negotiate a mutual term termination lease or mutual lease termination. Mine looks like, "Okay, you are not paying rent anymore, pick a date, hand in the keys. We don't want that date to be more than 3 weeks out," we won't go that far. About 3 weeks I want to see the keys back and kind of done...A lot of the time. I would say at least 90% of time, we can do it.(Black female, 44 years old, property manager for a nonprofit organization)

The Month-to-Month Landlord: An Underanalyzed Predatory Practice

The month-to-month strategy for mitigating loss is an underanalyzed yet powerful tool for landlords in managing risk. Landlords can mitigate their risk by offering a short timeline that allows for a nonrenewal of lease quickly if tenants do not adhere to their lease expectations. Additionally, landlords can protect their ability to profit from a hot housing market by having the option to evict tenants through nonrenewal quickly. Although the Section 8 program requires a year lease, tenants who rent in the private market without a government subsidy are subject to a landlord's lease parameters, which may increase housing precarity.

Of the 32 landlords interviewed, 50% (16) noted offering month-to-month leases, with 2 noting that they only offer month-to-month leases unless dealing with Section 8 voucher holders.

Now here's how I defend myself. Unless you're Section 8, I only use a month-to-month lease. Because if I misjudge, and I get 3 or 4 months in, and you're just not paying, then I can say, "I am not renewing

your lease as of," whatever date. I have to give them minimum a month, and a day. That's a safeguard for me. (White male, 58 years old, individual property manager and owner)

Tell them [renters outside his network] we're gonna do a 6-month contract. After that they all become month to month...I'll give them 2 months' notice and then you're out just in case I need it for somebody else or whatever, if I need to sell the property or something. I've been tempted by the real estate prices to sell some of them. Out of all the people that I have right now, they're all month to month. (Latino male, 34 years old, individual property manager and owner)

In addition to these three common strategies for mitigating loss, the landlords we interviewed used other less-common methods as well. The least common approaches were double deposits and lack of cleanliness. Of the 68 tenants interviewed, only 16% (11) reported paying a double deposit, thus supporting this statement. For the few landlords who utilize double deposits for tenants they deem to be "risky," they believe that a tenant is more likely to be a "good" tenant if they want to receive their double deposit back. However, one landlord stated that in the past he required double deposits and tenants failed to meet the payment plan they had arranged. This instance refuted for him that a double deposit is any incentive to ensure that tenants will fulfill their lease agreements. Additionally, one landlord stated that when tenants come with a housing voucher and do not have to pay the deposit themselves, they have no "skin in the game." This landlord then automatically expects that the tenant will not be successful.

When a tenant actually comes up with that money (double deposit) themselves rather than an agency...those are usually your better tenants, 'cause they know their money can go back to them if they do the right thing. (White male, 63 years old, individual property manager and owner)

My current property manager is making sure he's a very strong-willed individual, who just makes absolutely sure that they understand that garbage is supposed to be taken care of, the streets are swept. If your house is not in order, we will ask you to leave. We've come across, very often, where people just don't have any cleanliness in their lives, and we will not tolerate that. Cleanliness and order. (White male, 64 years old, individual property manager and owner)

The Rise of the LLC

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*

Nearly twice as many properties in North Minneapolis were owned by large-scale limited liability companies (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.

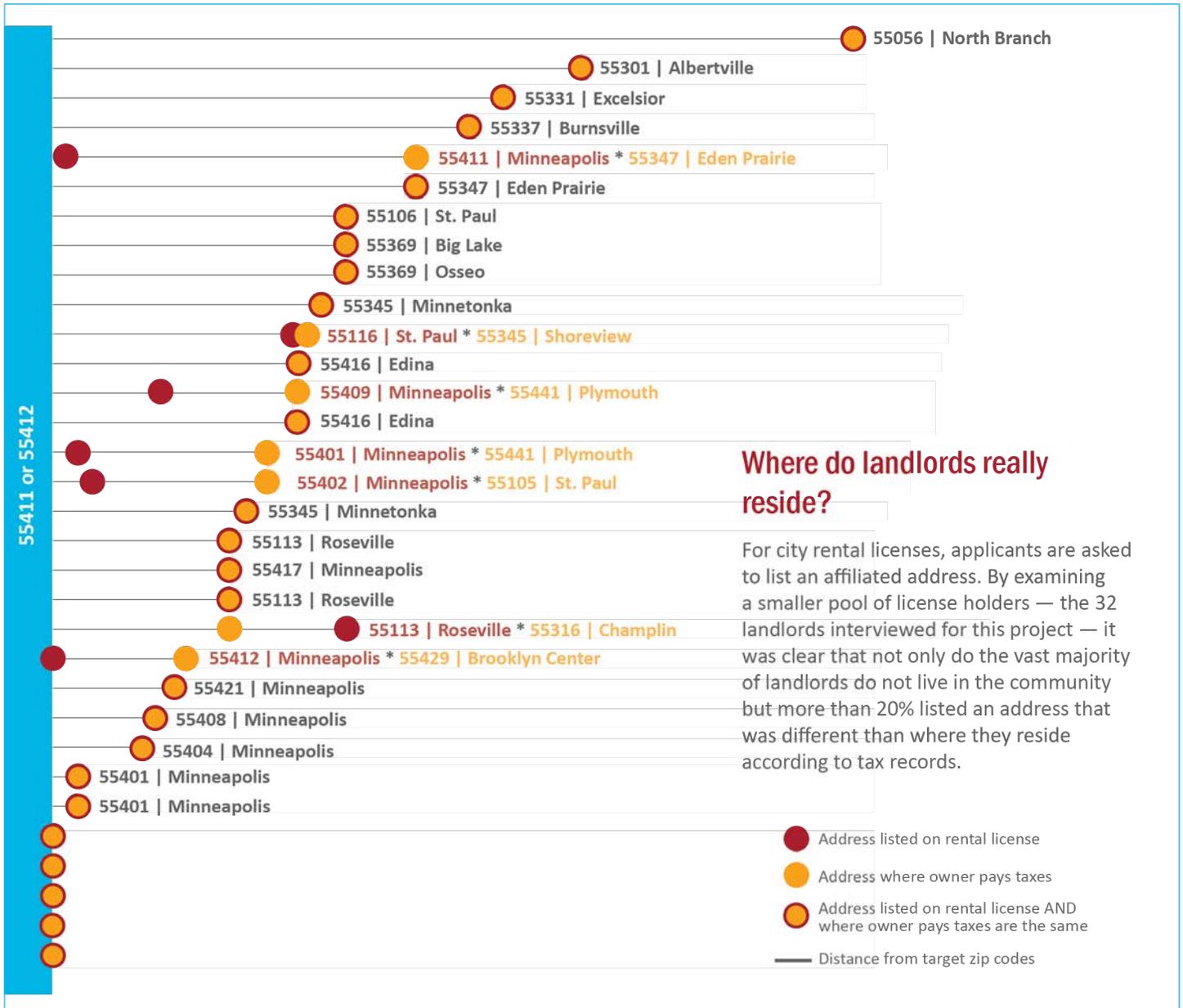
All of our homes are owned by LLCs. There's usually two or three houses per LLC, so usually that profit has extra capital from the other properties within it...That's partially for some of our online ability, if we had a tenant get hurt and sue us, we could sell out the assets of that LLC but still be able to continue operating.(White female, 35 years old, individual property manager and owner)

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% in the rest of the city.

In research on landlord investment strategies and the link to property disinvestment in Milwaukee, WI, Adam Travis (2019) argues that across the last two decades, investors are moving toward the LLC model of ownership to limit individual liability. He found a correlation between the LLC ownership trend and properties that are not up to code, a trend seen most often in cities' poorest distressed neighborhoods. Travis states that this trend has taken place because of advances in the legal environment since the 1990s with the creation of LLCs, which "promises to ensure that personal assets will be protected from business-related liabilities" (p. 143).

The evictions research team spent a significant amount of time trying to distinguish individual ownership from LLC ownership structures in North Minneapolis to understand where landlords reside in relation to their properties. This work just scratched the surface of the relationship between individuals and LLCs in North Minneapolis. A closer examination of data in the city of Minneapolis must take place to determine the correlation between increasingly distressed properties and their code violations and the ownership structures, which may provide protection for these landlords.

Where do landlords really reside?



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

The Intersection of Nonprofits, Subsidized Housing Programs, and the State: Small-Scale Landlords in North Minneapolis

Denise has been a landlord for 19 years and for the last 11 years has managed for a nonprofit organization. Like a majority of nonprofit housing landlords in this project, Denise stated that she fell into this line of work starting off first as a leasing agent in market-rate properties. She left the market rate industry because it was too corporate. She felt the industry was only in it for the money, and as a result, many tenants would end up homeless or having to move without anyone caring. Instead, in the

nonprofit sector, "We tend to choose to house populations with the largest barriers. We choose communities where we can make a difference or where change is needed."

Denise manages over 200 units of housing in North Minneapolis. The nonprofit housing provider conducts criminal background, credit, and rental history checks and requires no unlawful detainers in the last 2 years. The organization works with several homeless programs, so they expect to see some UDs and they provide a program for tenants with UDs to become eligible for housing. Additionally, although they cannot work with arsonists and sex offenders, they do work with felons as part of a supporting housing program in North Minneapolis. Finally, the organization has processes that veer from its criteria and may grant tenancy to people who were initially denied. Most of the tenants granted residency after denial are working with a supportive agency and with the organization to create stability.

Denise does not believe there is a good way to predict the success of a tenant. She sees screening criteria as how landlords try to predict and mitigate their risk. However, a tenant can look stellar on paper but be a horrible tenant or look horrible on paper and be a really good tenant. Denise stated that screening criteria are just used as a mechanism to ensure access to fair housing, but it is not the best way to determine an applicant's success.

Denise's organization has a structured process regarding evictions. The organization requires first month's rent and a security deposit prior to moving in but will accept a guarantee letter from a support agency in lieu of money in hand. The organization modestly increases rents annually, between \$10 and \$15. Every tenant gets a notice of rent due on the first of the month, and then between the sixth and the tenth, the resident will get a 10-day late rent letter. Tenants who are late have the option to either sign a mutual termination to move out or arrange a payment plan. If they do not hear back from a tenant after this letter, the organization must decide if it will pursue eviction.

If the tenant is having conduct issues, not nonpayment issues, the organization almost always pursues mutual termination, because it believes that just because the tenant is not successful with them doesn't mean they won't be successful elsewhere. The organization doesn't want to create another barrier with an unlawful detainer. Additionally, it gives a neutral rental reference. Denise knows that this angers other private landlords.

In Denise's opinion, the challenge that most of the tenants face is affordability. She notes that 90% of those they present with mutual termination accept it, because it will look unfavorable to another landlord to receive an unlawful detainer from a mission-based organization like hers. When tenants lose an income and are without any means to pay, they will simply get farther and farther behind, therefore, mutual termination is pursued first if no resources are available to assist them. This organization budgets for evictions, and Denise supports unlawful detainer expungements and will not appear in court to fight it if a tenant files for one.

For Denise's organization, the courts can be challenging, especially when filing for a lease violation because the burden of proof is on the landlord, and particularly when the city is forcing the organization to evict someone and it asks for a trial. The process becomes long and drawn out because circumstances are hard to prove. It's quite difficult to get tenants removed, and the organization has fought cases for months, draining limited institutional resources.

Because Denise's organization provides affordable housing and has tax credits, it's impossible to simply not renew a lease like private landlords. There must be a cause for not renewing a lease. The burden of proof is on the organization. In those instances where the organization knows that it could file an eviction, but wants to make another last-ditch effort to work with the tenant, it develops an individualized eviction prevention plan for the tenant with management and within the terms of the lease. The plan outlines what actions the tenant will agree to, to ensure the behavior will not continue to happen. If this agreement is violated, the tenant will be asked to leave.

Denise, like many other nonprofit housing managers, believes deeply that the work assisting those families with the largest barriers to obtaining housing is critically important. These agencies' missions require that they set up mechanisms to support tenants during hard times and provide them access to services.

The owners...Out of these three entities in the zip codes, one of the entities is a nonprofit. So, it makes things a lot more...It makes things a lot easier. Where the other two are not nonprofits, but they are not looking to take income from the building to pay their mortgage. But they are looking to take income out...Income from the buildings...So, I think the receivables. Right, so if you look at the end of the month receivables, that they're rate of two people haven't paid rent for the month, they're [nonprofits] more willing to be understanding. (White male, 50 years old, property manager for a for-profit company)

They're [nonprofits] a little more altruistic in their endeavor than a private landlord. They're looking at properties...On their side, too, they're looking to rehab properties using the Section 42 program. They get developer fees out of that. They also, they're specifically targeting affordable housing and looking at those areas where there's properties in distress, which is going to be more difficult. (White male, 32 years old, property manager for for-profit company)

The units that have service providers are my most successful households. When they're not and there's an issue, the service provider steps in and either gets the tenant or the tenant no longer receives services. (White male, 50 years old, property manager for a for-profit company)

Nonprofit Organizations and Subsidized Housing

Undoubtedly, nonprofit organizations and subsidized housing opportunities play a critical role in providing housing, economic, and social support to residents of North Minneapolis. Additionally, nonprofit housing agencies are seen as the altruistic affordable housing conduit for those low-

income families and seniors who cannot afford the traditional market-rate housing options. Concurrently, these residents' backgrounds often prevent them from appearing as ideal candidates. Yet, the overrepresentation of nonprofits and housing subsidies in these two zip codes create a tension between the high need for safe, affordable, and quality housing units and the potential paternalistic dependency on affordable housing to maintain housing stability.

According to the City Planning and Economic Development (CPED) office in Minneapolis, nonprofits have fueled a majority of the new construction and some rehabilitation in North Minneapolis, based on CPED funding and public-owned land sales. Over the last 7 years, at least nine different nonprofit housing organizations have been involved in new development projects in North Minneapolis. The neighborhood has received little large-scale, new private housing development that has not been built by a nonprofit housing agency, and as a result there's little research that proves that market-rate rents would be successful. In many ways, this reflects the disproportionate rate of low-income residents of color in North Minneapolis. Nonprofit housing developers as well as subsidized housing opportunities match the resident type, in that these resources are clearly designed to provide support for housing-insecure residents.

Ours [criteria] is already pretty low. I think though because we're mission-based, the financial cost of business...being mission-based is pretty steep. Because we're choosing to create housing stability or help folks create housing stability, we go above and beyond. We don't file a UD unless it's absolutely necessary. We put things in place, like an eviction prevention plan and try to work with you to get you to curb your behavior that's causing the problem. (Black female, 44 years old, property manager for a nonprofit organization)

Yet, landlords questioned whether or not these types of support are just reiterating a cycle of housing instability—a shallow and temporary solution that provides subsidies to landlords but does not get to the root of the barriers to helping tenants reach housing stability.

I'm gonna be honest with you. I don't know, because I got some people they get out the shelters, and they've been with me for 5, 6 years. They're not on any rental assistance, they pay their rent, do you know what I'm saying? I guess a lot of them, they come from the shelter, after their assistance is over they feel like their life is over, and they're right back in the shelter. (Black female, [no age given], property manager for a for-profit organization)

I think the best way is, obviously, when people are willing, they get back on their feet. Because, people moving around, isn't helping anybody. Getting them back on their feet would be the best way, but doing that is obviously not our...We don't know how to do that. I mean, we try. (White female, 39 years old, property manager for a for-profit organization)

Landlords benefit from the subsidies provided to North Minneapolis residents. An example of this came in an interview with one of the landlords who was noted by the Minneapolis Innovation Team's (2016) report as a frequent filer. Although he provides housing to Section 8 voucher holders, this landlord openly spoke about his use of eviction filings. He benefits from state-sponsored housing subsidies, yet his tenants pay the price with multiple eviction filings.

I believe there was something that was on public radio; they talked to the reporter about a month ago. When he ran the story I pulled it up. I think I had 67 that were filed (formal evictions) in the last, I think it was 3 years. To be honest with you, I think it's a little more than that. I would have to say it's more like about 40 a year. And granted, it doesn't mean they actually end up moving, but it's just that many are filed. (White male, 68 years old, individual property manager and owner)

The Minneapolis Public Housing Authority (MPHA) is a strong example of the tension between providing much needed shelter and reinforcing a cycle of paternalistic dependency. Historically, public housing developments were built in the central city, particularly in low-income communities of color. North Minneapolis is no exception. The MPHA, a quasi-governmental agency, provides almost 6,000 units of public housing across the city of Minneapolis, with approximately 19% (1,163) of these units in the 55411 and 55412 zip codes, specifically. Yet, according to the MPHA, there are approximately 7,000 individuals and families on the waitlist for high-rise buildings, mostly the elderly and disabled, and close to 1,000 families are waiting for other housing options. The lack of housing available to residents outside of the MPHA and other nonprofit housing providers creates a dependency, leaving residents little choice but to abide by MPHA rules or risk losing their only option for stable housing.

I think some of the people who might be less successful are the people who are homeless, 'cause they come into our situation and now they're...We have rules, about your behavior and paying rent and all that stuff and so I think that it seems to us that the people are homeless, like the goal is to get them housed but then their services kinda drop off. Now we do have social workers through the Volunteers of America in the buildings, and so we really are working toward helping people be successful tenants and so, anytime we send out a nonpayment letter, the copy of the spreadsheet goes to the Volunteers of America social workers and all of our staff, we're trying to knock on doors, get people to pay their rent, so that's in the first month. (MPHA staff member)

When nonprofit and low-income housing subsidies become the last resort to stable housing, the impact of evictions becomes that much more relevant. Although they play a critical role in North Minneapolis, the mission of housing stability is threatened by a cycle that reinforces dependency and lacks the resources to help residents move to full independence.

The Role of Housing Support Agencies

Private landlords did not express any explicit opinions about nonprofit housing other than to send the message that they were not “going to be Mary Jo Copeland,” which aimed to ensure that people understood that they got into real estate investment to make money. However, a small number of private landlords called out the contradictions embedded in the short-term housing subsidies programs that many participate in, and as a result many now seriously question the social services system.

The program that I've done the most work with is St. Stephens and the short-term program doesn't work at all. As soon as they're on their own, they start falling behind. Every single one of those people have had to be evicted. Doesn't work and the long-term program doesn't really work either because they're putting people in...It's like they're sneaking people in that they know are drug addicts, who are gonna turn your house into a flop house, so yeah the rent's paid, but they're doing damages, they're causing problems with the neighbors, a lot of problems. Initially, I was really excited about the program because they say that they check in every week with the tenants, but there's no real consequences with the tenant, so they can check in, but the tenants start doing what they're doing. (White female, 35 years old, individual property manager and owner)

They reached out to me. I put an ad on Craigslist and they reached out to me. They said that they would pay the rent in full, for a year, for this particular person. And obviously that sounds great, so I did that. I don't know how this is legal either because they signed a lease saying that they would do that. I know I signed a slew of other paperwork but then as the income changed their payments to me changed as well...It actually incentivized the tenant not to work in a lot of cases. And then Simpson Housing their funding eventually runs out. And the landlords are stuck with the tenants. And they're broke. And they leave all their stuff behind again. (White male, 32 years old, individual property manager and owner)

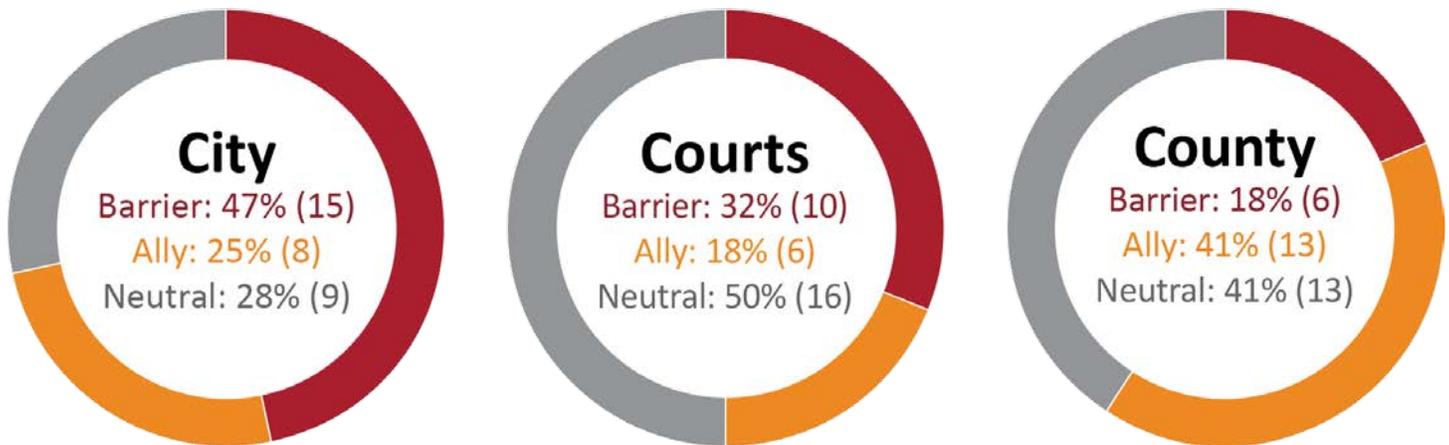
Not all landlords reported bad experiences with these housing subsidy programs. Yet, clearly many did not understand what it meant to support a program that aims to house families with significant barriers. Additionally, most, if not all, of the landlords who have participated in these programs stated that short-term housing subsidies are only temporary bandaids that free up beds at the county shelter. This draws attention to how our county system is in fact not doing the work of helping to stabilize families but rather focusing on the cost per bed, forcing families back into a state of constant crisis decision making, which leads them back to the shelter.

Landlord Perspectives on the City, the County, and the Courts

There are good landlords and bad landlords. And there are good tenants and bad tenants. Most eviction analyses isolate the imbalance of power in the landlord and tenant relationship. Yet, there is a clear intersection with the role of the state, including the ways in which the city, the county, and the courts influence the success of the landlord-tenant relationship. Our research indicates that in addition to most landlords' natural inclination to locate the causes of poverty in

the perceived poor character of the individual, rather than the social structures, landlords are also extremely critical and feel constrained by the ways that the city, the county, and the courts impact their ability to be successful.

Landlord Perceptions of City, Courts and County as barriers, allies or neutral regarding tenant evictions



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

Almost all landlords expressed vocal disdain for the “crime-free addendum” and that the city of Minneapolis was forcing landlords to evict tenants who had been accused of a crime, regardless of conviction or who made too many 911 calls.

The City: Case in Point. Is the Crime-Free Addendum Constitutional?

So, I have a tenant that rented from me at a place, and always paid me his rent on time, in cash, and wife, and a bunch of kids. They moved out of a place, wanted a different place, took another one of my places, did a bunch of work on it, and we're fine. We got along great...I get a call from the wife one morning, hysterical. The cops came to the house busted him for dealing drugs. I didn't know that, I kind of wondered why he was always paying me in cash, but you know.

She's upset, cops came, arrested him. Then, I get a call from Luther, all these guys, “We've got a problem with this guy. You've gotta get rid of him. Okay. Violation of that. Do you have a crime...?” “Yep.” “Violation.” “Okay.” So, I call the guy, now he's out of jail, so I call him. I go...“Hey. You gotta go.” “What do you mean? My rent's paid.” “Yeah, but you did this.” “Yeah, but I haven't been convicted of anything.” “I know, but I'm just telling you. It's not my...I'm happy with you, I have no problem with you, but you violated this, and now you've gotta go.” “I'm not gonna go anywhere.”

Here's me, “Look. If you don't move, then I'm gonna have to evict you. You don't want that on your record. Here's what I suggest...” Rent was just coming up in March, “Pay me now, you'll get your notice, and then you'll move out at the end of the month, and then you can go anywhere, and maybe that will

work. But then we're in compliance, I'm in compliance, you're in compliance, we're fine." "No." "Okay." Come a week later, he didn't pay. I evicted him...Out of nowhere, I get a letter from one of the court shows.

Have you heard of Hot Bench? It's a Judge Judy production with three judges that look snarky. They're out of California.

I happen to see this guy, 'cause he's supposed to be getting out and all that, and I go, "Hey, I got a letter from the..." He said, "I got that letter too." I said, "Yeah." He said, "I'll do that." I said, "You will? Alright."...I was suing him for about-3,000 something in some damages, and some rent, and then the rent that he didn't pay on the attention fees. He countersued me for the \$5,000 max on completely nothing. He knew that, might as well. All they can say is no.

The long story short is, we go to court, and I present. I'm telling you, I'm a big shot. I'm on TV. I'm being funny. My argument is, I'm explaining to the courts what he owes, and the crime-free lease addendum was violated. We're arguing. So then, when you're in court, you're not privy to what's being said in the background, like on TV, you watch the judges discuss it, right? Well, they have a problem with the crime-free lease addendum. They don't think it's constitutional, because he wasn't convicted, he was only charged. When we get back to court, the judges said, "Informant 1," they said...It cut everything off in the video. "We don't feel..." This woman said. I can never forget this. This woman said, "Informant 1, I don't know what country you're from, but, here in America, we believe that someone's innocent until proven guilty." I said, "This is not my form. This is the city of Minneapolis."

In the time frame of *The Illusion of Choice* project, the Minneapolis Police Department (MPD) made significant changes to the use of the Crime-Free Addendum. A document that was once part of the training provided for landlords in the city has now been pulled from the conduct on premise policies (Belz, 2018). As part of these changes, the city of Minneapolis has pledged to overhaul the conduct on premise ordinance related to housing. Yet feedback from Mid-Minnesota Legal Aid, CURA, and HOMELine questioned whether or not proposed changes actually begin to balance power and ensure the upholding of the basic rights of tenants. In the meantime, as policy changes are pending, a majority of the landlords interviewed stated that although calling 911 is not illegal in and of itself, too many calls gives unwanted attention to their properties. Landlords then reported pressure from both the city and local crime prevention specialists that worked for the MPD.

And as far as, you want to talk about the police, the police are absolutely worthless to me. I don't even call them. All my houses are on the police blotter, so if somebody farts in public and lists my address as home base, I get an email. (White male, 60 years old, individual property manager and owner)

The County: Hennepin County Emergency Assistance

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. Many landlords noted a general lack of professionalism on the part of frontline personnel. For the few who did not have issues with the process, they expressed having developed specific relationships with county employees, ensuring the timely and speedy exchange of information.

So again, just making it more resources, less paperwork of course, like what else can we do to make the process smoother, faster, easier? If a resident is working a job where they can only call during breaks, because not everybody has a desk job and can use a phone, that really limits the time of when...And, you don't get someone if you're calling the county. It's just a fact; you don't. Another item we heard. I don't have this completely validated, but I'm hearing it a lot. Is that emergency assistance did not use all their money in 2017, and we cannot figure that out. We're sending people there that, if they lose a job...For example, if someone loses a job...Again, I don't know the policy, so I can't speak to the county policy. I can only speak to our experience. Our experience is we sometimes see people get denied and we're like, "You know, if you just would have helped them, like maybe with 2 months' rent, they could have gotten back on their feet." (White female, 46 years old, property manager for a for-profit organization)

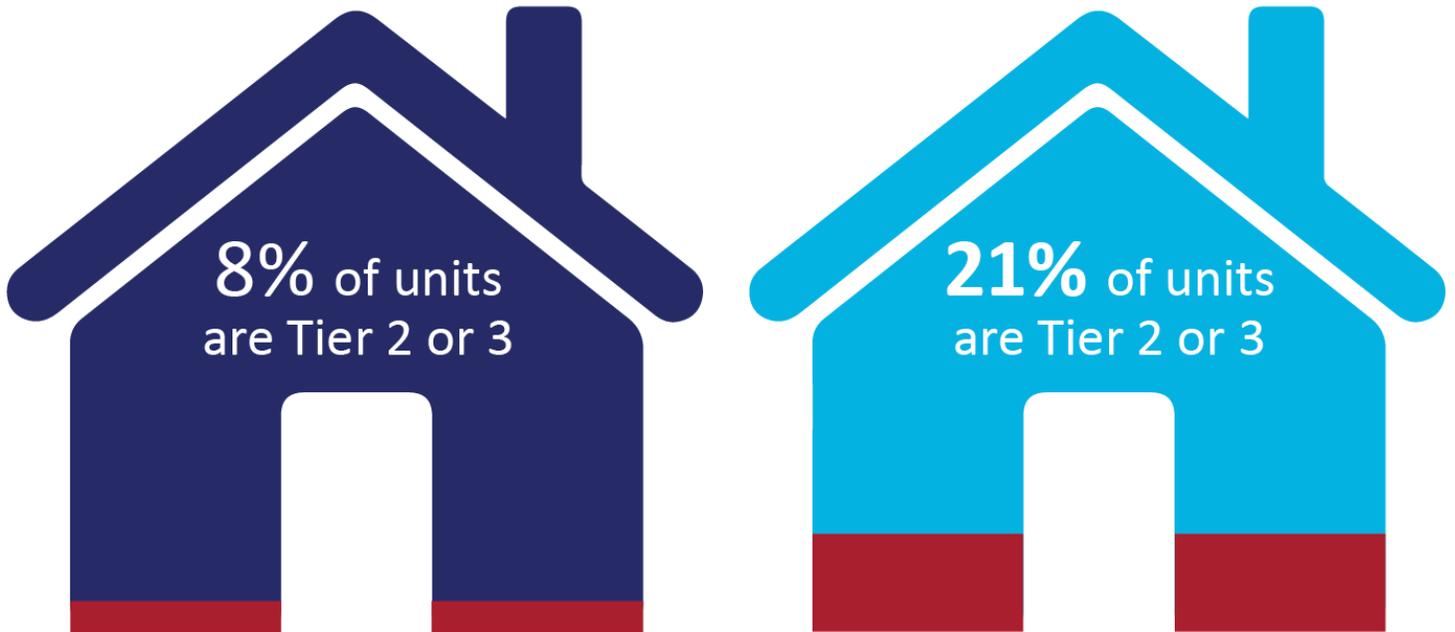
So, we will have people come to us requesting the pay or quit letter in anticipation that they need to go to emergency assistance. Emergency assistance won't expedite their case unless they're actually under threat of being evicted. (White male, 32 years old, property manager for a for-profit organization)

Even as a manager of properties, being on the phone with somebody from...emergency assistance, I have to literally stand my ground because they are some of the most inhumane people. I get off the phone sometimes and I'm like, "This is money at work. I work, I pay taxes. You're actually using my tax dollars, and you're acting as if it's coming out of your own pocket. How dare you. I pay taxes. This is my money working...If we have a family in need, and there is obviously a need, you need to do what you have to do in order to help that family not be homeless. And also as a property manager, it's my responsibility to get those funds. Nine times out of 10 they're asking me to make enormous amounts of concessions, writing off lots of money just to get a small amount of money. (White male, 44 years old, property manager for a for-profit organization)

Almost all landlords described city inspections as a biased system, stating that code enforcement differed based on the inspector assigned. One landlord explained that he has probably won the most cases against the city in court for what he argues was a violation of his own rights. He also stated that a former city council member made it their goal to shut him down and instead he sued and won. Landlords describe feeling like they were being treated as "slumlords," while others complained about the city charging them for tenants' actions, impacting their tier classification.

In the 55411 and 55412 zip codes, 21% of the units are Tier 2 or Tier 3—of lower quality—compared to just 8% of units in the rest of the city.

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

But what I do have a problem with the city, and I've argued with them about this, is when they come up with work orders regarding cars, or unlicensed tabs, or inoperable vehicles. I don't really feel like that should be my responsibility as the landlord, to say to somebody, "I got a letter from the city, your car needs to be towed." I've gotten stuck with getting fined from the city, because a tenant didn't comply with putting the tabs on, or getting rid of a car. I've argued with the city about that, 'til I'm blue in the face. I don't think I should be responsible for a tenant's possessions. The next thing is, if a TV doesn't work for the tenant, do I have to fix that, too? I mean, it's ridiculous. That's my biggest beef with them, is when it's personal property, not real estate. (White male, 44 years old, individual property manager and owner)

That's more of a barrier than anything because it's more time that I have to spend doing things that aren't...I have to pass every inspection for building quality stuff. I get this, rental is sometimes a little different than building inspections, but there's so many inspections. And, I have to give the tenants notice that we're entering your house, go through everything. Sometimes they have their records wrong, sometimes our records are wrong. You have to get testing done, get repairs needed that are dumb...The owner of the company, my dad, one time met with R.T. Rybak because we had a three-ring binder about four and a half inches thick of all the different little violations, just little city stuff. We had

one situation where the inspector said, "Electrical issue in the basement," and that's all he said. And, we went through and changed out all of the outlets, fixtures, did everything we possibly could and there was one junction box where there was a screw that was the wrong size, and he didn't specify that. And, so we had our rent evaded, our rental license was put on hold, it cost us a lot of money. (White female, 35 years old, individual property manager and owner)

The Court: Housing Court and the Eviction Process

Almost all landlords felt that Housing Court and the on-site attorneys were biasly tenant-centered to the point that a small minority of landlords would do anything in their power to avoid court altogether by simply not renewing a lease or paying cash for keys.

Where we run into problems with the court system is once we do get to a point where we need to file the UD, it's because we've exhausted everything else. But it's still very challenging, especially around lease violations because the burden of proof becomes the landlord's responsibility. If I can't prove drug dealing or if I can't prove, it becomes a challenge...When it comes down to that, it's still very, very difficult for us to get folks removed. I mean, we've fought cases for months and it's just...So that's kind of where it becomes a challenge for us. (Black female, 44 years old, property manager for a nonprofit organization)

Not very, surprisingly, because the winner is the Housing Court. The loser is the tenant and the landlord, we're both losing out. We're breaking a bridge, we're losing both of us financially, potentially for the tenant, long-term pain and discomfort as far as finding houses. In particular, the [inaudible] market, if you gain an unlawful detainer in your record. (White male, 57 years old, individual property manager and owner)

As far as the courts, I mean, the courts are the courts 'cause the law is the law. They're just doing their job now that we've got rid of the one bias referee. (White male, 68 years old, individual property manager and owner)

Conclusions and Implications



photo by Nikki McComb

When assessing *how* and *why* evictions take place from the perspective of landlords, we found the following major themes were true based on the interviews:

- Across the metropolitan area, an economic transformation is taking place, whereas a distressed housing stock has converted many neighborhoods into mostly rental occupancy due to cheap acquisition costs, which was the primary reason that 100% of the landlords and property investors we interviewed sought property in North Minneapolis.
- Landlords typically described their tenants using deficit-based language that often included references to high rates of unemployment, domestic violence and intimate partner violence, driving while Black, getting pregnant at a young age, grandmothers raising grandchildren, no boyfriends on the leases, tenants being majority single mothers, and drugs. These perceptions ensure that any transactional breakdown in the relationship is understood to emanate from these presumed deficits.
- Value-based judgments often meant that the landlord made a series of assessments about the tenant, their identity, and their values based on racial or ethnic makeup, family structure, paid work or lack thereof, and purchasing habits to determine whether or not a tenant is responsible and subsequently would be a good tenant. This then explicitly factored into the landlord's willingness to sign a lease, renew the lease, or pursue eviction when the time comes.

- The most common approaches used to mitigate loss by the landlords interviewed were cash for keys, mutual termination of lease by nonrenewal, and only signing month-to-month leases.
- Most landlords value the role that nonprofit housing developers and the voucher-based county and federal programs play, and all but five landlords ensured we understood that they got into the work for investment and profit purposes. Yet, landlords questioned whether or not these types of support are just reiterating a cycle of housing instability—a shallow and temporary solution that in some cases provides subsidies to landlords but does not get to the root of the barriers to helping tenants reach housing stability.
- The majority of landlords who have participated in subsidy or housing support programs stated that these short-term housing subsidies are only temporary bandaids that free up beds at the county shelter. This draws attention to how the county system is in fact not doing the work of helping to stabilize families but focusing on the cost per bed, forcing families back into a state of constant crisis decision making, which leads them back to the shelter.
- 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. Many noted a general lack of professionalism on the part of frontline personnel.
- Almost all landlords felt that Housing Court and the on-site attorneys were biased and tenant-centered to the point that a small minority of landlords would do anything in their power to avoid court altogether by pursuing informal eviction strategies of a mutual termination of lease, simply not renewing a lease, or paying cash for keys.

The Illusion of Choice: Evictions and Profit in North Minneapolis report comes as North Minneapolis continues to recover from the Great Recession. The housing crisis opened the door for individuals and institutions with significant capital to invest in North Minneapolis and change the ownership structure of the small-scale rental market. Although landlords entered the housing market in North Minneapolis for a variety of reasons, the majority interviewed cited the potential for investment and profit as their primary motivations. In our current political economy, these motivations are not surprising. At the same time, when landlords make decisions that are driven by profit, the social impact, including building housing stability for tenants, becomes secondary. This in turn provides zero incentive for landlords to avoid eviction filings.

Landlords are in a unique position to aid or disrupt the unequal power dynamics within a society that differentially values the voices of owners over renters. However, North Minneapolis, as a community, and the residents themselves have been plagued by a misguided theory of the culture of poverty and the innate deficiencies of the family system that continue to be reinforced for landlords who experience challenges with tenants. These experiences, informed by historical

deficit-based rhetoric, frame landlords' assessment of risk based on their perceptions of tenants and guide their strategies for mitigating the potential for profit loss. Additionally, the overabundance of nonprofit and housing support strategies for North Minneapolis tenants provide some financial buffer for landlords, although they are fully aware that the buffer is a short-term solution to a deeply rooted, long-term issue. These aspects combined beg the question of whether or not landlords are also stuck in an unstable housing cycle that perpetuates poverty rather than provides a stable foundation from which people can become fully independent.

Although landlords play a major role in the tenant-landlord dynamic, the city, county, and state processes also create critical pain points in the tenant-landlord relationship where a rise of inexperienced landlords, ineffective and untimely county processes, and fairly subjective city inspection code enforcement leave many landlords not even wanting to engage in building open lines of communication and affirming trust. This must change to even imagine stabilizing the housing dynamic in North Minneapolis. Since the release of the Minneapolis Innovation Team's (2016) report, there has been a lot of dialogue around and analysis of the unscrupulous landlords in North Minneapolis. Yet, a thorough interrogation of the state's role in the housing dynamics in the neighborhood is warranted to gain a clear and holistic understanding of the tenant-landlord dynamic.

Findings: Tenants

Poor Single Mothers Impacted the Most by Evictions: An Understudied Population of Vulnerable Households

Housing is an anchor for stability. According to the Homes for All Campaign (2014) of the Right to the City Alliance, post-foreclosure crisis, homeownership has fallen drastically, with the proportion of cost-burdened renters increasing substantially. Over the last three decades, once-neglected urban communities have begun to be revived. Yet, the return of investment capital to the city is pushing many low-income families out (Goetz et al., 2019).

We are living in a time when wages are stagnant, the cost of living is rising, and the disparity between the rich and the poor is unprecedented. As a result, the demand for affordable housing has skyrocketed, while the number of affordable units has declined. Even when affordable units are available, low-income communities of color are finding that the metrics for determining housing assistance eligibility, measured by HUD's Area Median Income (AMI), includes large metropolitan higher-income geographies that do not reflect the affordability needs of the lowest-income households. As a result, more people than ever are paying more than 30% of their income in rent, risking higher debt while trying to sustain their families and knowingly living

one crisis away from homelessness. The “hidden housing problem” leading to housing instability has been and continues to be an increasing number of evictions taking place throughout the country silently, yet violently disrupting the lives of millions (Hartman and Robinson, 2003).

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 (Minneapolis Innovation Team, 2016). 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. 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 (Wheeler, 2012).

This report moves beyond the limiting confines of quantitative analysis to the understudied realities of mostly poor single mothers to understand from their perspective *how* and *why* close to 50% of renter households in North Minneapolis experienced at least one eviction filing (Minneapolis Innovation Team, 2016). The in-depth interviews that CURA's research team conducted with 68 tenants were used to:

- identify the conditions that often lead to housing instability and eviction;
- gain a clearer understanding of these tenants' housing composition and stability over time;
- understand their various income streams and the networks of support that tenants rely on for survival.

These findings aim to better inform the development of targeted interventions, needs, and policy prescriptions for those most negatively impacted by evictions.

Tenant Profile

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

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

The tenant findings are arranged to examine five major themes: (1) living under a state of constant crisis decision making; (2) barriers to gaining access to safe, dignified, quality affordable housing; (3) the cost of the courts; (4) interrogating nonpayment of rent: the politics of landlords retaliation; and (5) informal evictions. The five themes are examined in separate sections, each beginning with a short case study followed by the emerging concepts, as evidenced by the actual statements made by tenants in their interviews (throughout, names of interviewees have been changed to protect their identities). Finally, we end with a summation of how the themes examined in context relate back to how and why eviction trends are taking place in North Minneapolis from the perspective of tenants.

Living Under a State of Constant Crisis Decision Making

Melanie is a 33-year-old Black female with three children. When she reached out to Mahmood Khan for a place to live, she knew that as long as the renter had the money, this landlord would

rent to them without the need for an exhaustive background check. While living in this property, the landlord filed multiple evictions on Melanie and her family, yet Melanie remained living in the property. The property had been turned over to a local faith-based nonprofit that assumed the rental licenses after the city revoked them from the former landlord. Living in a constant state of crisis management results in landlords like this being Melanie's only real "choice."

After a fight with her family members, Melanie and her kids found themselves living on the streets. She reached out to Khan, whom she had rented from before, to locate a rental property for her, her kids, her mom, and her mom's boyfriend. At the time, Khan said he only had one place big enough, but it was not move-in ready. The place was actually boarded up and abandoned when they moved in, with a family of feral cats living in it.

Khan offered her the abandoned home and verbally committed to reducing the rent if Melanie removed the garbage and painted. Melanie and her family cleaned up the home, but they never received a rent credit as promised, which would become indicative of the type of relationship they would have during Melanie's time there. Although this was not Melanie's first choice of housing, she was grateful since her family would have otherwise been homeless. Melanie stated that she thought Khan was a good person for helping people to not be homeless, but she acknowledged that he was also the type of person to take advantage of someone on the verge of homelessness.

At the time of signing the lease, Melanie's main source of income was coming from SSI, because she was epileptic and suffered from seizures. She also braided hair for extra cash. Melanie never received a signed lease agreement from Khan until she needed it to apply for Hennepin County emergency assistance. After receiving the first lease, Melanie didn't sign another until 2.5 years later, when she again only needed one to apply for emergency assistance. Melanie reported that Khan would lie on county forms to ensure that he received his rent money, even lying about how much she actually owed or paid each month in rent. According to Melanie, Hennepin County emergency assistance would deny a person for the smallest things, required years of documentation, and would then simply refer individuals to Community Action to pay for light and gas bills. To get access to Community Action assistance, Melanie reported needing a denial letter from Hennepin County.

Prior to the evictions, Melanie said her relationship with her landlord started to get rough when she began requesting multiple repairs, such as heating, plumbing, toilet, mold, and bathtub. The reason Khan filed an eviction on her was because she called the city of Minneapolis Inspections Department and began withholding rent. Melanie stated that when Khan did try to fix things, he would find and pay people off the street to play handyman and repairs were never done correctly. The heating and plumbing were bad and the toilet never stopped running. Melanie needed a door and Khan came in and put in a door that was too short, so they applied

plywood to make it fit. The tub always looked rusted and moldy and leaked into the kitchen. There were multiple door knobs missing. Melanie said everything was good until she started making these repair requests. She believes that her withholding rent due to the housing conditions and her call to Inspections spurred her evictions.

Even after Khan filed two separate evictions for nonpayment of rent, Melanie chose to stay in the property, because she didn't have anywhere else to go. She knew she needed a landlord who was willing to work with her, as she had limited financial resources. Khan wouldn't charge late fees if she communicated with him, which Melanie said was helpful for a single mom with her income.

In court Melanie consulted with a Legal Aid attorney about a strategy for her hearing, but she represented herself. She was often frustrated after her court appearances, because they would order Khan to make necessary repairs before collecting rent, but he would never fully complete them. To avoid another filing, Melanie still had to pay rent.

Melanie stated that she was completely unaware that Khan was being investigated by the city and later that his license had actually been taken. Days before Khan's rental license was taken, he came to Melanie's home with the sheriff to collect the back rent of \$3,500 that she had withheld. Melanie had not received an eviction notice prior to the sheriff arriving but later understood that Khan was attempting to get his rent before his rental licenses were officially revoked and he could no longer collect rent from her directly.

Melanie was stuck in the property waiting anxiously to see how the new property managers would deal with the problems that Khan left behind. To her, it was clear that the new property managers were struggling, because as she stated, they were "in the red because they're trying to help, but they don't have the funds to help, so they're actually kind of in a Mahmood Khan state, right now. They want to collect rent so that they can do stuff, but we're still having to live in these conditions while you guys collect the rent."

This story followed some unfortunate common narrative conventions of other tenants interviewed. Melanie and her family found themselves moving under a state of duress, living on the streets, and in dire need of shelter. She reached into her network of poverty to identify a landlord who would rent to her even with a checkered past.

So I been knowing Mahmood Khan for going on 10 years, now, and I met him through my ex-fiance, so he had rented from Mahmood for years, and he knew that Mahmood Khan would just rent you a place without any questions. (Black female, 33 years old)

Melanie, like the majority of the tenants interviewed, is locked out of the traditional housing market and must rely on what tenants call "slumlords" to ensure that she and her family have a roof over their heads. She was offered a dilapidated property and out of desperation took it. It

was not until Melanie began to make multiple requests for repairs that her landlord became a stickler for receiving rent payments on time. Whereas prior to her requests, Melanie’s landlord would work with her, he had now filed multiple evictions. Melanie’s landlord took her rent money for a vacant and boarded-up property infested with rodents, but when she began to demand safe, quality housing, as a form of discipline, he began to file evictions. As a result, Melanie felt forced to stay in place. In the end, her landlord, unlike many others, had his licenses revoked for his inhumane practices. However, Melanie paid a price as well. She was left to fear what she had tried to avoid by moving into the property—homelessness.

Choices for the tenants featured in this report are mediated by the options available to them when living at the bottom of the social, economic, and political stratum of society—a cyclical trap from which those with material privilege often benefit. These mostly working-class and poor single Black mothers are forced to navigate the nation’s most undesirable and neglected housing markets. They are judged for not working hard enough while being forced to work in the low-wage sector and be the primary breadwinners for their families. Choice is an illusion when you must make decisions under a state of duress, mediated by those with more power over your material life than you often have. Survival, rather than personal and familial growth and advancement, is at the center of your thinking.

The Illusion of Choice

In the interviews tenants expressed having to constantly make decisions under extreme distress. Their “choices” were constrained by the context under which they were forced to move into the property they were now 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; they were 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.

Interviewed tenants said the home they were evicted from was



Not My First Choice of Housing, My Only Choice of Housing: *Select Illusion of Choice*
Quotations

Homelessness

- Couch hopping
- Living in a shelter

It was just somewhere to get out of the shelter honestly. (Black female, 31 years old)

I was homeless living with someone and I asked them what was their tenant, who they rent from, can they give me the information. I actually got it from a friend/roommate at the time. (Native American female, 42 years old)

We were homeless before that though. Living from place to place. (Black female, 30 years old)

Yes. Well we were homeless prior to that, 2 years. For 2 years we were bouncing around from family members to friends' house. It was something like, he'll take us, let's take it, and we knew we couldn't afford it. (Native American female, 35 years old)

Yeah, I had to move quickly, prior to this I was staying with my mom and she got into a situation where she couldn't keep her house. (Black female, 29 years old)

Yeah, cause normally you suppose to have a couple of places to pick from, but I didn't. I only had that place and pretty much had no other choice. If I didn't get that, I would had to go to a shelter anyway. (White female, 43 years old)

No, staying with my ex-boyfriend's mom but we had been evicted from that Saint Louis Park apartment so we had already been staying with his mom for 2 weeks at that time. (White female, 28 years old)

Well, when you're a single mom, there is no bigger stress than being homeless. Even when you choose to leave, it's still stressful to look for housing and it's so scarce. It just, it's a stressor. It's a really big stressor when you're a single mom and aren't sure where your kids are going to move to. (Black female, 48 years old)

I was homeless for about 3 months, before I found property. It was somewhere where they would let me rent. And actually I found that through the veterans VA. So, I got an apartment at the VA. I was there for about 7 months before I found the senior housing. An experience I would like to soon forget. (Black male, 66 years old)

But it was more of an urgent thing. We had to leave, we wanted to leave my brother's house and get our own stuff. So it was more of an urgent thing. We didn't think about it at the moment because we didn't know the true concept of everything, until we actually got into the shelter. Then once we got into the shelter, they took all the money from us. (Black male, 28 years old)

Because we were in a shelter and...We did roofing jobs all over and that was one of his houses. (Native American female, 48 years old)

Selected out of Desperation

- Lack of affordable housing options
- Owner sold property
- Former property was condemned
- Death in the family
- Paying too much to stay in the shelter
- Crime, violence, or drugs in the neighborhood or at home forced a move
- Feared homelessness

Yes, at the time because my landlord where I currently was residing on [address], she sold her house. (Black female, 30 years old)

I live[d] at this place that got condemned and I have nowhere to go. (White male, 53 years old)

It wasn't my first choice because of the location. It was North Minneapolis. I didn't wanna move to North Minneapolis because crime rate. And yeah, basically that has everything to do with location. The reason why I did move is because I was living over south and I was paying \$2,000 per month for a house. And the rent would just skyrocket. It was just unaffordable. (Black male, 29 years old)

How I got the place was she [mother of my children] committed suicide in there. She only had it for like a week and a half. When I got there, she committed suicide that night, so me and my oldest daughter found her. Then I didn't want to leave, so I asked the landlord if I could switch it over to my name. He agreed with that. (Native American male, 35 years old)

It wasn't my first choice...it was because I had an eviction on my background from years ago where certain areas, certain landlords wasn't trying to meet me. Then, once they see I have a, you have an eviction, they automatically judge you off of that. But it wasn't my first choice because it was, the rent and stuff, the amount of the rent that was due. I felt like we couldn't afford it, and we pretty much took it out of desperation cause we were paying so much to stay in shelter that we were like, we might as well get this place. (Black female, 35 years old)

Basically, I lived in St Paul, with the same landlord. That place was worse than this place up north. The carpet was stained and all that. It was bad. But, I got shot at while I was pregnant. I was in the car where me and my kids were at. We don't know anybody at St Paul. We just came from White Castle and we were eating. I was talking on the phone, and I heard a boom. Anyway, luckily my landlord was there. So, it was like, okay, you can't live here. It's not safe. But, there was a lot of drug stuff going on downstairs. It was a duplex. He was like, "I got this opening on Bernard. If you could live there, just move your stuff in the next 2 days." I went to go see it the next day, and then we moved to north Minneapolis. (Black female, 55 years old)

Naw, it ain't where I first one to live. It was more of a...like I said again...got me to have a roof over me and my children's' head. And I'm a single African male, and I never had ever rented on my own. And this man was willing to rent to me. Me and my kids needed a place to live because ya know, people play dirty tricks. So they figure if you butt naked, they can abuse and use you. So instead of having me and my kids homeless...He didn't hesitate. He gave me the apartment. (Black male, 55 years old)

I went on Housing Link, searched up for homes...looking for the bedrooms I needed in the price range. And I did come across [Frequent Filer]. And word of mouth, and throughout the community, I've heard bad things. He's known as a slumlord. And I did know someone prior that rented from him, and was able to know some of the things they went through. 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. It was desperate, and it came down to whoever gave him the deposit first got the place. (Biracial female, 45 years old)

Well, because we was currently staying in a hotel [because she had been evicted from a former property in North] and it was expensive. We was there for 2 months...\$350 a week. (Black female, 29 years old)

Because I was having a hard time finding affordable housing. Me and my daughters have been searching for 2 months. I couldn't find...it was getting scary. It was getting ready to get cold out. So I knew I had to get in somewhere. So, the first thing that came to me that looked presentable, I accepted...You get put in desperate situations where you have to take a place, even though you don't know nothin' about it. (Black female, 45 years old)

I was on the bus one day and I seen one of my partners, I was staying in the rooming house, you just rent rooms, paying \$500 a month, sharing a house with eight other people. They was using drugs, everything and I wasn't comfortable there. (Black male, 60 years old)

Because of circumstance, and because of finances. Actually, moving into that property was my first rental experience as a young adult in Minneapolis. I had rented from several different properties in St. Paul, and I pretty much had exhausted all of my resources in Ramsey County because of also bad rental history and things of that nature. My life just brought me to Minneapolis and I knew that I would have a better rental opportunity because of the North Side and what I knew basically would slide rental criteria wise. (Black female, 31 years old)

No One Else Would Take My Section 8 Voucher

- Voucher would not transfer, because of felony
- Looking for a 3- to 4-bedroom with Section 8 Voucher left few options
- Section 8 voucher was going to expire so I needed to “use it or lose it”

It was because of my felony. It was like, "Well, you need to wait this many years before you can come up here [to Minneapolis from Duluth] with your Section 8." (Black female, 41 years old)

I was kind of unhappy. I actually started looking at different properties to see if I could move somewhere else, but with me having Section 8 and looking for the amount of rooms that I need, three to four bedrooms, there are no, there's just no properties that I feel comfortable with moving into, shall I say. There are probably properties, but they're all really slumlords. (Black female, 37 years old)

I was in a rush, because I had Section 8 at the time, so I needed to put it on something. Yeah. Yep. As fast as I could get it, or they were gonna take the voucher. (Black female, 38 years old)

Sixty-eight percent (46) of tenants interviewed 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 a car note, or buying food and items for children such as clothes, shoes, and school supplies.

Most of the months living there for the whole duration I was there. It was always, how am I going to rob Peter to pay Paul. I have \$1,300 and \$1,000 of it has to go to rent, so what am I going to do with these other \$350 between transportation, food, clothing that I need for us, household supplies, personal care, anything like that. It was very scarce. (Black female, 31 years old)

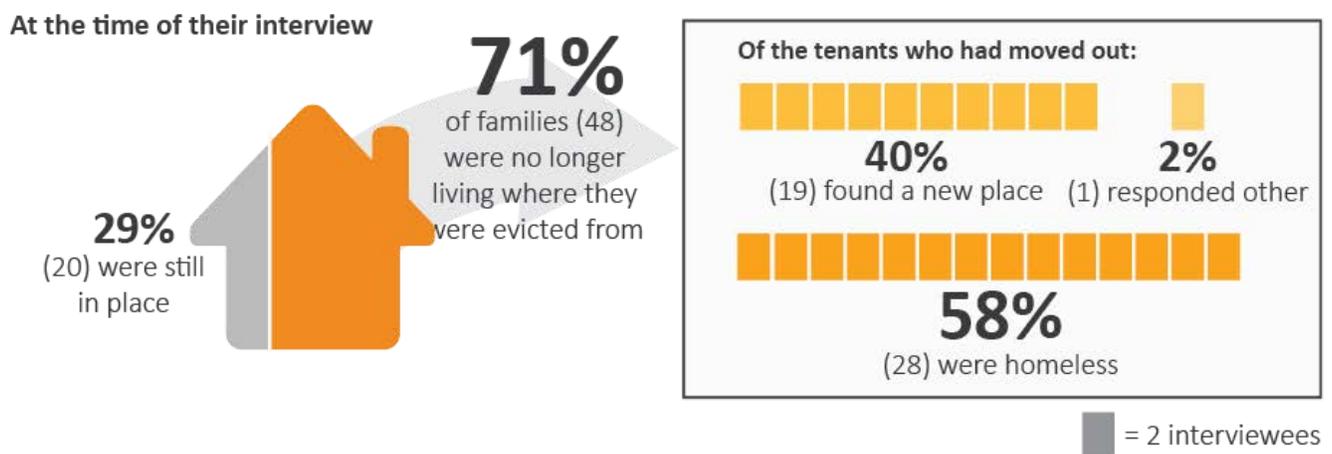


Source: The Illusion of Choice interviews and intake data, CURA 2018

Approximately 94% of the tenants interviewed stated that they moved into the property they were evicted from under a state of duress, and some even acknowledged taking on monthly rent amounts that far exceeded their capacity, just to have a roof over their heads. An additional 68% stated that while living in the property they were evicted from, they struggled on a weekly, if not daily, basis to provide family necessities such as food and clothes and barely kept their heads above water. When tenants' basic physiological needs like food, shelter, water, and sleep are in a constant state of flux, they are never able to escape survival mode. They move from crisis to

crisis, weighing the consequences of each decision, most of which are made only to buy more time. Many tenants ended up receiving multiple evictions and choosing to stay in place out of survival and a lack of alternative options, whereas others we interviewed were no longer in place and became homeless, once again restarting that cyclical trap.

- 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 a 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.
- 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.



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

Multiple Filings: Living in the Place You Were Evicted From

Multiple filings, or serial filings (Immergluck et al., 2019), are used as a punishment tactic, but they do not always result in a tenant vacating the home. Often multiple filings actually become a barrier to moving. They keep tenants in place, literally making it almost impossible to find another suitable place to live. In the end, if given the choice, most tenants choose to stay in place and deal with the inconsistent and often threatening context to ensure their family has a roof over their heads no matter how compromising the situation has been. Approximately 29% (20) of the 68 tenants interviewed were living in the place they were evicted from, with about a third (7)

of those tenants experiencing multiple eviction filings from the same landlord. In total, over 10% (7) of all tenants interviewed were still in place after multiple evictions.

Regardless of the outcome, 29% (20) of the 68 tenants interviewed received multiple eviction actions from the same landlord; 25% (5) out of those tenants lived in properties managed or owned by frequent filers identified by the Minneapolis Innovation Team's (2016) report.

He's the type of renter where he has a month-to-month lease. So, if something were to go wrong, that's his leverage of being able to give a tenant 30 days' notice to leave and he can just start the process over again and if there is damages, he's keeping that deposit. And so, it's really a good thing for him. (Black female, 31 years old)

This tenant, similar to other tenants with multiple filings from one landlord, reported that she had received multiple threats of eviction before the landlord eventually filed. Most landlords who utilize the month-to-month strategy look at it as a tool to mitigate their own risk. However, the differential power relationship and verbal threats of eviction through the use of a month-to-month lease are used to control and discipline tenants, most of whom are stuck in constant survival mode mediated by someone with the power of property ownership. Twenty-two percent (15) of tenants interviewed reported a lease length of month-to-month, with almost half (7) reporting multiple filings. Two tenants reported multiple threats of eviction actions, however in the end, the landlord only filed one.

Receiving Multiple Filings: *Select Illusion of Choice Quotations*

Multiple Eviction Filings

- Frequent threats from landlords about late payments
- One day late landlord files an eviction
- Made a payment agreement, date had not yet arrived, and landlord still filed an eviction
- I paid what I owed in court and did not know I still had evictions on my record so I am stuck in place
- Late on rent, notified the landlord, and he was not willing to work with me

Maybe every 3 to 6 months, I had at least a threat or an official letter written by him letting me know that an eviction process or something of that nature would be beginning or occurring. It was very frequently to the point where I always felt like I would be at the verge of being homeless living there if I had said or did something to protect myself or something of that nature. Or, if

God forbid, life happened and something did occur and that money was not going to be on the first, I was like, this is the month that we're getting kicked out because rent is getting paid the 14th not the first. (Black female, 31 years old)

We're month to month now. And rent needs to be in by the eighth. Well we sent in the rent, and the rent was in by the ninth. They had, they received it, but they never cashed it, and it was in the ninth instead of the eighth. And then that's when they filled another eviction notice. (East Asian male, 34 years old)

Well, I only had three at the moment, but you know, with him, he got me two extra [evictions] more, and then the three that I had was past 7 years ago, past so many years ago, and then I get two fresh new ones in the same year. I didn't even know he could do that. Like when you settle, I thought we, the UD and everything, and I gotta still keep me getting me a UD, and I settled with you, and I paid off. And I'm still staying here. (Black female, 27 years old)

Yeah, the very first one I would say he filed around September and I just got there late June. I'd only been there a good 2 months, July and August and here's September. I was late because we were waiting on my significant other's check to clear. He'd just done a new project and it was gonna take a while and I had told him [landlord] this. He just act like he could not wait and he went and filed the eviction and we ended up coming to court. I think I brought half the money that day and then I made a payment arrangement with him for the rest, 'cause I'm like, "You know what, you already filed it, we ain't going nowhere. I'll get it expunged, I'm not worried about it. You just did that trying to hold me here, I know what your game is." (Biracial female, 48 years old)

Housing Subsidies: Crisis Decision Making Under State Support

North Minneapolis hosts almost 20% of the Minneapolis Public Housing Authority's (MPHA) public housing units, with approximately 8,000 individuals and/or families waiting to secure housing with MPHA. Additionally, as one of the diminishing number of neighborhoods in Minneapolis with affordable housing, the community provides the potential for Section 8 voucher holders as well as Group Residential Housing (GRH) program use.

- 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 MPHA, 71% of eviction action filings between 2015 and 2017 resulted in paid rent with the tenant remaining in place. In alignment with this rate, five out of the seven (71%) MPHA public housing residents who were interviewed remained in the same home after experiencing the filing.
- Of the seven 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 make it such that the MPHA was their only option despite the fact that their buildings were severely mismanaged.

Despite the provision of subsidies, tenants living in MPHA public housing units lamented the role of building managers, who had ultimate control over their ability to remain in place.

The MPHA Severely Mismanaged: *Select Illusion of Choice Quotations*

Severely Mismanaged

- Tenants feeling infantilized
- Unsanitary living conditions
- Constant management turnover
- Tenants feeling unsafe
- Tenants mistreated by management
- Tenants' health conditions worsened while living in property

Then I've just turned 63. I've had a birthday this past Sunday, and these people here treat you like you're kids, and nobody likes that here. No one. This is the way they talk to you all the time. You've got to do this. You've got to do that. It's really aggravating. (Black male, 63 years old)

All right, now I had bed bugs. How'd you like to wake up in the morning with over 300 bed bugs crawling on you? All right, then I had spiders. I was bit on my hand by a spider and my finger swelled up like that. And, they had to do a double surgery on my finger. If I'd had been a diabetic they'd have had to cut my finger off. All right, I had bed bugs, spiders, gnats, roaches, and mice. Okay? And, wasn't none of them helping me pay rent. Okay? (Black male, 55 years old)

And then there was one time I was doing the laundry. And one resident asked me, "Why did you move here?" I said, "Why not?" I said, "It's very cheap and I can afford it." They said, "Everybody

who moves in here gets very sick." I said, "What?" I said, "It doesn't make any sense." "Believe me, you'll see." And I got very, very sick since then. Maybe after a couple of months, started with my heart attack. Then I acquired diabetes. And then I have osteoarthritis. I also acquired fibromyalgia, which the doctor told me there's no cure for it. (East Asian female, 66 years old)

I'd have to say, its 200 units in there. It's a lot of different personalities that clash and stuff. A lot of little different things. And then you've got your dope dealers running in and out. They try to do what they can for the security, but the people living there was letting them in. It was a little scary situation for somebody my age, getting on up there in age. (Biracial female, 58 years old)

Oh man, it was like I was getting scolded like a child. I think she [former property manager] was smiling. I could tell that she was smiling because what she does is when the people go to eviction court, she has movers come in and take all your stuff out and you come back to nothing and a locked door and that's what I was fearing. That's why I was trying to box up all my stuff. (Native American female, 64 years old)

All of the tenants we interviewed, whether or not they were MPHA residents, had come to accept housing that is often not safe and is of lesser quality, because they lack the resources and/or have a checkered past. As a result, they are subject to predatory housing practices that often come in the form of multiple eviction filings and mistreatment by housing managers, which then severely impacts what available choices they have to remedy their situation. The illusion of choice framework presented in this report highlights what it means when your state of being is mediated by an individual or institution with more power than you have over the options available to you. From the perspective of tenants, private landlords and MPHA mismanagement have left them far from stable, rather they are simply able to stay afloat as they mediate the next crisis.

Barriers to Gaining Access to Safe, Dignified, Quality Affordable Housing



photo by Nikki McComb

Jasmine is a 28-year-old Black mother of three who is the sole source of income for her family. During her third pregnancy she had to reduce her hours at work, and she found it increasingly challenging to pay her rent on time. Ultimately, this led to an eviction filing. Jasmine worked with the property manager's lawyer to come up with a payment plan in court, but at the time the payment was due, she was \$100 short. The sheriff came to remove her from the property. Jasmine and her children bounced around in motels until settling into a shelter.

When Jasmine located the property in question, she was in a rush to find a place, because she and her two children at the time had been living with a friend for about 2 months. At the time of signing the lease, Jasmine's primary source of income was work as a vocabulary specialist in a local elementary school.

Jasmine encountered a number of barriers in her attempt to maintain safe, quality, and affordable housing. First, she had a light bill that carried over from her previous rental property because she had not called to turn off the service. She sought out emergency assistance. Applying was hard and kind of discouraging, because the woman Jasmine worked with was rude and chastised her for not knowing that she needed to call and shut off the service herself. Jasmine said after 30 days, she called emergency assistance, because she still had not received

an update about the status of her application. The worker told her it was denied. Jasmine explained that she was now living without any lights, so the worker put a rush on it and got the lights back on within 2 weeks.

Second, Jasmine stated that she felt discriminated against because of her family structure and race. When maintenance came over, the tenor and tone with which they addressed her children was hostile, particularly toward her Black son. Jasmine got pregnant while living at the property and was placed on bedrest by her doctor multiple times. She had to reduce her hours at work, causing her to be short \$200 on her rent. Once she was behind, the management company harassed her via phone and email. Overall, the management company was cold and uncompromising, telling Jasmine that it was her fault that she got pregnant. Jasmine stated that she felt like they were treating her like a “dumb Black girl.” Eventually she went against her doctor’s orders and went back to work out of fear of being evicted. As a result of the stress her baby had to be delivered early.

Jasmine was behind only 1 month of rent when the property management company filed an unlawful detainer. At Housing Court, she agreed to pay \$1,000 by the following week because she would be getting her next paycheck. Instead, she gave them \$900, as her hours were less than she thought they would be. The property manager said that it wasn’t good enough. Since Jasmine had violated the payment arrangement by being \$100 short, they called the sheriff to have her removed. At that time, Jasmine was 7 months’ pregnant with two kids. She simply complied with the sheriff because she did not want to give birth in jail or have her kids taken away. Jasmine ended up homeless and was paying to live in hotels when the baby was delivered early, and they eventually ended up in a shelter.

Jasmine moved out of the property in January of 2018. Since then, she has received a bill from the property managers stating that legally they have the right to charge her the 4 months of rent remaining on her original lease. They now claim she owes them close to \$7,000 even though Jasmine had been removed from the property and their relationship was severed. She only learned this information after calling the company, trying to recoup her deposit.

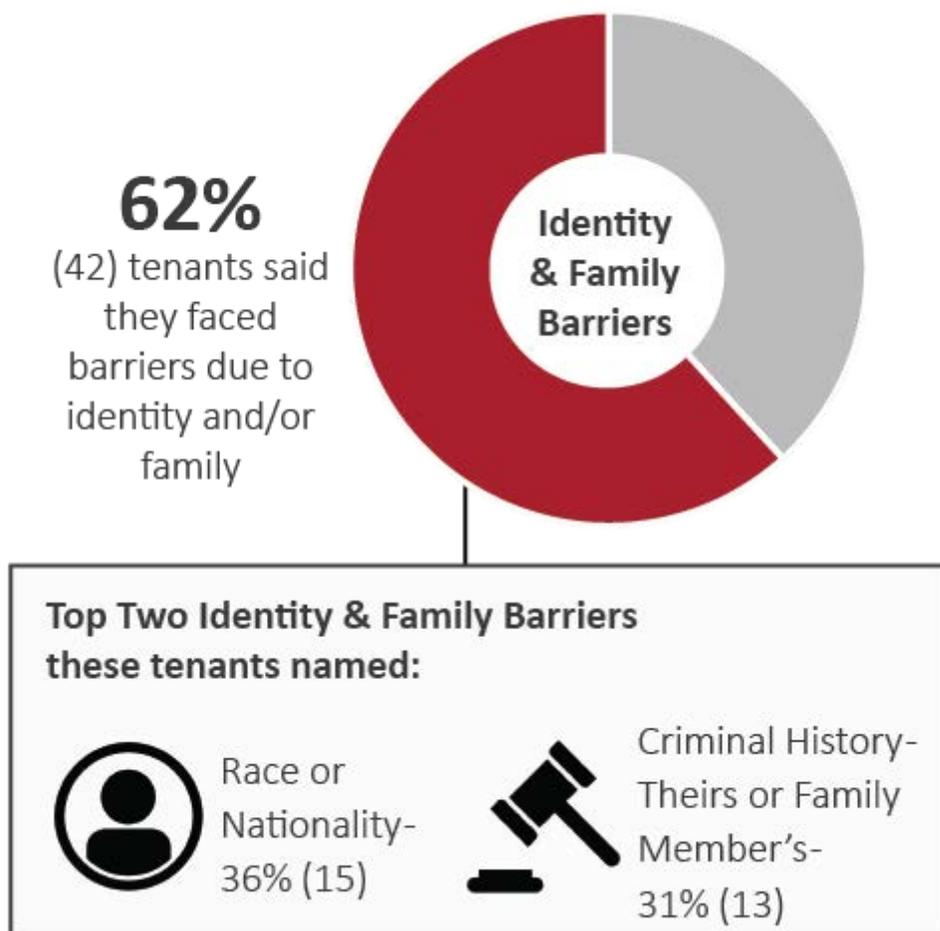
This story provides an in-depth, nuanced analysis of how the moral construction of poverty frames how the majority of landlords we interviewed view many of their tenants: they locate the causes of poverty in the perceived poor character of the individual and ignore the racialized social, economic, and political structures under which those individuals exist and how our free-market thinking reproduces these causes (see “Landlord Findings”).

Jasmine, like many tenants, identified racial discrimination often couched in the fear of young Black boys and landlords feeling emboldened enough to treat tenants like “children” by demonizing tenant decisions. Some property owners and managers feel this is their right, and some feel entitled to express and enforce disciplinary tactics, because ownership has always

been directly connected to the right to define and police the morality of others. When owners use the power of their assets to discipline a tenant, they have predefined a tenants' worth and value. When Jasmine was told that it was her fault for becoming pregnant, then later was threatened with an eviction, she was forced to neglect her health and the health of her child and return to work. She was left to mediate one crisis after another, because the owner did not respect her or her family structure. Jasmine, like a majority of the tenants interviewed, feels that all landlords care about is making a profit. Few tenants described having an actual relationship with their landlord or property manager, where they even felt comfortable being honest about the challenges they were having navigating a system that provided them with few choices.

Barriers to Housing: The Impact of a Tenant's Background

Sixty-two percent (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 named for those barriers were race or nationality 36% (15) and criminal background history of themselves or of a family member 31% (13).



Race and Criminal Background as Barriers to Housing: *Select Illusion of Choice* Quotations

Discriminatory Practices

- Race or nationality leads to unfair treatment or questioning
- Criminal background: people automatically judge you
- Being a single Black mother, we are seen as uneducated
- No one wants Black kids, especially Black boys, in their property
- Forced to North Minneapolis and denied other locations by the shelters, because I was Black

Being an African American/Puerto Rican woman, I'm just looked at in some people's eyes as the lowest of the low. You know? And he showed me that...And he sent me a text message one time, and I'll never forget. Going through this court situation, and he said, "Can I ask you a question?" And I'm texting, and I'm like you know, [landlord] I'm at work. "Is it an emergency?" And he said, "I just wanna know why these Black people die so young." And so I called him and I was a little upset, and I was like, "You know, I don't quite understand what that has to do with our tenant/landlord relationship." (Black female, 36 years old)

I had a felony on my record. Now it's a misdemeanor. So it's for assault on a police officer from 2014 but it's still stops me from even getting jobs at places. (Black female, 39 years old)

Just being a single Black mother and it's my daughter. I think we come off as very vulnerable and uneducated in knowing our rights. I think that then with the landlord, aka a slumlord, that I was dealing with because they were focused on the dollar amount and that I had the funds that they didn't care. So, it was just like, "Great move in here." (Black female, 30 years old)

There was, because Housing Hub harassed me. They didn't care. They didn't care that I was a single mom. Eventually I felt like I was being treated like a dumb Black girl, because the man started, "You should know this. You should have a way to get money. It's not our fault. You shouldn't got pregnant." (Black female, 28 years old)

Yeah. He [landlord] came to the house, and I wasn't there. My kids called me and said, "Mom, he got a gun on the side of him." (Black female, 42 years old)

Nobody wants Black males, Black teenage boys living in their property. Because they think the first thing they gonna do is be gang banging, and attract more kids. One thing they are right on, they do attract other kids, but you don't necessarily mean kids is gonna be gang banging. And I like to say I'm around, I know where they at and what they're doing. (Black female, 60 years old)

I tried to help my daughter get a place because I have grandkids, and she was actually at the Huntingtons and I was turned down because of an old criminal record. Because the way the law's set up, it's like inherently...if BCA [Bureau of Criminal Apprehension] only looked...to get in this apartment, they go back 10, 15 years. So that's how I was able to land, get a place here. But in the real world, when I put in an application, it's denied based on...that was in '79 when I got my criminal record. And they turned me down last year. (Biracial female, 58 years old)

But the more challenging thing has been an African American male raising two developed mentally children. With mental issues. Emotional issues. And that's the challenge. I get to meet people that can open up they minds and visualize the struggle that I have as a parent and an African American male, the disadvantage. It's not a disadvantage to me. But it's a disadvantage to the ones that can't visualize, open up their minds and say hey where's the support systems for people like us? (Black male, 55 years old)

Being Black. I feel like they keep putting us over North and we don't wanna be here...A bunch of places in over South, a bunch of places in Uptown, a bunch of places in different areas that we've got approved, but this [in North Minneapolis] is the only one they pay for us. (Black male, 28 years old)

Yeah. People see that and they automatically label you, judge you. There are automatic disqualifiers for most of these places when you tell them, I'm looking for a place and they say we do a criminal background check and this and this and this. And unlawful detainers and you're off the list. Period. They're not trying to hear your particular situation and if moving forward,

because now I have a Section 8 voucher, so I can definitely afford rent, but no one wants to let me in the door in the first place. (Black male, 51 years old)

And so when I would go meet a private owner, like him for instance, they'd be all gung ho and they liked the job and they like the credit and they like everything and then they'd meet and they realize that...because honestly, sometimes when I'd apply for places I'd use my middle name which is Kendra, so I could get to the point of getting an interview but then of course they see what they see and then... (Black female, 29 years old)

Yes. Me being Black is always a barrier. I don't care what nobody say, just being an ethnicity of color. I don't care if you're Puerto Rican, Somalian, whatever, it's gonna bring barriers to you just because...Like my old landlord, he has 90 properties. All of these people know he a crook. Section 8 know he a crook. Why y'all keep letting him lease to people? Why is that okay? If y'all see these horror stories of people, why do y'all keep putting people in the same position to be messed over like that? So I feel like it's the system working against Black people or people of color. Because if it's not, why...I know I'm not the only person that voice my opinion about this. It's other people, our opinions just get shuffled under the table and that's not fair. And that's why people don't like to speak out because it don't do nothing for a lot times and if it do something, it's just for a little minimal time. It's not gonna be nothing that sticks forever. And that's what it is. (Black female, 33 years old)

I want to say that I believe our nationality has a lot to do with it, because we are Native American. (Native American female, 35 years old)

Yeah. I didn't like that. It was just very offensive to me. And I was kinda like, just quit beating around the bush and just tell me straight up what you're thinking. I mean what do you want to see, high school diplomas? So one day he pulled up, and my son, my younger son was graduating last year. And we're all out in the backyard. He's like, "Hey, you guys having a party?" We said, "No, we're actually having a graduation celebration for my younger son." He's like, "Oh." And then he started having a conversation with my older son, and didn't know how intellectual his conversation was. It kind of backed him up a little bit. (Black female, 47 years old)

Similar to a criminal conviction, an eviction filing is in the public record. When a landlord files an eviction action, the tenant who is filed upon receives an eviction action on their record, regardless of the outcome of the case. Repeatedly, the evictions research team overheard the clerks at Housing Court informally advise tenants who had just won their cases that they still had to move to get the case expunged, adding another cost to the tenant. Distinct from a criminal record, there is no such thing as innocent until proven guilty in Housing Court and for the tenants, this is a lose-lose situation.

When I went to check out. When you leave the court, you have to give them a paper, and the guy...Something just made me ask, the guy kind of like, "I'm done. Is there anything I have to follow up with?" He's like, "You may want to look into filing to get this off of your record." So, the clerk mentioned it to me and I said, "What do you mean? I actually settled out." And he was like, "It will still be on your record. You have to actually do a court filing to get it off of your record." So, yeah. And, at the time I just was like that's too much 'cause it's already a struggle. (Black female, 30 years old)

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 and I have 2 weeks to 3 to go to court with you and I could be somewhere else. You would rather a person be homeless than to give them a day in court to be heard first. I think that's wrong. I think it's absurd. You shouldn't have to be homeless to be heard. That's my main problem with housing courts. (Biracial female, 32 years old)

A lack of education on the part of tenants was extremely obvious as they described the distressing context under which they located the property they were evicted from, the discriminatory ways their families were often treated by owners or property managers, and then their day(s) in court, even when they believed the process was finally over or nearing an end. Yet the process was not over. Whether tenants stayed in place or not, their eviction record would follow them unless they quickly went into crisis management mode, attained the funds to file and seek expungement, and had another day in court. Of the tenants interviewed 60% (41) stated that having a UD created a barrier to obtaining housing. Only 16% (11) of the tenants interviewed had their UDs expunged.



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

The Impacts of Having an Eviction on Your Record: *Select Illusion of Choice Quotations*

Having an Eviction on Your Record

- Never experienced an eviction until I moved to Minneapolis
- Landlord knew emergency assistance was coming, but filed an eviction anyway, and knew I was trying to move
- Always the one working, but I get the eviction on my record
- It's hard to find a place with an eviction; if I could move I would
- I paid off my debt and I am stuck with the same landlord

I wish I would've never came back to Minneapolis because I've got two UD's within 6 months apart from being sick and now they're on my record. I can't rent a property now. No one wants to take a chance on me even though I've been at one of my jobs for 17 years, and I've been at the other job for 6 years. No one wants to take a chance on no one but slumlords. (Black female, 55 years old)

When people see my rental history or my credit, they're like, "Don't rent to her." They're like, "Don't rent to her. She basically is not going to pay." It's never anything about damage, it's always been a situation where I'm the one who's always got the job. Even in the past when I've rented with my daughter's dad and his brothers and things of that nature, the place was always in my name. Once something happened on there and they weren't able to chip in, then they're like, "I can't pay the whole thing." And now I'm the one with the UD even though we were all residing. Now, I'm the one having all of these hurdles and barriers when I try to find housing with two children now. So, it's challenging. (Black female, 31 years old)

When that lady came and served me that paper, I broke down crying. I asked her, I said, "Why? He [landlord] talks to me, he knows emergency assistance...I gave him this 3-day notice and this is how he's gonna do me? So, he know I can't leave this fresh UD. He know I can't do nothing but go to court." And he was just like, "I'm so sorry, I'm so sorry." Get off my porch, get off my property right now. I'm like "This is bogus, you've got all your money coming. Why ruin my name? You're attacking my name. You got your money. Y'all own properties, I don't have nothing but my name, and that's what you want?" It took everything in me, I was hot mad. (Biracial female, 42 years old)

No. I'll just say the whole experience just sucks. It's very hurtful to think about. It just makes me very sad, because, like I said, they wasn't lenient or they didn't care about me being a single mom. I do understand it is my fault that I did get pregnant. But they didn't try to work with me at all. You know? It was their way and there was no walking around their way, and it was just done. There was really nothing I could do. So the whole situation makes me mad. It makes me sad. And now I'm stuck in the situation that I am now, getting up very early every day, reaching out to other housing people. But with this thing hanging over me, it hurts. It hurts me going into other places, 'cause I'm automatically turned down. (Black female, 28 years old)

Yeah, I wouldn't if I had a choice, I wouldn't stay here. I would move something bigger and better community. It's my background for criminal and my UDs that I had with him [former landlord] 'cause I went to court last week to do the expungement. I had seven UDs total. They expunged five of them and he ended up coming to court. So he said that he would like them to stay on there until I get done paying the settlement. So I get done paying the thousand for 2016, it's okay for it to be off. And then when I get done paying the \$4,000, it's okay for it to be off. So then I basically technically have two UDs on my record. (Black female, 29 years old)

Nobody, I feel in the state of Minnesota, works with anybody that has a felony or anybody that has a UD and I have both so that's a double negative for me. That's triple negative for me, I would say. And I've offered to pay double deposit, double rent, nobody. So that's why we are in the shelter. I was told by them today that the housing I got selected for, nobody ever gets it. The lady that told me, she was like, "You could get selected before somebody 6 months ago came here." I guess they pick people. They pick random people when stuff comes open they pick a random person. It could be somebody that's been there for 10 days. It's not on a waiting list, like "Oh, I'm at the very bottom" or "I'm on the very top." They pick random people. (White female, 28 years old)

Well I was hurt because the UD is on your record. So it's just one more thing that block us, the credit report, now the UD. So if I were to try to go out and try to get another place, that's down at the Hennepin County waiting, you know. (Biracial female, 58 years old)

Well, I only had three at the moment, but you know, with him, he got me two extra more, and then the three that I had was so past 7 years ago, past so many years ago, and then I get two fresh new ones in the same year. I didn't even know he could do that. Like when you settle, I thought we, the UD and everything, and I gotta still keep me getting me a UD, and I settled with you, and I paid off. And I'm still staying here. (Black female, 27 years old)

That eviction, that eviction. So my goal is to try and get it expunged. I checked on the process, because that's something they said it will hinder me for a long, long, long, long time. I'm 66 years old. I don't need something on me that long. (Black female, 66 years old)

That eviction itself being on your record, because they said as soon as they like it, it shows up. It bars you. I just had all these application fees that they pay you when they spent your whole deposit paying application fees. I just went through this with the landlord where I was hoping to get the house...Being when I looked at the receipt, because I had him send me a copy of it, because he wasn't even trying to send me the copy, and I told him he can send, what, I asked him what was his reasoning for denial. He said he would send me a letter, he never sent me a letter. (Black female, 46 years old)

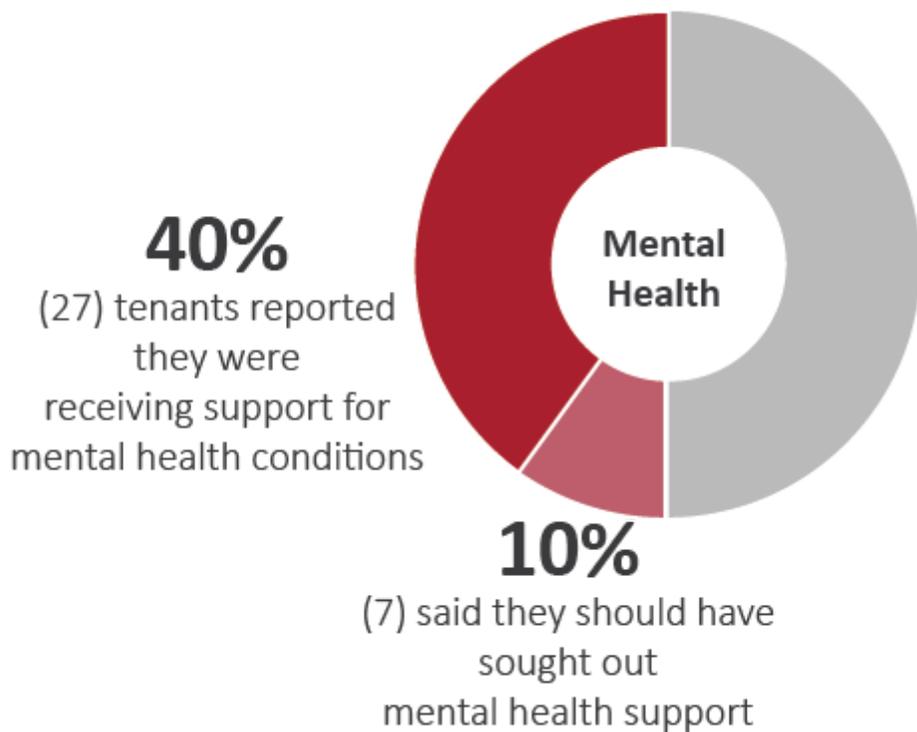
'Cause they recent. And they feel like, well if it's recent, we can't trust you and that'd be dumb. And I understand that, that's just smart on the businesses. I wouldn't, myself, rent to a person

that has a fresh UD not under the circumstances. I'm just being fair. But people like me who don't deserve it, we still don't got nobody fighting for us and even though it's not fair, on the computer it looks like a [inaudible], but it always got a story behind it. If you don't get that to them...that's why I'm so happy. I've never had a place, my oldest UD is older than my son. My oldest UD is 14 years old, my son is 13 years old. So I've never had the opportunity to live well. I had to always live in the hood. I always had to deal with a slum landlord. I never had the opportunity to be...you know what I'm gonna do? You know what I'm gonna do? Oh my God.
(Black female, 33 years old)

When you are locked into a predatory housing landscape, your social and emotional health often become secondary to your basic survival needs. There is a high correlation between housing instability and mental health. Unfortunately, low-income communities of color are too often busy managing one crisis-based decision after another that they are unable to request, receive, and embrace the mental health support that they need to heal from the cyclical pain and trauma that comes along with housing instability.

The Intersection of Mental Health: Causes and Consequences of Housing Instability

Forty percent (27) 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 them out.



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

The Impacts of Mental Health on Housing: *Select Illusion of Choice Quotations*

Mental Health

- Diagnosed with a mental health illness
- Mental health issues as a result of domestic violence
- Eviction led me to seek mental health support services
- Eviction led me to mental health issues and drug use
- Sacrificing for the family while I was not taking care of myself
- Death and loss in the family

I've just been recently diagnosed with PTSD, so I have been trying to go through this treatment program. This is going to be my third time trying to go to complete it. But with so many other things going on...You know it's hard to make it to treatment every day. (Black male, 51 years old)

Like sometimes I would go to work, you know, but certain days I just shut down completely. That was before I had my medication. I wasn't working with a mental health worker. I didn't have the proper care or medication that I needed to stop me from shutting down or from getting too overwhelmed to feel like I just want to give up. I can't take it no more. (Black female, 34 years old)

...

I mean, it's a struggle for everybody. Think about it. You have bare minimum jobs for women to even sell in. We got the hard hats for women, and things like that. But you got things by a lot of people that's in North Minneapolis, 55411 and 55412, suffering from a lot of mental illness. (Black female, 34 years old)

I was involved in a domestic, so I go to therapy. (Black female, 38 years old)

...

I was in domestic...I still got post-traumatic stress. I was in a relationship for, like, 8 years. The whole 8 years has been most domestic. So, now that I'm still lookin' over my back and...Yeah, my mind wasn't where I was. Bills wasn't my main focus. (Black female, 38 years old)

I think the evictions were making a strain, they caused a big strain after the first one. I think I sought the mental health services around October or November of that first year. (Biracial female, 42 years old)

Yeah, with my primary doctor. I cry to my primary doctor. She told me I needed to see a psychiatrist. When I told her sometimes I'm so desperate, I wanted to smack somebody or throw things. You know? It's just an outlet of how I feel...My solution was just to say inside my apartment and never hang around you know? (East Asian female, 66 years old).

Not at that time. Nope. At that time, depression set it. You know what I mean? And I started to have some mental health issues. I started using drugs just to kind of forget. You know. Somebody introduced it to me. I had never done it before. (Black female, 55 years old)

It was just so...I wasn't taking care of myself. I wasn't even brushing my teeth, showering and doing my hair. I just was, ugh. Yeah. It was just ever since I had the twins. It was just...I never want to go back to that person or feel that way again, because it was just horrible. My kid's dad did not understand why I can't be with him. (Black female, 28 years old)

I did not. Actually, I know we both were depressed, because we were both snapping over just the littlest things. We didn't even get into shelter right away, because we mistook the directions to get into shelter. (Native American female, 35 years old)

After he passed [uncle], and she passed [aunt], back to back, I didn't know that I totally shut down. I literally shut down. Shut everyone, everything off. I went to work, but I wasn't at work. I was barely there when I was there. I didn't know it 'til a year later. My girlfriend said, "Yes, [informant]," she said, "you were so gone. So checked out." (Black female, 50 years old)

I had a whole meltdown. When you wake up one day and you find out that your life is not really the life that you thought it was, that everything about it was a lie and you try to suck it up and you really can't, I got tired of crying. I didn't really want to talk about it to people because I didn't really want somebody to tell me what they thought. I needed to find out what I was really feeling and why I was feeling it the way I was feeling it. [The therapist] worked with me and I had a lot of problems with my husband. I was with my husband for 35 years and he was a cheater. When he died, all his friends came to the hospital, and they were women. They were planning the funeral, they were trying to collect his body when he died. I realized that that is the way of Minnesota women. I'm not originally from Minnesota. Some of the things that they do is really? (Black female, 56 years old)

The notion that one has failed in values or morals is often read and expressed in multiple forms but generally used to explain an individual's impoverished circumstances inversely, meaning that those who are not poor, have a higher moral compass. As the tenants here describe, a severe mental health crisis is taking place among those communities most vulnerable to exploitation. The crisis is being dealt with primarily through discipline and punishment, not compassion and understanding, which a profit-driven model does not support. The crisis is taking place as mothers work while pregnant when their doctors have ordered bed rest, when a death in the family must take a back seat to the light bill, and when the kids need food and school clothes. Despite the deficit-based language that has been used to blame mostly poor single mothers for

their circumstances, the majority of tenants were working a paid job, pushing aside their own mental and emotional needs in an effort to survive. Fifty-seven percent (29) of tenants reported their primary income as work, with 21% (14) also receiving assistance (cash assistance, SSI/SSDI, or a combination).

The Cost of the Courts



photo by Nikki McComb

Ellen is a 55-year-old Black mother of two children. She has worked at the same job for 17 years, while at times balancing a second job. Recently, she was diagnosed with two serious medical conditions that have limited her ability to work and tightened her finances. Although she has borrowed from her 401(k), she has had some trouble making rent payments and as a result has had two eviction filings. With help from Legal Aid, she tried to negotiate with the property management company but had no luck. Ellen eventually was forced to move out and at the time of the interview, lived in her sister's basement.

Ellen located the property on Craigslist. It was her first choice of housing, because it was more affordable than the property where she lived in St. Paul, where she was paying \$1,400 in

monthly rent. Also, she would be closer to family, and her daughter could then go to school with her cousins. The rent for the property was \$1,125, but it had one less bedroom than she needed. Ellen stated that moving from St. Paul to North Minneapolis was a huge mistake. She experienced housing difficulties that she never had prior to moving to North Minneapolis. She reported that everyone she's spoken with in the 55411 and 55412 zip codes have unlawful detainers on their records. She ended up with two, and no one but slumlords want to take a chance on someone with unlawful detainers, even though she has worked with the same employer for 17 years and can prove income.

Prior to moving into the property, Ellen paid a \$45 application fee. She signed a year lease and paid her first month's rent, a security deposit, and a pet deposit. She moved into this new property with her daughter, who was a minor, and her son, who was over the age of 18 and going away to college. Her primary source of income was paid employment at Target and a company called Conference Service. Ellen never received any additional county or nongovernmental cash benefits. When she found herself in need of additional cash or unable to pay major bills, she borrowed against her 401(k).

While living in the property, Ellen was diagnosed with an autoimmune disease, which eventually led to a cancer diagnosis. Due to her medical issues, she could no longer work. Although her employer offered disability, she did not receive the funds right away.

Ellen stated that if she was a day late on rent, the property management company threatened eviction. She was constantly fearful for 5 years. While living in the property, two unlawful detainers were filed against her and she attended Housing Court both times. The first time that Ellen was evicted, she came to Housing Court and mediated in the hallway. The property management company asked her if she wanted to stay in the property and she stated yes, because she had nowhere else to go. They then agreed to a payment plan. Ellen had to pay \$900 the day of court and then distribute the rest on top of her future rental payments. If she broke any of these agreed-upon payment benchmarks, she would have only 24 hours to vacate the property. She borrowed against her 401(k) to have a lump sum to pay in court by taking a general purpose loan.

Ellen found herself back in Housing Court a few months later for the same reason. She fell behind on rent while managing less income and increasing medical bills. The property management company presented the same payment plan options and she incurred a court fee and late fees. This time, she took a hardship loan against her 401(k).

Each time she appeared in Housing Court, Ellen had to pay \$400-plus in court fees on top of the rent she owed. Additionally, after mediation, Ellen had no idea she would still have an unlawful detainer on her record once the issue was resolved. She wishes she would have done some research.

Ellen was surprised that the property management company filed an eviction, as she was a 50-year-old woman who had never been evicted or received an unlawful detainer. Legal Aid represented her in each of her eviction cases and advised her to either find somewhere else to live or pay. If she chose to leave, they discussed persuading the property management company to support an expungement of the unlawful detainer. One of the reasons that Ellen reached out to Legal Aid was because her property management company was continually threatening to file an unlawful detainer, even though she explained her health situation and the impending disability payments coming. Despite help from Legal Aid, the property management company refused to negotiate.

Ellen, like the majority of the tenants interviewed, found herself in Housing Court agreeing to a payment plan to buy time. Her life had changed completely when she was diagnosed with cancer. No longer able to work, Ellen fell behind on her rent and was forced to go on disability, which only paid her a fraction of her regular salary. Despite staying in constant communication with her landlord, he filed an eviction. Unfortunately, the slow bureaucratic process of going from a paid employee to a receipt of disability from her employer did not align with Hennepin County's fast eviction process. Ellen was unable to fulfill her payment agreement and her landlord proceeded to file another eviction. Ellen went to court a second time, but now she had taken out a hardship loan from her 401(k) to pay her back rent and court fees.

Most tenants interviewed reported borrowing from either friends and family; resorting to the underground economy, which included jobs like boasting, selling drugs, or braiding hair; or seeking Hennepin County emergency assistance, which almost all stated made them feel "less than human"—all to ensure they had a roof over their heads. Ellen, like many tenants, ended up homeless, now living in her sister's basement as she described the stress that her health condition was putting on her and her family while her landlord's constant threats of eviction made her regret ever moving from St. Paul to Minneapolis. She stated that everyone she spoke to in North Minneapolis had evictions on their record. Ellen and almost all of the tenants interviewed stated that even after paying in court, they still had no idea that the eviction stayed on their record until they sought expungement.

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, 74% (50) had court filing records available for analysis related to the address discussed in their interviews. Of the 50 court filings, fewer than a third (16) ended with an executed writ, meaning the sheriff had to come to remove the tenant from the property.

Removed from My Home by the Sheriff: *Select Illusion of Choice Quotations*

Writ of Recovery

- Agreement made and fulfilled with landlord, but writ still executed
- Had to leave immediately and went straight to shelter
- Illegally removed from my home

We gave the judge the agreement, and the agreement was that I gave her the \$200 right then. So right then, I told my son to go the cash machine and give her \$100. I asked her what time she was leaving the office. She told me what time she was leaving the office. I told her I'm going to have my kid's dad drive me over there with the other \$100. I got over there, she wasn't there. I left it in the box. So after that, "Well you didn't come." I said, "I called you three times and you weren't there. I knocked on the door, so I left the money in the box." Maybe a couple of days later, that's when the sheriff said...you know, I had that paper sent to me, and the sheriff said that I had the... (Black female, 42 years old)

So when the sheriff came, knock on the door told us we had to leave, it was 7:30 in the morning, and then, I told them, I said, "You know what? I heard of Mary Jo's place here so why don't you shoot down there and give her our situation and see what happens." Her and my daughter, they took the bus down here, and Mary Jo got them in here right away the first day and that was a blessing too. And then ever since then we've been staying here you know. (East Asian male, 34 years old)

[My landlord] came with some red piece of paper, "The sheriff was here. You wasn't here." I said, "I haven't been gone anywhere, so how did the sheriff come?" I said, "And if you guys are still moving stuff, the sheriff is not supposed to leave, so that's illegal." He said, "I'll have him come back." He didn't call. I called the police. The police get there. The sheriff pulls up at the same time, so I'm like do you have a connection with the sheriff guy? And he's like, "I'm gonna need you. Don't come on this property." Like the sheriff was really nasty with me. Yet and still, I still didn't get a printout, a copy of items that were left there. They were stored in the garage, which I know by law, if it's stored on a property, he has to store it for 30 days with no payment. I don't have to pay him anything. (Black female, 36 years old)

I contacted and contacted [the landlord]. He wouldn't answer. That same day, I took a risk and had my sister drive me back over there through the alley. I have a video recording of me and all my kids' stuff filled close, thrown in the trash cans, thrown in the recycle bins, thrown all over the alley. (Black female, 36 years old)

Of the 50 court filings, 12% (6) resulted in a judgment for the landlord in the initial hearing and in 14% (7) the tenant agreed to vacate the premises, but the vast majority, 64% (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 court 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 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

Buying Time in Court: Select Illusion of Choice Quotations

Payment Plan

- Agreed to a payment plan that I knew I could not keep
- Borrowed against my 401(k) to settle my debt in court
- Paid in court and thought it was settled, but I still have an eviction on my record
- Tried to work it out with landlord, still removed from home

I think it was, let's say \$1,100 in a week, or in a few days, or something like that. And we knew when we saw it and signed it, we was like, this is just gonna buy us some time, we knew it. It was outrageous. Their lawyer, cause [landlords] didn't come to the court, their lawyer was there. And he gave us this big ole number and he was like, this is what you have to pay. We only owed them \$2,100, one full month and then half a month. No 2 months, it was 2 months we end up owing them. (Black female, 35 years old)

Both times I went to court, I made sure that I had the amount of money that, when I got served, that they said I owed. So, I had the whole amount when I went to court, because both times when I went to court, I borrowed against my 401(k) both times to get the money. I took a—what they call it—a general purpose loan. That was the first time, and then the second time, I took a hardship loan. (Black female, 55 years old)

They [property managers] kept threatening me that was gonna do it [evict me] so I contacted Legal Aid. Legal Aid said, "Well, bring down..." Legal Aid told me to bring down my paperwork, stating that I was off work and I was sick, and how much I get every 2 weeks to see if we could work out a payment arrangement with them, but they didn't want to do it. They wanted all their money up front and both times they took me to court, I had to pay the court costs, which was 400 and something dollars. It was ridiculous. (Black female, 55 years old)

I didn't even know that, okay, when I did go to court—because I went to court both times—we resolved the matter in the hallway before we went in before the judge, and I still got a UD on my record. I thought, maybe I should've did my research before I went, but I didn't do it because I didn't know about UDs that if you resolve the matter and I still continued to stay there 4 or 3 years later that it wouldn't be on your record, but it was. I didn't know that that's how it worked. (Black female, 55 years old)

But, I agreed to it because I didn't want me and my kids to be homeless, and I did know that...Okay, 2 weeks I'll have this, 2 weeks I'll have that. But, I was tryin' to prolong the situation because I didn't want to be homeless. (Black female, 38 years old)

I'm trying to think. He [the landlord] just pretty much said no, that he wouldn't because I told him that my situation wasn't going to change [reduced work hours] until August when school started back. He went in and talked to the judge. The finding was that it would be best that I just move. He still paid the landlord. He still got his money, but they gave me 11 days because I had the kids. (Black female, 48 years old)

I just don't think the courts hear the tenants enough. I don't feel like the landlords have as many consequences as the tenants does. If a tenant doesn't pay rent, they automatically have to move or pay that rent and plus that huge filing fee that they paid, and everybody's not able to do that, no matter what type of money you may be making, nobody knows your circumstances.

I think the courts should give the tenants an option to tell their story. A lot of people get in those situations, you don't know how they got there. I don't think people are just sitting around not paying rent just to not be paying rent, you know? (Black female, 46 years old)

Interrogating Nonpayment of Rent: The Politics of Landlord Retaliation

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, and 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 that 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 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.”

Landlord Retaliation: *Select Illusion of Choice Quotations*

Eviction Filed After Calling Inspections or Making Complaint

It basically something that was a long time coming. Because of his tit for tat type of games and

things of that nature, I had to be very strategic in my business relationship with him. I had to comply and do what I needed to do as a tenant in order to be left alone if that makes sense. I just paid my rent, I talked to him pretty much only about money, very minimal about repairs. Every time I did ask about repairs, it ended up in retaliation. So, we went to court and we actually settled. We never even saw the judge because I had asked for repairs to be done. He had heard about this new tenant complaining about all these things that need to be fixed, so he actually...He, meaning Mir Ali. He actually physically came to the property himself to basically confirm that these things were true repairs and not renovations. So, he did make the confirmation that those things would be repaired and by the end of that month, instead of having a repair man come in and fix those things, I ended up getting a letter to vacate. Obviously, I thought that as retaliation, which we didn't even need to go to a judge to settle that. It was settled. I just really went through it with this landlord. I even rewrote his lease one time, which now he's currently using. (Black female, 31 years old)

When I threatened to call her, that's when she started saying, "You owe me this, and you didn't give me that," and I had never had this issue before, because like I said, I had rented for 6 years for somebody, and he was the perfect landlord. But...okay, so I call Section 8, and she said, "Just put your money in [escrow]." I said, "What is that?" And she was like, "This where you keep it, and you don't give it to her until she fixes it." That's all the lady told me. So, I didn't give her no more money after that. It was cold in the room, it rained in there. When it started snowing, now this is...it went from raining to snowing and she still hadn't moved this dishwasher, and the kids were like, "I think there's mice in the ceiling in the basement." Well, when I listened, it sounded bigger than a mouse, so I'm assuming it's those possums that lived in our yard. She didn't come out and fix nothing, so we went back and forth about the money and about fixing the stuff, and then she filed for eviction. (Black female, 42 years old)

But I do know he was pretty much upset and told me he was trying to sell these properties and this certain company already bought some. They was coming to buy 20 more. And out those 20, I was open and honest with their maintenance team that came over, looking the place prior to buying. OK? And I told them guys I couldn't talk to him because he was here. I'll get in trouble. He'll do something. Well lo and behold, somebody must've said something because he literally sent me an email, and even told me at court, I was the reason they did not buy. (Biracial female, 45 years old)

[Tenant called the City Inspector twice] Things started getting rough a little bit after the evictions and when I started needing things done, or you know, to the property. Yeah. I would

call him. Tell him I need this done, that done, and he would send someone out to do it, but it wouldn't be done right. He'd actually find people off the streets to do it, you know? I needed a door. He come put the door up, but it's too short, so they applied plywood to make it fit, you know? Things like that, and I dealt with that since I've been here. The heating's bad. The plumbing's bad, as you can hear. The toilet won't stop. My...I've never been able to use the shower down here. The tub upstairs is...you know, you look at the tub, and you don't know if it's clean or dirty, so you...me, I like to clean it out before I get in because it's got a stain around it that just not liftable. The tub upstairs was leaking into the kitchen, like, he had to do...I don't know. He came and put some type of stuff to stop it, but it's still leaking, so I know it's all type of mold somewhere in there, you know? My basement has been leaking stuff, and so the problems started after my complaints. (Black female, 33 years old)

[Tenant complained about the lack of electricity in his apartment] *It's against state law for him to withhold power. This is your building. And then I told him the city said for you to come and put that power box upstairs, wire this building right. Instead of you trying to extort something out of me. When he couldn't extort nothing, I dictate and dominate. Folks get real raffled, because they figure that they the owner it's gonna be their way or the highway. But underneath state law, I told him it's illegal to retaliate. So this is what he said, I'm gonna just sell the building. (Black male, 55 years old)*

Landlord Retaliation: Beyond the Anti-Retaliation Provision

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 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. The cases outside of the current provision 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 anticipated 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. The law has 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 wish to prove retaliation face a confusing, extremely fast eviction process in which to make their cases and a system that does not guarantee the right to legal representation.

Beyond the Anti-Retaliation Provision

Shelly is a 36-year-old single Black mother of three young girls. At the time she was securing a place to live, she was working three jobs and paying \$950 a month in rent. Shelly signed a month-to-month lease. Although she was initially leery when she met the landlord, she was desperate for a place to live. While living in the property, her landlord tried to pursue a sexual relationship with her in exchange for property upkeep. Shelly refused her landlord's advances and as a result, the landlord refused to accept her rent payments twice and instead filed two different unlawful detainers for nonpayment of rent in an attempt to have her removed from the property.

Shelly felt discriminated against because of her race and gender. According to Shelly, her landlord treated her like "the lowest of the low" by filing unlawful detainers even after she had paid her rent, asking inappropriate questions, assuming she was sexually available, and arrogantly brushing off her refusal to have a sexual relationship.

At Housing Court, Shelly presented pictures of her receipts as proof that she deposited the money into his account. The court allowed Shelly to get an expungement since she was able to prove that she had paid. However, the landlord then required her to pay the next month's rent within 7 days. Shelly could not do so, since she only got paid every 2 weeks. Additionally, even though she won her case, she still had an unlawful detainer on her record.

The landlord spoke with Shelly and asked if she was planning to stay. With limited choices, Shelly planned to stay but she refused to pay the extra \$500 filing fee, because it was the landlord's choice to sneak and file an eviction with no cause. Additionally, the court did not require Shelly to pay her landlord's attorney's fees, because she proved that she attempted to pay, but the landlord refused the payment. However, Shelly still needed to find a way to pay the following month's rent in 7 days, and she quickly sought and received help from the Salvation Army in order to stay.

While they were going through the court process, her landlord reached out to her via phone and left a message asking if she knew "why Black people die so young?" Shelly called the landlord

back upset and asked what his question had to do with their tenant-landlord relationship. This remark was made after the landlord had previously made a pass at her by stating, "If you promise to be good, I could fix this place up really nice for you." Shelly told her landlord that she did not know what other female tenants he had been dealing with in the past, but that there would be no sexual favors or encounters for her to stay in the property. After that interaction, her landlord would come up with reasons to come over and fix things without telling Shelly he was coming.

After Shelly's first court appearance, the landlord decided that he did not want to wait on the Salvation Army to pay her next month's rent. When Shelly attempted to pay, the landlord wrote a check back to Shelly and delivered it to her through her 12-year-old daughter. He then filed another unlawful detainer for nonpayment of rent. Shelly immediately called an attorney at Legal Aid. She learned that since her daughter was under 18 years old, she was not supposed to be handed anything. Shelly took her daughter to school and upon returning home found that the landlord had paid a few men to remove her belongings from the home. Shortly after, the sheriff arrived and forced Shelly to leave the property. As a result, she became homeless again.

During this process Shelly learned that her landlord was known in the community as a sexual predator. At one point she had visited the local payday loan place and the Black woman serving her saw her landlord's name on her paperwork and began to tell Shelly about the time that she was a tenant with the same landlord and how he pursued her sexually.

The state of Minnesota's current anti-retaliation provision does not protect women like Shelly. In fact, representatives from Mid-Minnesota Legal Aid confirmed that there is currently no systematic way for these tenants to seek and file a grievance for sexual harassment and that they internally are keeping what they call a "creep list" to track those landlords whom multiple tenants have cited for inappropriate sexual advances.

In April of 2019, Mid-Minnesota Legal Aid filed a lawsuit on behalf of Vexada Clark against Karl Krueger and Dane Limited, LLC, for preying "upon women by conferring housing benefits because of or through conditioning rental terms on a woman's sex or willingness to perform sexual favors for Mr. Krueger" (*Clark vs. Krueger et al.*, Civil Action No. 0:19-cv-745, 2019, p. 1, trail pending as of this writing). Four out of 68 tenants interviewed for the project provided vivid details about how their landlords or property managers used conditional lease terms to broker sex from tenants in exchange for upkeep or rent. One of the four tenants stated that she actually brought up her landlords inappropriate sexual advances in Housing Court and was told by the judge that "this was not the place to bring it up." The other women all stated that they did not feel comfortable speaking up in court or did not feel like the Housing Court process provided the opportunity for them to share what they were experiencing due to the open court structure, 29 years old which provides little privacy.

And it's not fair and then we gotta be liars because we behind in rent, oh now you gonna bring it up, why didn't you bring it up before? And if you would've brought it up, what would've happened? If I call the police and say, hey my landlord hitting on me, what do y'all gonna tell me to do? Move out. So then if I wanna stay there, well you must like it. It's like you can't win if you're losing. (Black female, 33 years old)

Limited Framework of Anti-Retaliation Provision: *Select Illusion of Choice Quotations*

Eviction Filed for Discriminatory Reasons

The second [eviction] one was last year. Actually he had hurt his hip so his son was helping him around here. There was an issue with the heat and his son actually came down and turned the heat down. But he was telling me it was down and he was telling me it was him. When he came over here me and his son had words. It was on a Friday and Monday I had eviction. He filed for eviction on me. And then he said I hadn't paid rent since July 2017 but I had a letter from him, 'cause I'm working with HRA. (Black female, 29 years old)

It kind of went personal because he was trying to hit on me or you know and that's what I...kind of...I told my husband what he did so it broke...Yeah and then that's when he evicted us. Because they got into an argument...Rent was due. I didn't pay rent. That's because he didn't pay us [for roofing work on landlords other properties]. (Native American female, 48 years old)

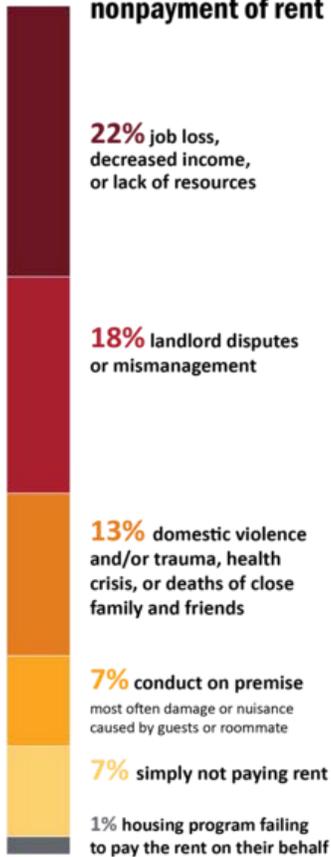
But it was after he had been allowing—after he did a lot of crooked stuff, you know, to where he sat there and he made a pass and was like well if you'll promise to be good, I could fix this up really nice for you. And then once I told him, I said what are you talking about? I don't know what other type of women tenants you dealing with, but I'm not that one. There will be no sexual favors, encounters, for me to reside here. (Black female, 36 years old)

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 2

- 22% (15) of the tenants stated that their eviction filing was spurred by job loss, decreased income, or lack of resources.
- 18% (12) of the tenants stated that their eviction filing was spurred by landlord mismanagement, such as filing an eviction for nonpayment when rent had actually been paid in full, or landlord disputes, such as landlords making verbal agreements regarding tenant repairs.
- 13% (9) of the tenants stated that their eviction filing was spurred by domestic violence and/or trauma, crisis, or deaths of close family and friends most often connected to issues with mental, physical, and medical health.
- 7% (5) of the tenants stated that their eviction filing was spurred by a conduct on premise issue most often connected to damage or nuisance caused by guests or a roommate.
- 7% (5) of the tenants stated that their eviction filing was spurred by them simply not paying rent.
- 1% (1) of the tenants stated that their eviction filing was spurred by a housing program failing to pay the rent on their behalf.

What's Behind Nonpayment of Rent?: *Select Illusion of Choice Quotations*

What crisis led to inability to pay?

- Job loss
- Landlord mismanagement
- Domestic violence
- Conduct on premise
- Simply did not pay rent
- Housing voucher program failed to pay

We were both working, but he ended up getting laid off probably 3 months after us living there, so it was just my income. He would do temp jobs here and there, just so we could keep up with everything. But, yeah, when he got laid off, that was a big loss of income. (Black female, 35 years old)

Just the mismanagement, careless management. It's on my record as an eviction. However, I was able to go and sit down, and they take you through the court, and do the mediation, and I had the documentation of my receipts. And so, they were saying that I owed them a fee that I didn't owe because I had the receipt to line up. And so, we were settled at zero. However, I have to pay for a filing for that to be off of my record that I can't afford. I can't afford a \$300 filing fee to get this off of my record because you guys were misinformed. Therefore, translating to me getting a place now has been terrible. It took me 9 months to find a place because that's on my record. (Black female, 30 years old)

And the reason I didn't pay rent in July is because my boyfriend. I coming from a batter situation. My boyfriend always beat me up, jumping on me, taking my money because he wants to do other things with the money. But I say pay the rent and different stuff, so he stole that month's rent, the July rent. But I told the lady I would pay that up next month when I pay my other month rent. I can do that. You know what I'm saying? I say that would not be no problem, no issue or nothing like that. (Black female, 53 years old)

I had broke up with my kid's dad after being with him for 17 years. Somebody told him I was at some guy's house and, I wasn't, which ended up...He ended up finding out where I moved at... 'Bout 3 months later, he started seeing I was very serious [about breaking up]. He came over one day, he threw gasoline on my car and burnt my car up. He kicked the back door in, poured gasoline in the back door, and the kids were upstairs on the balcony, talking to him. All agreeable and telling him not to do it... Either way it goes, he did arson. And when he did the arson, the landlord got mad at me. Even though the landlord had insurance, he ended up gettin' up prosecuted. He went to jail, all of that. The landlord got mad at me, and wanted me to start payin' damages... And so that's how we ended up fallin' out. (Black female, 45 years old)

The relationship with my girlfriend and nonpayment of rent... And then I was holding it, I was trying to make up my mind do I really want to give up this place. And that would have been a dumb, stupidest thing I ever done... I came home, I had been away from the property for bout a

couple of months. I came home the eviction in the mail and I had one on my door. (Black male, 59 years old)

No, not at that point. At that point, I knew it was coming because I had been in, and 6, 7 months the man hadn't gotten a dime. And now they're sweating me, and I'm like, well that was your friend that got us in here in the first place. And you know the VA's not coming up with their portion and so. But here I am, I'm the one with the unlawful detainer. (Black male, 51 years old)

And then basically I lost my job because I...the people I was driving with to clean houses...well first our car broke down, we bought a car in February, broke down a month later. I was riding with people, I was riding with my sister, she worked with me and then after that I was riding with my friend and both of them are the people that left and skipped out on rent and I didn't have a ride to work anywhere so I had to stop working too. (Black female, 30 years old)

Informal Evictions

Christopher is a 60-year-old Black male. He was living in a shared rooming situation when he found his own place to rent. However, the home that he was renting was condemned by the city of Minneapolis and with just minutes' warning, he was ordered to gather as many of his belongings as he could and vacate the space. For Christopher, this experience triggered his past abuse issues and led to him checking into a psych ward. After experiencing the eviction, Christopher became homeless.

Christopher located the property while riding on the city bus. He saw a friend standing outside and inquired about potential openings. At the time he was living in a rooming house where he rented a room for \$500 a month. He wanted to move because the other tenants were using drugs and he did not feel comfortable. Christopher's friend connected him with the landlord directly, as a woman had just moved out and there was an opening available.

The apartment Christopher rented was his first choice of housing, because he was able to get out of his last situation within a month. He stated that his new place was nicer simply because he no longer had to share a bathroom and kitchen with nine other people. The home he lived in formerly was in North Minneapolis and a woman was subleasing the rooms. He stated that his room had been broken into two times.

When Christopher rented the new place, the landlord did not do a background check; he simply had him sign a lease. Christopher paid the first month's rent and Hennepin County paid the

damage deposit. When he viewed the landlord's apartment, who lived on-site, he noticed that the landlord's wife was a hoarder. Christopher was the only person on the lease and the only tenant living in the apartment throughout his lease term.

Christopher was living in his new residence for 9 months when the city of Minneapolis Inspections Department came to his building and declared that it was being condemned. The city required all tenants, including the landlord, to vacate the premises immediately. The city gave him 15 minutes to gather his belongings and a card where he could call and arrange to come back later and get the rest of his things. Christopher did not know that his landlord was having any issues with the city Inspections Department, and his landlord claimed he had no idea that the city was going to close the building. Christopher did not believe him. He felt the landlord simply did not tell the tenants and collected rent anyway.

Dr. Lewis interviewed Christopher at Housing Court the day after all of the tenants were removed from this property. He reported that he was at court to file formal charges against his landlord for the rent and his damage deposit. During the interview, Christopher was wearing a hospital identification bracelet. He explained that after being removed from his home, he checked himself into the psych ward, because he was afraid that he was going to "hurt" himself. He lamented that this apartment was the first time he had ever had an apartment in his name. He is a former drug abuser and being removed from his first apartment with only 15 minutes to grab his belongings almost caused him to re-abuse, but he checked himself into the hospital instead.

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 (this 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.

Informal Evictions: *Select Illusion of Choice Quotations*

Informal Evictions

- Owner sold home and told tenant last minute
- Building condemned and tenant given 15 minutes to gather belongings
- Landlord filed grievance with MPHA Section 8 office and tenant is subject to losing voucher

Yeah, like I was 2 days from having to give it to him, and he knocked on my door, telling me he sold the house and I had to get my stuff out of there. He sold the house. So I was there like, literally a week and he sold it from under me. And the tenant that was, I guess upstairs, I don't know if they knew the person or not, but I know he said that he sold it. But I, rode past it afterwards a couple of times and I still saw the same people upstairs, so honestly I think, I got put in like one of them, you know, we're going to keep flowing people in and out. (Black female, 22 years old)

They [the city inspector] just told me get my stuff, I got 15 minutes to get my stuff [building condemned], don't take everything, they gave me a card and told me I had to come back and get the rest of my stuff. (Black male, 60 years old)

...

I was feeling suicidal, and I told him [the city inspector], I called the crisis team and I went to Hennepin County yesterday and stayed in the psych ward last night because I was feeling suicidal because this should have never happened to me. (Black male, 60 years old)

The attorney say, we're going to work on a...Before I'm not even the meeting, he say, "What do you think about your landlord, if she say stay?" I say, "It probably it will be problem for me to find a property but to stay in this property, I have no trust. I don't trust anymore." They say, "You have to talk to your attorney about that." He told me, he give me three option where about to

live. He say, either break the lease and move and lose Section 8 or either be patient and stay, until we fix the problem. Unless she let you stay and have you Section 8. Then that way, it will be better if you and her deal each others. You say, "You know what? You mind if I move?" That's second choice. (Black female, 53 years old)

...

Yeah. It will be hard time to find housing and it will be problem and if I force to leave and let's say, I don't want to deal with the landlord and then I am forced or move, yes, I will lose Section 8 and everything will be hard. That's why the lawyer won't prefer that. (Black female, 53 years old)

Conclusions and Implications

When assessing *how* and *why* evictions take place from the perspective of tenants, the following major themes emerged from the interviews:

- The increasing number of evictions taking place throughout the country is silently, yet violently, disrupting the lives of millions.
- Choice is an illusion when the context in which you are making decisions is almost always a state of duress, mediated by those with more power over your material life than you often have, and where survival, rather than personal and familial growth and advancement, is at the center of your thinking.
- When tenants' basic physiological needs like food, shelter, water, and sleep are in a constant state of flux, they are never able to escape survival mode. Rather, they are moving from crisis to crisis, weighing the consequences of each decision, most of which are made only to buy more time.
- Racial discrimination and a criminal background were the top two items that tenants cited as barriers to accessing safe, quality affordable housing.
- Evictions and homelessness are highly correlated. Approximately 41% (28) of the tenants in this project reported homelessness as a result of their eviction.
- The threat and use of multiple filings is often used as a punishment tactic, but they do not always result in a tenant vacating the home. In turn, multiple filings actually become a barrier to moving from a home.
- Tenants were not aware that when a landlord files an eviction action, the eviction shows up on their record regardless of the outcome of the case. Distinct from a criminal record, there

is no such thing as innocent until proven guilty in Housing Court, and for the tenants this is a lose-lose situation.

- The notion that one has failed in values or morals is often read and expressed in multiple forms but generally used to explain an individual's impoverished circumstances *inversely*, meaning that those who are not poor have a higher moral compass. As the tenants described, there is a severe mental health crisis taking place among those communities most vulnerable to exploitation. This crisis is being dealt with primarily through discipline and punishment rather than with compassion and understanding.
- Nonpayment of rent is the leading reported cause for eviction actions. Yet, *The Illusion of Choice* project aims to demystify what nonpayment of rent really means from the perspective of those most impacted. What is not captured in previous analyses and the existing literature are the ways that nonpayment of rent is used by many to disproportionately evade tenants' rights to be free from retaliation.

The Illusion of Choice: Evictions and Profit in North Minneapolis report reflects what we know: single Black females with children are at the highest risk for eviction in North Minneapolis. However, our report deepens and illuminates a much more complex story that has been hidden and/or ignored until recently. Safe, quality, and affordable housing is a basic human right and the anchor for stability for individuals, families, and future generations. Yet tenants who are living at the bottom of the social, economic, and political stratum of society are caught in a cyclical trap from which others with material privilege benefit. Choice is an illusion that is framed by limited and constrained options available to low-income tenants of color in North Minneapolis and mediated by power brokers who can aid or disrupt opportunity at any point. Additionally, race and the criminal backgrounds of tenants and/or their family members provide even more barriers to accessing stable housing.

Tenants report living in a constant state of crisis decision making. When tenants' basic physiological needs such as food, shelter, water, and sleep are in a constant state of flux, they are stuck in survival mode, always trying to weigh the consequences of their decisions. Do I feed my child? Or pay my light bill? Often, these decisions drive putting off the inevitable. Additionally, beyond the physical, economic, and social impact of evictions, there is a psychological impact as well. Mental health and housing instability are highly correlated. Tenants reported mental health concerns as both a cause of housing insecurity, as well as a consequence.

The state plays a major role in the ability of tenants to both prevent and move beyond an eviction action. Upon filing, tenants are not only presumed guilty through an immediate record but also are often tagged by landlords for the filing fee, regardless of the outcome of the case. These fees add to the financial burden of individuals who already face financial precarity in regaining housing stability. Current statutes provide limited and weak protections, at best, for tenants who face retaliation from landlords who are provoked by tenants' requests for repairs

and interactions with city inspections. Those tenants who face circumstances outside of current statutes, including racial discrimination and sexual harassment, are not protected by current housing statutes. Additionally, the burden of proof in civil court and the cost of litigation fall on tenants to even begin to prove retaliation.

Formal court actions only provide a glimpse of a deeper, systemic crisis of evictions in North Minneapolis. Tenants are vulnerable to the power of landlords, which is mitigated and/or exacerbated by the state. This reality is critical for a future understanding of housing stability in the context of the relationship between tenants, landlords, and the state. For low-income people and people of color, evictions pose a significant barrier to accessing and maintaining quality, stable housing. The move toward the stabilization of all households, by elevating the expertise of those most vulnerable to it, will only benefit individuals and families that have historically been shut out of fair and just housing solutions and will have an impact on future generations' health and wellness.

Findings: Social Service Run Around

Yeah. I just went to Hennepin County and yeah, they gave me to some rapid re-housing counselor, or something like that. But she kept telling me I needed to...She said, "Is there anything wrong with you?" I was like no, I'm just a normal person that lost their job. She wanted to know if I was a domestic violence victim. She wanted to know if I had mental health issues. She wanted to know if I was using drugs. Which, all of the above, but I was too embarrassed to share it with her. You know? I didn't want nobody to know I was using drugs. You know what I'm saying? I'm not anymore, I'm proud of that. But I overcame it. But I didn't want nobody to know that I was using drugs. So, I told her no. So, at that point, they couldn't help me, because something needed to be wrong with me for them to get me housing right away. (Black female, 55 years old)

Tenants

The Social Service Runaround: Differential Treatment

What Is the Social Service Runaround?

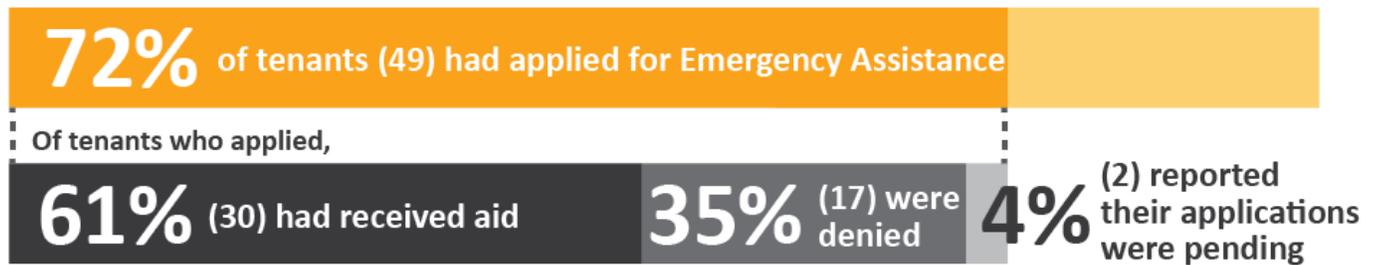
When tenants were interviewed, it was quite common for them to describe their experience of applying for Hennepin County emergency assistance as “dehumanizing” and show emotional anguish or often cry. Interviewees would go further and state that when they were in the process of applying and seeking support, 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.

The results of the tenant interviews and our analysis of their findings necessitated the creation of this social service runaround section, which is arranged to examine three major themes: (1) the politics of dehumanization, (2) discrimination against single people, and (3) the “dollar over” club. The three themes are each examined, starting with a short case study and followed by the emerging concepts, as evidenced by the actual statements made by tenants in their interviews (throughout, names of interviewees have been changed to protect their identities). Finally, we end with a summation of how the themes examined in context relate back to how and why eviction trends are taking place in North Minneapolis, from the perspectives of tenants and social service navigators as they reflect on the impact that the social service system has on evictions.

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

At the time of their interview,



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

What Is the Politics of Dehumanization?

Stacy is a 42-year-old multiracial female who experienced three eviction filings in the same property. With a large family, Stacy sought out a space that would accommodate her families' need but found herself in a home that was not what it was advertised to be. She noted that a once acceptable practice of paying the rent throughout the month was suddenly changed with the first of three eviction filings. From there, she gained knowledge of her legal rights, worked to meet her financial responsibilities, and fought to have all three evictions expunged.

The first eviction filed by the landlord came only 2 months after Stacy and her family moved in. They were late on rent, because her partner was waiting for payment from a painting job. Stacy asked the landlord if he could wait, but he filed an unlawful detainer anyway. Stacy came to court with half the amount owed and agreed to a payment plan for the rest. She honestly did not understand why the landlord filed against her, because she had periodically paid late and sometimes sporadically throughout the month. The landlord had always worked with her.

Stacy sought emergency assistance for rent and utilities, specifically the water bill, because her partner had gotten hurt at his job and they were falling behind on bills. She stated that when seeking EA, all the county wanted to know was if they were going to be able to pay next month's rent and keep up with the utilities. According to Stacy, when applying for EA, a person needed to show proof of an eviction notice for it to be considered an "emergency," as that indicated the potential for homelessness.

In the meantime, Stacy's landlord filed second and third evictions for nonpayment, even though the landlord knew that the EA payment was coming. The county paid the landlord before the second court appearance, but at that point, the payment had taken about 45 days and the landlord was not willing to wait.

Although Stacy had planned to move, the cost of the third eviction filing created a new financial burden. She made a payment arrangement and came up with about \$3,000 in 2 weeks just to ensure she could move. In the end, EA also paid Stacy's court fees, because as Stacy stated, "They knew they were so wrong."

Stacy felt that an unlawful detainer should not be on a person's record until they are found guilty in court. She said people would rather see someone homeless than give them their day in court, because an unlawful detainer means that many people will end up homeless. "You shouldn't have to be homeless to be heard."

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 eight partners from community-based nonprofits, housing and social service organizations, religious and faith-based organizations, and Hennepin County departments. The interview data were 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 documentation like emergency assistance denial letters needed to obtain other services. Throughout the process, “blessing” and “illusion of choice” cards are given randomly to participants to demonstrate the *illusion of choice* that people often face when seeking services.



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. Courtesy of Juxtaposition Arts

The Politics of Dehumanization: *Select Illusion of Choice Quotations*

Differential Social Services:

- Slow
- Tedious
- Invasive
- Culturally insensitive
- Requires a denial letter to apply for assistance

Because [the] majority of the time, someone might not get help, or they'll tell no. They make you

feel guilty. Like, every 12 months they put you down. Like, "Oh, well last year we helped you with your water bill. You're still having the same problems. You're not fixing the issue." I've had staff literally say that to me. Like, "Excuse me, if I'm coming for help with a water bill once a month, or once a year, it shouldn't matter what I'm here for. If I'm here only that one time every 12 months, you shouldn't make me feel bad." For utilizing what's supposed to be something that's available, as long as you're qualified. But even if you qualify, you still... (Biracial female, 45 years old)

Well, I felt...I'm not a person that bases myself on pride, but it made me feel very worthless going and applying. Because I had a lady that actually told me, "Yeah, we see that you've applied almost every year, and we're not gonna help you anymore." And I said, "You can't tell me that." I said, "And I've applied every year, because when something better becomes available, I'll move for the benefit of my children. And if I can save and get new beds, or get new furniture if I ended up having to lose something, I can replace it." I said, "You guys are here for help." I said, "I'm sorry. I didn't know it came out of your account, me asking for this help comes out of your personal account." (Black female, 36 years old)

...

But she made me feel real worthless, and I said, you know I work my butt off. I'm not down here trying to scheme, get over. (Black female, 36 years old)

It's always demeaning 'cause they act like it's something that they're giving you out of their pocket and you have to explain why you need it, what brought you to needing it, and if they really, really want to help you. I don't know, I guess you have to be on drugs. I used to be a drug addict, I got 23 years of being cocaine clean. If I was on drugs today I could have basically any service that was provided. You've got to be where you chronically need help so they know that they're going to be getting paid off of you for so long until you at least try to get yourself together or want to get yourself together, and I think that that's sad. I had more services when I was a crackhead than I do as an adult and I'm a homeless adult, they have nothing for me. I got to work everyday, they have nothing for me. I can go and say, "Can you all help me with my deposit?" (Black female, 56 years old)

It took a while. They didn't get back to me right away and of course I was getting nervous. I was starting to pack up my stuff because I thought I was out of here and getting rid of stuff. I had a housekeeper, I had so many pots and pans, I told her she could take a couple of them. I mean I

had roasting pans, everything. Nice quality. And she just emptied me out. She took everything.
(Native American female, 54 years old)

...

The interviewer, he seemed to be very interested in what I needed. The lady I met with after that, she was kind of cold. I couldn't understand why she would treat somebody in that manner...I didn't consider myself, but I'm an elder and I was always taught to respect your elders. There was none of that. She treated me like a runaway White person, trashy and I was neither of those things. I was brought up in Coon Rapids. My mom passed herself off as being French, because they didn't like Natives out there. She used to have to check the yard every day for broken glass.
(Native American female, 54 years old)

I just abandoned that pursuit because...but we did go, the first, I think I went twice. The length of the wait was just astronomical. And in today's day and age, I think I sat there, we sat there one time like 2 hours, didn't we? With John Robertson?...And then you know I was doing temp assignments and I had to get to work. And I had already allotted 3 hours to do it. And it already didn't happen within 3 hours and it was just a very frustrating process. (Black male, 51 years old)

I felt that it was degrading, not because I'm above assistance, but that's why I work two jobs. It's because, to me, from what I've seen, the people that don't work, never work or don't try to work. The county give them whatever they want. The ones that do work and get sick—they don't want to help you. The lady even, when I went down there for assistance, she said, "[Informant], you have not been down here since 1990." (Black female, 55 years old)

...

It took 30 days. It took exactly 30 days for them to deny you. To deny it, and everybody I talked to, because I be talking to other people, and everybody I talked to, they work, they sick, they got assistance from the county and just like me, had one minor child or two minor kids in the house, the county said they made too much. Did the same thing to them. Made them wait 30 whole days to tell them no. (Black female, 55 years old)

Yeah. They told me I didn't make enough income, so that's when I had to add [husband] to the lease for them to pay my half and pay his half. (Black female, 34 years old)

...

Long, hard, and exhausting...I got denied 10 times. Ten times I had got denied...Ten long, miserable, times people denied me. I cried so hard. I went to a church and the man was going to give me the money to move into the house. And after I got done talking to the man, I felt so relieved, and so free, and I'm like, "You gave me what I needed." God told me I'm going to be okay. I didn't need the money from him anymore. Yeah, it took me 10 times. I applied 10 times for emergency assistance for the house. I cried, and begged, and pleaded. I'm so tired of being homeless. (Black female, 34 years old)

The process? It was hectic, because when I tried to do it, I got denied. (Black female, 26 years old)

...

What they kept telling me was that I needed to have letters saying that I was...I was either getting evicted or am on my way to be evicted...And, by the time the letter came, he was already in the process of doing that, because when I was talking to him, letting him know what I did application for the emergency assistance, and when he found out that it didn't go through, that's when he went and found the papers [eviction notice]. I got the papers, like, a few days later. That the reason why I got denied. (Black female, 26 years old)

Sometimes it was fine. But it all depends on the person you get...Yes. Some of 'em are fine to work with, but others, it's just, you ain't nothin' to them. (Black female, 38 years old)

...

Yeah, they give you somethin' to say, you applied...A little form, a regular form they give everybody saying you applied, but it takes 30 days. They can make a decision up to 30 days. But landlords don't wanna wait on that. (Black female, 38 years old)

And yeah, her attitude was real noncommittal, lackadaisical, like she was only there to get a paycheck, let me hurry up and say no to you so I can get you up out of here and I can go home. You know. That was her attitude. And I almost wanted to kind of tell her something, but I was like, ain't no sense in me saying nothing to her, because the application is denied. She got all the power in her hand. You know. (Black female, 55 years old)

The process is a waiting game. It's a lot of paperwork. A lot of unnecessary questions...Where do your money go? Why wasn't you able to pay...What gave the landlord the reason to raise the

rent, and questions that wasn't meant for me to answer. (Black female, 44 years old)

Because if you got a job they'll help you. But if you ain't got no kind of income they're not gonna help you. You gotta have some kind of income for them to help you. And I was thinking like, I thought they help people that ain't got income faster they will a person with income. You see what I'm saying? (Black female, 44 years old)

When I went down to see them at the emergency assistance, they told me that I should wait until I got the eviction notice, which was totally new, because I wasn't thinking about it at the time. That meant I would have to go to court, and it was going to automatically still be unlawful detainer registered against me. And then it was a court fee. After I did have to go to court. And there was a court fee. I think it was about \$900. (Black male, 66 years old)

...

The advice was, instead of just going there and paying rent like I planned, I had most of the rent. I only needed \$300. So, instead of them just guaranteeing that money, and letting me pay it right then and there, they instructed me to wait until they posted notification for eviction. (Black male, 66 years old)

Slow, tedious, very invasive. Sometimes it is interesting with them because you can go through emergency assistance and get one worker that'll turn you down. Then when you explain your situation to another worker, she could actually help you or want to help you. Sometimes I felt like as if it was up to them, like they're writing the checks. I know that as a welfare recipient, that's one of the things that you felt like that's what the emergency assistance was for was for assistance to help you so that you won't be homeless. (Black female, 48 years old)

It was hard and kind of discouraging because the lady I spoke with, I don't remember her name now, but she was rude and made me feel like, "You have a job, so why do you need this?" So it was very hard and when I explained to her, "Yeah, I didn't know that I was supposed to get it cut off." "Well, you should know that. That's something you're supposed to know. You're grown," and I'm just like, "Well I didn't." I felt like she was rude to me, and then at first they didn't approve it, and I had to go back again, and the man that I talked to second approved it. So I had to wait about 30 days or 35 days. (Black female, 28 years old)

Yeah, they wanted everything. They wanted my check stubs from my job. They wanted to make sure that I wasn't working, they wanted to make sure that I wasn't hiding no money or none of that. Remind you, I have four kids, and I still had to pay light and gas bills, so I really didn't have no money. My taxes was delayed. My taxes didn't come until July. (Black female, 27 years old)

...

It took them 3 weeks to even know it was approved. I had gave them everything. I had gave them my tax forms, I had gave them my check stubs, I'm steady calling, I'm steady wondering what's going on until I went up there one day, the last week of me working I had went up there to see if they had processed my case, and luckily I had came up there. The lady was like, "I was just working on it," and she had called my landlord the same day and approved it. (Black female, 27 years old)

Stressful. It was very stressful. We felt like, even just giving up. Why are we even trying, because we already knew that we wouldn't get that in time? (Native American female, 35 years old)

...

We truly tried, going to the county. What we should have done is went to churches, but we didn't think of that until after the fact. (Native American female, 35 years old)

...

I did get a letter while we were in shelter, that we were approved for emergency assistance. (Native American female, 35 years old)

It was horrible, it was horrible. I felt, I felt like they didn't wanna help me. I felt like they didn't really care. I felt like they...Okay, so I got in, I went, I applied, and they're like, "Okay, we understand it's your case, it's gonna take a month." I'm like, "Okay, that's fine." (Black male, 29 years old)

...

It's gonna take a month. And I'm like, "Okay. That's fine. Just let my landlord know this is the first time I applied." They're like, "We're really busy, everyone's coming in. They're applying." I'm like, "Okay, that's fine." So then I'm calling and I'm like, "Do you guys need anything? Do you guys have everything you need?" I'm going in, I'm just double checking, like, "You guys have everything?" And they're like, "Yeah, we have everything. We're just processing it." (Black male, 29 years old)

...

I'm like, "Okay, that's fine." So then I get a letter after the 30 days is up saying, "We didn't receive your W2's." (Black male, 29 years old)

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, 60 years old)

I don't understand. If I'm making \$17, \$18 an hour, and tell you that I had a crisis, something happened, and I go ask for help, you tell me, "No." Because I make too much money, or whatever, and I can afford my rent, just need some help. When do you help? (Black male, 47 years old)

YPAR Social Service Runaround Findings

When the 72% of tenants (49 out of 68) we interviewed described their experiences applying for Hennepin County emergency assistance, also known as the social service runaround in this report, they described it as a slow, tedious, invasive, poorly designed, and culturally insensitive process that requires a denial letter to apply, which often guarantees that the tenant must receive an eviction action on their record. The YPAR team at Juxtaposition Arts interviewed 17 social service navigators to understand the challenges that local resource navigators and the tenants being evicted they serve face as they seek assistance in mitigating the negative effects being evicted from their homes.

The YPAR teams central research questions were:

1. What is the landscape of crisis management resources in the Twin Cities metro area?
2. Where is the potential to make crisis management resources more accessible?
3. What insights do social service navigators have for improvements to the accessibility of these resources?

The YPAR team found three high-level analyses in the data they collected:

1. **Structural barriers to equality persist.** The barriers experienced by social service navigators and those seeking housing and eviction resources are linked and reflective of an imbalance

of power and protection between renters and landlords and other forms of structural oppression.

2. **Trauma-informed assistance is needed.** A resource system that integrates eviction prevention and trauma-informed assistance is necessary and one of the first steps to ensuring that people find and keep dignified housing.
3. **Resource agencies exist in silos.** Strengthened connections between agencies and nonprofits offering housing and eviction resources will ease the social service runaround experience for those seeking assistance and make the job easier for resource navigators.

Barriers Social Service Navigators Faced

Structural oppression limits access to health, wealth, and housing resources and may also affect an individual's background.

People can't access the limited affordable housing, because of barriers like backgrounds. They maybe don't have good rental history, that kind of thing. So people are having a hard time. There's not enough affordable housing in general, and people are having a hard time getting into housing. (staff, nonprofit organization)

Evictions make it even harder to find affordable housing, even if you have enough money. (staff, nonprofit organization)

I feel that it's really important that when mental health is low, then it makes it even more challenging for you to move forward and to do things in your life. (staff, nonprofit organization)

Lack of knowledge or access to resources.

People need to understand their power. You are the resource when you are the renter of the property. When you don't understand this, it limits your power and your ability to go ahead and report [your landlord]. (staff, nonprofit organization)

You can kind of tell, oh they're young or they really don't know, you know, how to manage. Or they're just confused and want resources, maybe haven't been taught. You know, whatever the situation is. Sometimes it can be someone that's older and they're just set in their ways and they did something and what they also need to be taught some things. (staff, nonprofit organization)

Retaliatory and exploitative landlords.

One of the most disheartening things that I've had happen [in my role] was pursuing a landlord that had retaliatory behavior. And then I had to seek out, number one, how do I prove that, not just based on what I'm saying, I'm seeing. (staff, public agency)

No, it's not cool. These landlords aren't living like that, so I don't expect them to leave people in those conditions. But she was gone before I came, by the time I came back for a re-inspection, her and her three boys were not there anymore. (staff, public agency)

Hoping you don't end up with a landlord who's crap because Minnesota does not have a cap on their rent. So I can have a two-bedroom, I can charge you \$1,500 for it and it's absolutely ridiculous. Stability is huge thing. And the thing about it is that if I don't have a roof over my head honestly...I can't deal. There is no way, I'm constantly on sinking sand. (staff, nonprofit organization)

Recommendations for Change by Social Service Navigators:

Trauma-informed assistance is needed.

By the time they usually get to us, they've got a criminal thing, or they've got an eviction, versus if somebody when they got that first call was like, "Oh my gosh, this lady is having a mental health breakdown. Let's avert crisis. Let's pay her rent. Let's keep her stable. Let's not let her enter the system. (staff, faith-based organization)

Intake has noticed that there's a problem with [a specific] landlord, which might spur an investigation to see if there are issues going on. And then we might help that entire building. Instead of waiting for people to call us, we'll go out and look for them to see if we can help them.
(staff, legal assistance organization)

Revise federal poverty guidelines and Minnesota Family Investment Program (MFIP) grant amounts to reflect today's housing market.

The federal poverty guidelines haven't really been revised since the seventies. And all government benefits are tied to federal poverty guidelines. So people who are in need can apply for benefits, but benefits are not great enough to pay anything. For a family of one adult and one minor child, your total cash amount that is supposed to be used to pay for rent and buy clothes and medicine or other daily needs is \$437. I'm not exactly sure right now what the average amount for a one bedroom or what the average rent for a one bedroom apartment is. A few years ago in the Twin Cities, the average rent for a one bedroom was between \$650 and \$850 a month. And so \$437 isn't really going to even rent you a room in somebody else's house.

That's just not enough money. (staff, legal assistance organization)

Increase flexibility for human situations within Hennepin County's emergency assistance policies.

There was one woman. I said, "Have you ever applied for EA?" She said, "No, but I never will. They treated me so bad. I won't subject myself to that." The feedback I've gotten, the majority of it is negative. The way they were treated, the way they were talked to. Even suggestions being made of, "Oh, why don't you sell your stuff?"

Why do you have a car?" I think that when you're dealing with a system like that and it's already broken, then you have people that are talking and dealing with you in that way, it can be traumatizing. (staff, nonprofit organization)

The county process is frustrating. It takes a lot of time and sometimes [our clients] don't have that. Eviction is knocking on the door, and the county is taking 7 days to process everything, if

you have all your forms. If not, they're going to send you another letter through the mail asking for another form. And you have to send it in. (staff, nonprofit organization)

You can only have one crisis a year. (staff, public agency)

Correct the imbalance of power and protections between tenants and landlords, specifically within the eviction process.

There's a lot of loopholes in the legal system in regards to safeguarding our renters. You can contact 3-1-1 to have a housing inspector come out. The thing about the way that [is] set up is that the landlord does not have the right to evict you after you've contacted 3-1-1, but that's only 90 days. (staff, nonprofit organization)

Find ways to better support agency/nonprofit staff who directly engage with clients and the housing resource system.

You see a lot of things, like domestic violence, which really triggers people. Or you may see a child that gets removed from their home into child protection, and what does that do to somebody? (staff, faith-based organization)

We have to try to account for self-care and burnout for folks, because working with this population can lead to a level of tiredness and disparity. The work doesn't always have good outcomes. (staff, faith-based organization)

Resources Social Service Navigators Wish They Could Give Their Clients

- **Increase dignified housing programs and resources for people with felonies, seniors, and single adults.**

- **Fund programs that offer assistance with affordable child care, credit score repair, housing application fees, transportation assistance for people seeking housing, and eviction resources.**

Transportation is a huge thing. So being able to have programs that actually give out cars or either have some type of 0% loan for people who wanted to purchase a car. So, there's so many people who operate kind of like in that low-middle-class bracket, income bracket, and they're the ones who seem to fall through the cracks so many times. So they don't, they make too much to get assistance, and then they don't make enough to be able to take care of themselves. (staff, nonprofit organization)

- **Create resources for small, private landlords who may be mismanaging their properties.**
- **Create a city ordinance to provide an attorney for every person facing eviction.**
- **Create more opportunities for community-based education around tenants rights and protections.**

More resources that get targeted towards small landlords of what—you know, when they send the eviction letter or the letter of nonpayment, what needs to go on the back of that letter? About how to access a county or how to access emergency, what steps to go through. How do we get more out to, to—because I make the assumption that 50% of landlords don't want to have a housing turn over. Some it's just their business model. (staff, nonprofit organization)

The YPAR team found overlapping themes in the larger evictions report findings (see Landlord Findings and Tenant Findings). However, the team highlighted three different problem areas that were not explored in the larger report. First, that the federal poverty guidelines have not been updated since the 1970s, which informs the monthly dollar amount that families receive from the county if they qualify for government social services. Navigators determined this to be financially constraining in the current housing market. Second, Hennepin County has control over its own policies and has exercised that power to make situational changes, sometimes giving people access to funds beyond their once-a-year allotment, but their current policies do not match their clients' urgent needs. Third, many social service navigators work within organizations that are unable to pay their staff a livable wage, forcing many navigators to seek the same resources that they are assisting their clients in securing.

Discrimination Against Single People

Eleanor is a 46-year-old single Black woman who works full-time and is still living in the same home where she experienced three unlawful detainers. Her landlord bought the foreclosed home in February of 2017 and rented it to her in March, making no repairs. While living in the home, Eleanor experienced a number of serious issues, including a broken water heater, a stove that never worked, a water-damaged ceiling, a flooded basement, which led to mildew, and a refrigerator that had to be replaced twice. In June 2017, Eleanor wrote a letter documenting all the items that needed to be repaired and sent it to her landlord. Almost immediately, the landlord filed the first eviction. After the eviction filing and as a result of the unmade repairs, Eleanor began to withhold her rent.

After Eleanor sent the letter to her landlord, she reached out to City Inspections and a number of code orders were issued. However, as soon as the inspector spoke with the landlord, Eleanor felt she [the inspector] was on "his side." Although she requested them, she never received code orders. Finally, Eleanor called the inspector's supervisor to report that the work had never been addressed and she found that the city order was marked as resolved even though no repairs were actually made.

The first time Eleanor and her landlord appeared in court, the case was dismissed and expunged because the landlord did not have a rental license. Although she should have utilized escrow, Eleanor did not know the system, so she simply kept her money orders each month. The next month, her landlord filed another unlawful detainer for nonpayment due to Eleanor withholding the rent until repairs were made. They returned to court.

While at court, Eleanor consulted a Legal Aid attorney who suggested applying for an expungement, a process Eleanor would not have known about without the attorney telling her. Although she tried to mediate at the insistence of the court, the conversations were not productive. Eleanor's landlord would say "nasty things" to her and would not respond to the list of repairs that needed to be made.

During this process, Eleanor had gone down to the Hennepin County emergency assistance office to apply. The worker asked for her income and denied her on the spot. Eleanor left EA without a denial letter to take to other service providers. Eleanor went further to state that, "It's kind of hard...As a single person...you really can't get much assistance because they're looking at the fact you don't have dependents."

Eleanor has now experienced a third eviction. She is disputing the eviction, still waiting for repairs to be made and headed to trial. She attempted to apply for new housing during this

time, with no luck. Eleanor is now stuck in the place where she has received three unlawful detainers.

An understudied reality of the city and county's scope of social services is their limited support for single adults. Currently, the Emergency General Assistance (EGA) program is the only source of support for single adults in a social service landscape where having dependents guarantees you immediate placement into county shelters and access to housing placement support services. All tenants interviewed who were single adults expressed feeling discriminated against for not having dependents, because they did not receive empathy for their state of financial duress since it was assumed they would be better off since they were only responsible for themselves. This premise does not account for the fact that rents and the general cost of living have increased while wages have stayed stagnant, forcing single people to struggle to feed, cloth, and house themselves. Single people seeking resources are then made to feel ashamed for their presumed inability to care for themselves.

Yeah. Honestly I think...I don't know...I can't...I can only speak for me. I feel like it's hard being a single adult with no kids. And then the thing is when you have too many kids, you become a stereotype. You have no kids, well then it's like what do you need help with; you don't have any kids. You know what I mean? So it's kinda like, don't have any kids because you don't wanna become that...you know, I got four kids and I'm at the county. But if you don't have kids, it's just like...I feel bad for asking; like why are you asking them for help. You shouldn't be here, because you don't have any kids, you know? And what they don't understand is, with or without kids, they're still paid the same amount at work. They don't base your pay off of how many kids you have. (Black female, 30 years old)

It's kind of hard. Sometimes, just being a single person, you know, as of right now, I mean it's like you, things count against you whether you're single or if you have kids. As a single person, you really can't get a lot of, if you need some assistance, you really can't get much assistance because they're looking at the fact you don't have dependents.(Black female, 46 years old)

The "Dollar Over" Club

Ann is a 50-year-old Black mother of a teenage son. She was working full-time for Minneapolis Public Schools and had secured a place in a new high-density housing development in North Minneapolis when she experienced significant loss of family members who were close to her. Ann feels that this loss and her resulting depression is what led to her eviction. Ann shut down and was completely checked out at work. She was eventually let go from her job. Once Ann's unemployment had run out, she could no longer pay rent at all.

Although the property manager tried to help her through the process, eventually Ann was evicted from the home. At the time that Ann received the eviction notice, she had already hit

rock bottom and was seeing a therapist at HCMC regularly. At this point, Ann applied for EA but was denied. The process took up to 30 days, by which time she knew she would be evicted and on the street. At the time she applied, EA required Ann to have an eviction letter, which didn't make sense to her because she was trying to prevent an eviction.

From Ann's perspective, the process was not humane and there were too many hoops to jump through with the county.

I wish that the system was more humane for people to have some kind of dignity, somewhere along the way...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?...They said that we have up to 30 days to respond. First of all, I'm like, "Hell, we're getting evicted in a few days." It's like you have to have an eviction letter for them to even bother seeing you. It wasn't like, no, pre-eviction. Hell, I know I don't have the money, so I'm coming to you now to keep from being homeless in the first dog-gone place...Then, okay, now that I see you, you want me to bring proof that I got an eviction letter, okay. Now I got an eviction letter. [EA then asks] "Well, where's your money at? How much money do you have in the bank?" I need that to eat. So if I don't have no place to stay, I still need to eat something. I don't have a place to stay, I still need transportation to get back and forth.

Ann was a member of the "dollar over" club, meaning that her income was slightly more than the eligible amount so she was unable to qualify.

While Ann was going back and forth trying to locate and submit all of the required documentation, she went into the EA office to check the status of her application. She learned that her paperwork had not yet been entered into the system. She was very upset. She met some real genuine people and then others who made her feel like she was taking money out of their pockets.

Ann was eventually evicted from her home and is currently homeless and staying with a friend. Going forward, she feels like the most significant barriers to secure housing including racial discrimination is the unlawful detainer on her record and a challenging rental history.

Ann, like many other tenants in the dollar over club, were mothers working full-time to make what our market-driven nation has determined to be a livable wage, despite the fact that the current minimum wage does not incrementally increase with cost of living. However, these tenants are living paycheck to paycheck, with many paying market-rate rent. Knowingly living one crisis away from becoming homeless, despite having full-time employment, Ann found a series of deaths in her family forced her into a deep depression that left her unable to fulfill her employment responsibilities. She applied for emergency assistance when she received her

eviction notice, and it was determined that she made slightly too much money to qualify and that any savings she had left should be applied to the emergency itself. Ann was quite frustrated, as she was using her small amount of savings to feed and clothe herself and her son while couch surfing. Similarly, other tenants in the dollar over club stated that in order to receive assistance they needed to not be working at all or very little.

The dollar over club reaffirms the YPAR team's findings of a deep need to reevaluate the federal poverty guidelines and MFIP grant amounts, which severely impact the ability of those most in need from receiving resources. In today's housing market, those we refer to as members of the dollar over club are those who do not typically seek county resources, but severe familial crisis or job loss forces them to seek support to get themselves and their families back on their feet. These are often women working in the low- to moderate-wage sector who have lived mostly in stable housing with a livable wage, but without spousal income.

Yeah I got turned out, but I just didn't go back after I got turned down. It was always I'm a dollar over, you know, they got this you have to be within every, a dollar range of something. (Black female, 60 years old)

Seriously. Seriously. That's how it feels. It has to be just that dollar because I'm really in need and it seems like you're the candidate because you work, you're in need at the time, and you know once you get that help you can bounce back. However, you're denied and you're approved when you have nothing on the table. So, it's just very very frustrating. It just feels like the help is there but not really and you're like, "Who is it helping?" (Black female, 30 years old)

Conclusions and Implications

When assessing *how* and *why* evictions take place from the perspective of tenants and social service navigators as they reflect on the impact that the social service system has on their lives as they are navigating an eviction, the following major themes emerged from our interviews and that of the YPAR team at Juxtaposition Arts:

- Clients feel intense dehumanization and despair when attempting to access (successfully or not) various parts of the social services network in Hennepin County. There are short- and long-term mental health implications related to the stigma of unlawful detainers and homelessness.
 - **Several interviewees saw how potential tenants seeking housing with UD on their records would have their applications denied and actively worked against this trend, interacting with applicants in good faith and not using UD as an automatic disqualifier for housing. They named UD reform via expungement**

options as one route to destigmatizing a pressing problem affecting tenants of color in Minneapolis.

- The education of clients about the social services system and their rights as tenants is a vehicle for personal and community empowerment.
- There is a need for humane and culturally appropriate services and interactions between tenants and their families with landlords, property managers, and county social services employees.
 - **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.**
- The federal poverty guidelines have not been updated since the 1970s, which informs the monthly dollar amount that families receive from the county if they qualify for government social services and that navigators determined to be financially constraining in the current housing market.
 - Tenants in the dollar over club stated that in order to receive assistance from the county they needed to not be working at all or very little.
- Hennepin County has control over its own policies and has exercised that power to make situational changes, sometimes giving people access to funds beyond their once-a-year allotment, but their current policies do not match the clients' urgent needs.
- Social service navigators work within organizations that are unable to pay their staff a livable wage, forcing many navigators to seek the same resources that they are assisting their clients in securing.
- All tenants interviewed who were single adults expressed feeling discriminated against for not having dependents, because they do not receive any empathy for their state of financial duress since it is assumed they are better off since they were only responsible for themselves.

When CURA's Evictions research team interviewed tenants and the YPAR team interviewed social service navigators, we collectively found that the county's social service processes leave its clients feeling less than human and retraumatized. The "runaround" is simply a term that tenants themselves used to describe the slow, tedious, invasive, and culturally insensitive process they felt forced to navigate to receive county resources. Many times this was due to smaller support agencies' requirement to receive a denial letter from the county to access other partner funds. Many tenants recalled begging and pleading with workers and sometimes bursting into tears as they saw no other way to remedy their crisis. We found that the voices of single people and those tenants in the dollar over club often go unheard, because they do not have dependents and/or it is assumed that they should be able to take care of themselves. For members of the dollar over club, they made slightly over the federal poverty guidelines and were immediately denied, making them feel they could have received help in their time of need only if they had not been fully independent prior to their crisis.

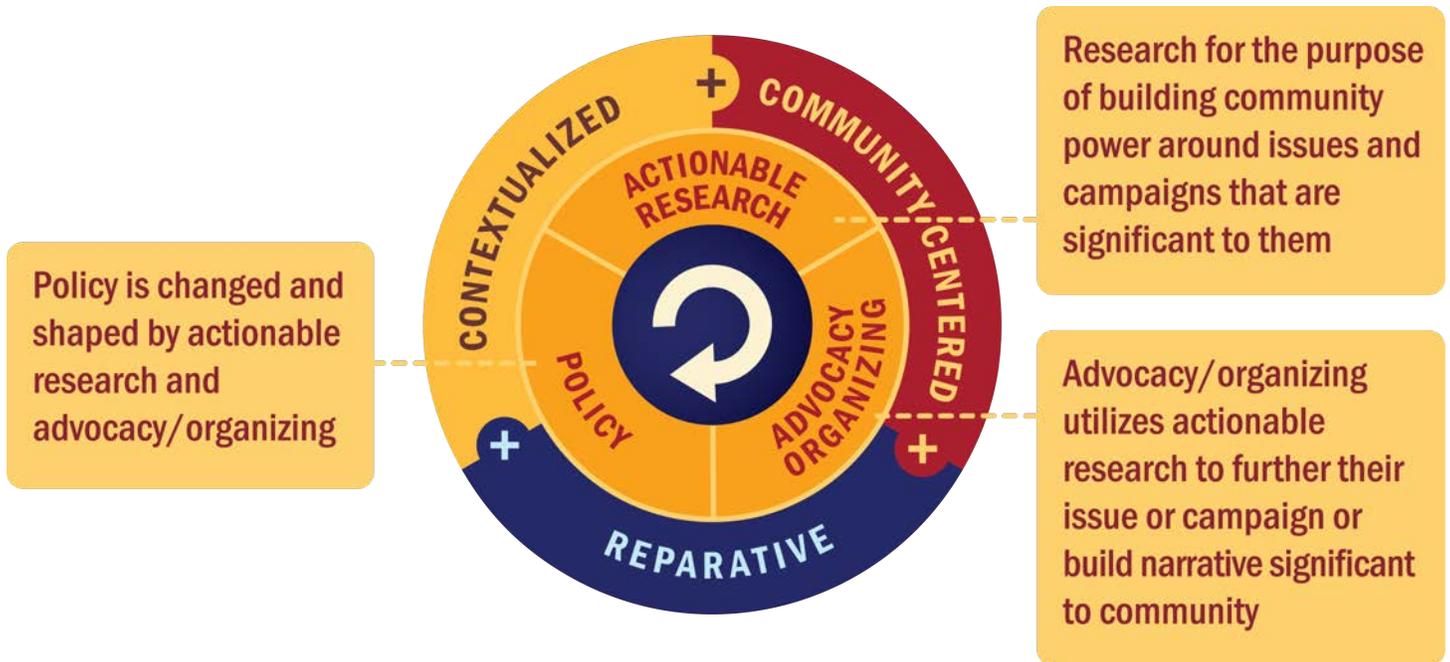
However, the YPAR team's interviews with social service navigators produced a series of recommendations from the navigators themselves. The navigators called for a reevaluation of the federal poverty guidelines, a reimagining of county emergency assistance policies to meet the urgent needs of clients becoming more nimble, strengthening connections and information sharing between agencies and nonprofits offering housing and eviction resources, and providing a livable wage to social service navigators, because they are forced to seek the same resources that they are helping their clients to secure.

The Illusion of Choice report aims to explore *how* and *why* evictions take place from the perspective of those most impacted, yet we did not intentionally set out to include the social service system and the role of the state. However, very quickly into the project, it became apparent that the state (e.g., social services) plays a significant role in aiding or disrupting tenant and landlord success. According to tenants and paid social service navigators, the county social service system falls short of its commitment to its clients and their families. In fact, the county is retraumatizing not only their clients but also is leaving its social service navigators without the resources they need to be successful in their work.

Research in Action: The Value and Impact of Actionable Research

The community-engaged action research model utilizes multiple mediums to realize its goals of building community power, assisting local grassroots campaigns and power brokers in reframing the dominant narrative, and producing community-centered public policy solutions that are winnable. This sidebar analysis highlights a select number of community-based initiatives,

events, or strategic coalitions that the CURA research team developed as a way to illustrate the impact and intention of the project. We strategically built these partnerships to aid in knowledge building to elevate the voices and expertise of the community. As such, the Research in Action sidebars in this report illuminate community work that has occurred simultaneously and collaboratively with *The Illusion of Choice: Evictions and Profit in North Minneapolis* project.



Supporting a Renters Forum Led by One Family, One Community

We can think a lot, talk a lot, and analyze, and adore the question. [However], we need folks with real stories in [spaces of policy-making]...there's nothing more powerful than hearing from the people who are actually affected in these communities. -Community Member

In May of 2018, Dr. Brittany Lewis and Luke Grundman, from Mid-Minnesota Legal Aid, collaborated with Maleta Kimmons, more commonly known as Queen Nuchie, to engage tenants in North Minneapolis in a Renters' Rights and Information Forum. The purpose of Queen Nuchie's forum was to offer tenants the opportunity to learn about their rights as renters, share perspectives on housing, and help build community power. This event was hosted and facilitated by Queen Nuchie, the executive director of One Family One Community, and supported by a community engagement microgrant program. These community engagement funds were made available after the settlement of a fair housing complaint filed against the Twin Cities, alleging that they were perpetuating segregation in how they administered affordable housing programs and funds.

Queen Nuchie, an active member of her community in North Minneapolis, holds strong to her belief that housing is a human right, deserved by all. She has led many community-based

initiatives, such as directing community members in the process of engaging with politicians and landlords who hold power over where these residents end up. In Queen's words, "You can pay a lot of money to these different landlords, but you don't know what's a good landlord. It's like it's a secret. It's really a landlord's market right now...I needed to know, where is there some accountability for the landlords?"

Queen had a vision for the May Renters' Rights and Information Forum, which was to ensure that tenants received direct legal advice regarding the process of eviction, a process that hit close to home for many of those in attendance. The forum began with a presentation on legal information intended to educate renters on both the technical requirements of Housing Court and their rights as tenants, including an explanation of the expungement, settlement, and escrow processes. The presentation was followed by a panel that examined the realities of eviction from the perspective of tenants and an exploration of what policies and practices are currently being changed or created to address its complexities. Dr. Lewis and Luke Grundman focused on the creation of a renters' commission, access to homeownership, the perils of the social service runaround through Hennepin County's EA program, and most crucially, the power and importance of hearing from those who are most affected by unjust eviction processes and unscrupulous landlord practices.



The last portion of the forum allowed for exactly this, wherein renters were given the floor to ask questions and provide their own perspectives on access to quality affordable housing. The outcome was impactful. Community members shared their own challenges with a lack of affordable housing options as a result in inflated rental rates and unjust systems. One attendee

discussed the challenges that she faced as a victim of domestic violence who fears her former partner will discover where she now lives. Many of the tenants desperately expressed the need for solution-based answers to issues of affordability by the city and state and a feeling that there is a lack of representation for renters within these solution-based processes. As one resident noted, “[We] know what the problem is, and now let’s get into the solution.” This resident was looking for concrete solutions that will increase affordable housing opportunities, particularly in the context of lending institutions that have the power to support housing stability.

For many residents, the answer to this question of available resources is dismal in their search for housing, as they are forced to accept unsafe conditions and excessive financial burdens in the form of double deposits and multiple application fees. For some, this means needing to accumulate at least three times their rent before being accepted into a home, a requirement that makes finding any home difficult and nearly impossible for the working poor. One resident elaborated that after the denial of several applications, including fees, she was left with no other option but to accept a mouse-infested, overpriced home that was not up to code, because it was the dead of winter and she simply needed a roof over her head. As she recalls, “We can’t afford [the home] but we gonna move ‘cause it’s winter. Or it’s getting to be winter, so we’re gonna go in here and try to fight and fend every month to try to come up with that \$1,400.” This kind of crisis decision making is present in realms extending beyond the housing infrastructure itself and into the lives and relationships of these tenants. After escaping domestic violence, one woman shared her story of making the decision to leave her unsafe residence and seek out the resources and education she needed to expunge the eviction that she received as a result of her unsafe living environment. Others questioned their personal safety when surrounded by violent neighbors, asking where they should go for support and what to do in these situations.

Community engagement, which has become a required practice by many local institutions, is rarely void of power imbalances, and often community voices fall secondary to the priorities of the institution. Dr. Lewis notes that often “when [institutions] say they’ve engaged, they’ve proven to some other entity that they’ve done the work,” [however] “half the time, [the work] is not happening.” This situation occurs because the voices of those most impacted are not being fully engaged but rather nominally appeased. Institutional bureaucracy ensures a comfortable distance from the communities being served, which puts these organizations at odds with their own mission-based ethics to truly engage with those most impacted and to produce policy and programmatic interventions. During the Renters Rights and Information Forum, Queen Nuchie used her deep community ties to create a space to elevate those affected most by exploitative housing practices in the city, shedding light on what active and responsive community engagement truly looks like when you meet people where they are and allow them to share their stories to guide the direction and intention of any community engagement practice. Queen Nuchie and Dr. Lewis worked together to realize the One Family, One Community mission of

true, human-centered engagement, eliciting vulnerable and provocative questions and responses from the people who matter the most.

What's Behind Nonpayment of Rent: Filing a Declaration of Fact in a Minnesota Supreme Court Case on Landlord Retaliation

The Minneapolis Innovation Team's *Evictions in Minneapolis* report states that nearly 93% of the city's eviction filings were for nonpayment of rent. Similarly, of the 68 tenants interviewed in *The Illusion of Choice* project, 81% (55) of their evictions were filed for nonpayment of rent. However, CURA's research findings highlight 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 by the Minneapolis Innovation Team's analysis and the existing literature, however, are the ways that nonpayment of rent is used by many landlords to disproportionately evade tenants' rights to be free from retaliation. Two Minnesota laws protect tenants from retaliation by landlords. The first applies when a landlord seeks to terminate 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 that may inform the case) on behalf of *InquilinXs UnidXs por Justicia* (United Renters) in support of Aaron Olson to the Minnesota Supreme Court. The Minnesota Supreme Court case was an appeal of the Minnesota Court of Appeals decision on April 9, 2018, in *Central Housing Associates vs. Aaron Olson*. The 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.

InquilinXs UnidXs sought out Dr. Lewis for her research findings. She analyzed the 38 tenant interviews that had been completed at the time and wrote an official declaration for the *amicus curiae*. Of the 38 tenants, 11 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 arrangements," 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 would 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 civil lawsuit. Dr. Lewis notes that under this 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."

This Minnesota Supreme Court appeal makes the argument that the "Supreme Court should reverse the decision of the Court of Appeals and restore the proper interpretation of this statute" for several reasons. Given the plain language of section 504B.441, it is indicated that it should provide broad protection to tenants, and that the term "complaint of violation" refers to a complaint in its "common and approved usage" rather than a formal civil complaint. The legislative history surrounding the TRA shows that the anti-retaliation provision was expanded to prevent retaliation against tenants who complained about a more expansive range of issues than simply those raised to a city inspector. Landlord retaliation extends beyond the limits of evictions, such as fines, towing, and reduced use of common areas. The *amicus curiae* presents that a "proper interpretation of the statute would reflect the Legislature's intent to protect the thousands of Minnesotans who experience and complain about violations short of filing a civil action, and would send a clear message to unscrupulous landlords that retaliation will not be tolerated." The appeal to the Minnesota Supreme Court is pending.

Data show that the landlord retaliation problem in Minnesota is widespread and extends far beyond what is represented through legal formal actions filed by tenants in civil court. For some landlords, evicting tenants who complain to the city is a type of business model. As a singular example, the city of Minneapolis noted that in the course of only 2 years, a single landlord filed 26 eviction actions after tenants filed repair or correction complaints to the city. Another example illustrates that in 2016, a staff member at *InquilinXs UnidXs* was declined a lease renewal by her landlord after beginning to organize tenants in her building to request repairs. This same landlord declined to renew the leases of five out of seven tenants who wrote repair requests. These acts of retaliation were in response to requests made not through formal complaints filed by tenants to initiate civil actions but rather to direct requests to the landlords, through *InquilinXs UnidXs*, or through police assistance.

[Download the Minnesota Supreme Court ruling on Central Housing Associates, LP v. Olson](#)

STATE OF MINNESOTA
IN SUPREME COURT
A17-1286

Court of Appeals: L. Johnson, J.
Dorsey, G. Olson, C. J., Anderson, J.

Central Housing Associates, L.P.,
Respondent,
vs. Aimee Chan,
Appellant.

Filed June 12, 2019
Office of Appellate Courts

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Doreen A. Whitney LLP, Minneapolis, Minnesota, for amicus curiae Republic/360 United
per Justice.

SYLLABUS

1. In a residential branch-of-lease eviction action, a residential tenant must have complained to a government entity or commenced a formal legal proceeding to assert the violation defense in Minn. Stat. § 504B.441 (2018).

2. In a residential branch-of-lease eviction action in which a landlord seeks to evict a tenant for the tenant's good-faith complaint to the landlord of a material violation

A Three-Part Radio Series on Evictions

In the summer of 2018, Dr. Brittany Lewis partnered with KMOJ radio host Lissa Jones to develop a three-part series on evictions in North Minneapolis. Their goal was to help the community at-large understand the complexities and impacts of evictions in the 55411 and 55412 zip codes. In her [KMOJ radio show “Urban Agenda,”](#) Jones uses Black history as a lens to contextualize present-day issues that Black people face in the United States and across the world. The show celebrates Black people and Black culture, fighting the dangers of a totalizing story.

Part 1

The [first episode](#) in the evictions series shed light on the economic trap that single Black mothers—locally and nationally—are often forced into. Dr. Lewis and Lissa Jones co-moderated a conversation between two Black women from North Minneapolis who experienced the painful realities of eviction as they navigated a world where, as Jones put it, there exists “a narrative frame that makes all Black women always already the problem.” Black women are disproportionately impacted by income inequality and often forced into the low-wage sector. This *economic trap*, as Jones described, keeps Black women and their families living in low-wealth communities where housing discrimination and violence is rampant and failing schools are underserving their children, which demonstrate the particularized intersections of race, gender, place, and class. The two North Minneapolis residents share their experiences with deplorable housing conditions, sexual harassment, and mental health issues, highlighting that “the economic trap determines where we live...and is all about who gets what and how much”—a continuous product of systemic racism and economic injustice.

Themes of perpetual and unavoidable degradation and assault by those in power pervade these women’s narratives, which leaves them with no alternative but to sacrifice personal dignity to protect and house themselves and their children. Jones explains that Black women “are trying to supply a life [and] trying to be human beings, and at every point in [the] housing process, our

dignity is taken.” Structural injustices in housing policy shape Black women’s experiences of acquiring and maintaining housing. These conditions force women of color, especially single Black mothers, to accept egregious or even nonexistent leases to live in homes with existing infrastructural problems. Dr. Lewis explains:

There are good landlords and bad landlords, but unfortunately in the zip codes of 55411 and 55412, there is a business model that functions off of putting very little into their properties, knowing there’s a population of folks, folks of color, who are not going to be able to pass the criteria of certain other establishments that have high credit ratings, requiring three plus times the income. They know walking in that in some ways, “you [tenants] need [said homes].”

Even women with high levels of educational attainment get caught in this housing trap. While looking for work in her field after obtaining a master’s degree, one tenant stated: “[I] can’t afford to live where [I] would like, so [I have] to apply for low-income housing to make ends meet...and just trying to keep everything together for me and my daughter.”

Maintaining normalcy in the eyes of police and landlords is a mechanism used by these women to preserve dignity. It becomes a means of survival when few options exist to confront mental health issues or the exploitative practices of landlords and police. One woman revealed that she “was sexually, emotionally, mentally, physically abused [yet] was too embarrassed to admit everything [she] had been going through,” and as a result of shame she chose not to admit to her county worker what she had experienced and how it was impacting her. Some women “will openly admit depression, PTSD, or other mental health issues that they didn’t feel comfortable telling the police or sharing with their landlords” and “are having to still get up and take care of their children, still deal with these exploitative relationships [when] there’s not a safe space to have these conversations.”

Circumstances of painful and unjust sacrifice extend into the exploitation of women through sexual harassment by landlords, a theme far too pervasive in these women’s accounts. Dr. Lewis recounts similar narratives from many of the women she has interviewed: “Women that the landlord is being a sexual predator towards, and still having children and saying ‘But I have nowhere else to go.’” For these women, admitting histories and experiences of trauma and abuse gives power to their aggressors and furthers the erosion of dignity: “They have degraded us, humiliated us, touched us when we said no...and still we have to stand up, comport ourselves properly, put our back straight so our daughter doesn’t see us.” This implores us to question a housing system that favors the silencing of women over their well-being and security.

So what is the economic trap? As demonstrated by these narratives, it is being a Black mother with a master’s degree and getting turned away from a job because of your race. It is being evicted and going to the courtroom to see “nobody but people that look like [you].” It is “losing

everything” to police who tear through your home, destroying your most valuable possessions, and still “[getting] back up, no matter how broken [you] might feel at the time.” The economic trap keeps these women in a state of economic disadvantage, eliminating the possibility of choice and submitting them to the effects of unjust systems that influence their everyday well-being and ability to thrive.

Part 2

The [second episode](#) of the KMOJ evictions series drew upon the unique experiences of two Black female landlords who represent an anomaly in the demographic makeup of landlords in urban housing systems. Although two Black female property managers were expected on the show, only one showed up. The other property manager feared both how her white employers would feel about her comments and how local residents, whom she lives next to, might interpret what she intended to say on the radio. This episode explored the narrative of Edith, a Black female property manager in North Minneapolis who Dr. Lewis had interviewed. The narratives that these Black female property managers shared differed drastically from those of the White male landlords who make up 53% of the interviewed landlords in North Minneapolis. What makes these women’s stories different is the intentionality with which they have invested in the communities they work with, their desires to ensure that Black people were not pushed out of North Minneapolis by the realities of gentrification, and the history of housing discrimination that they too experienced.

Threaded throughout these narratives are two representations of a larger collective of Black women going above and beyond for their communities, placing compassion at the forefront of all of their work despite the toll it takes on their own spirit and health. Edith illustrates this example: “I try to advocate [for my tenants] and get them the resources and the networks so that they can get help, but I’m only by myself here...I have to take them to get emergency assistance. I have to take them to get their ID. I have to give help to these people...you don’t just wake up and say ‘Hey, I’m going to grow up and be homeless.’” Edith helps her tenants despite the personal costs because she understands where they come from, having experienced homelessness herself: “I make four bucks an hour when everything is said and done...I’m running people back and forth trying to get these tenants on the right track, picking people up from under the bridge.”

Edith’s compassion makes these relationships no less complex than others, as unique tensions and conflicts arise when working with her own people. She recalls a time when some of her tenants spoke to her in a hostile manner. She believes that these tenants would not display this kind of animosity toward a White landlord, because “you know the white man’s only going to hurt you further. So maybe you lash out, just like you do in a marriage maybe, to the people who are closest to you.” The tensions within herself and her community do not stop Edith from

engaging meaningfully with her residents: “Sometimes I have to take a blow or there has to be a financial lack to get these people on the right track and try to get them where they need to be victorious in every area of their lives. That’s my goal.”

While Edith describes the heart-wrenching work of trying to help those who have suffered from homelessness, she must also balance the demands of her boss. “I let [my tenants] in with nothing sometimes and try to help them get a job and then do payment arrangements. Last month it was a real big turnover with my landlord with my people. He said, ‘You’re cheating me, Edith.’...So, I had to promise that I wouldn’t let anybody in without money anymore.” She recounts having to turn away a mother who survived domestic abuse and her two children at 2:30 a.m., despite having open beds, and “tearing up” inside knowing that she could be helping this family. Accounts such as these, where a property owner has different motivations for property management, are not uncommon. Edith reveals to us the imbalance of power that exists between many mission-driven property managers and the owners they must report to, illustrating the difficulty of engaging in altruistic and compassionate care for one’s own tenants and fellow community members.

Edith displays a kind of property management style that Dr. Lewis describes as rare. Yet being personally invested in tenants’ well-being does not have to be an anomaly in a restructured system. There is an understudied power struggle between human-centered property managers and landowners who sought out the area because acquisition costs were cheap and the dehumanizing realities of eviction in which landowners play a major role.

Part 3

The [third episode](#) of the KMOJ evictions series centered sociologist Matthew Desmond (2016) and his well-known book, *Evicted*. The book tells the stories of eight Milwaukee families and the two landlords who own their homes, highlighting the families’ experiences with eviction. Desmond also provides quantitative analyses using data from court records and the census that, along with information gathered through interviews with families and landlords, inform his policy recommendations. Through the Eviction Lab, a Princeton University research center founded by Desmond, he and his research team released the first national evictions database, widely hailed as a long-awaited tool for housing activism. However, numerous scholars and housing organizers have taken issue with the nature of Desmond’s research, particularly its funding sources and contributors.

A group of scholar-activists and community organizers authored a [Shelterforce article entitled “Eviction Lab Misses the Mark,”](#) where they critique Desmond’s methods and positionality, namely how Desmond purchased evictions data from big data companies that gather information for “tenant screening” processes. The group argues that the data collected by their organizations through community-led data collection efforts are more complete and accurate,

demonstrated by the large discrepancy between the numbers reported. "Yet, because of the social (and economic) capital of Princeton University, the Eviction Lab, and Desmond," the authors bemoan, "media, policy, and academic reporting alike is more likely to pay heed to Eviction Lab data than to that of smaller groups that understand the lay of local displacement lands much better." Desmond is a White man and his status as a prominent researcher positions him with the privilege to cast a national spotlight on an issue that Black female scholars and activists have already identified, advocated on, and personally experienced for years. The fact that Desmond's positionality distances him from the people his work involves is a valid concern for researchers and organizers of color alike. Dr. Lewis summarizes the issues with Desmond's work: "Grassroots organizers, low-income Black women have been doing the work and always have been advocating and speaking, but no one was listening. We have to question why it is that certain bodies are able to propel certain discussions into public policy discourse and make it relevant."

In the last segment in the three-part series on Lissa Jones' "Urban Agenda" radio show, Dr. Brittany Lewis, Dr. Terrion Williamson, and Dr. Crystal Moten came together, as Black female scholars, to explore how their academic work uncovers the historical silencing that Black women have experienced in relation to housing insecurities, drug addiction, sexual abuse, raising children, racism, and sexism. They start their conversation with a provocative question: "Who gets to speak for and with Black women?" They provide insight into who historically has been able to tell these stories, especially in institutional settings. Lissa Jones asks: "Where is the recognition of the raising up of [women's] voices as intellectuals and academics as researchers?" Dr. Moten references the silencing that occurs through covert and unquestioned methods, such as the overemphasis of quantitative data at the expense of qualitative data methods, particularly in regard to Black women's personal narratives. She discusses how both the media and the academy privilege quantitative data, and she urges us to re-evaluate the suggestion that "Black women are not doing as bad as Black men, so that means Black women are not doing bad," prompting us to instead "look at the qualitative data that suggests something different that is usually not privileged in thinking about Black women and labor."

Through their collective work, these women discussed what it means to be a community-engaged scholar, meaningfully working with community members, and personally relinquishing power as scholars of elite institutions. Dr. Williamson notes: "When you're steeped in community, you're steeped in what it means to do communal work, and your accountability is not to the institution so much as it is to the community." This deep connection to the community can be a lens through which people can actualize positive change. Engaging in deeply personal research herself, Dr. Moten struggles with the lack of credibility that comes with what some scholars perceive to be as "me-search" as opposed to "rigorous and unbiased" research: "When we include ourselves or our own experiences in the research, it's seen as not as serious, or too personal, or we have a hidden agenda. When I think about the question of why can a white

scholar research communities of color and it be taken seriously? Because in the academy, he's seen as being distanced from his research study." If the research of Black women is not embraced by the academy and mainstream media as credible, it will not get amplified and has no power to alter the national dialogue or create lasting structural policy change. This work must be recognized as powerfully legitimate for the purpose of helping to both heal communities of systemic inequity and the production of relevant public policy change. Drs. Lewis, Williamson, and Moten urge us to continue to question whose narratives we choose to uplift, as well as imagine, a more communal economic system in which we all can prioritize the well-being of ourselves and fellow community members over the security of powerful institutions.

Partnering with Former Congressman Keith Ellison to Introduce Federal Legislation and Create Local Partnerships for Change

On July 19, 2017, former Congressman Keith Ellison (now Minnesota Attorney General) partnered with First Focus Campaign for Children to invite Dr. Brittany Lewis, Dr. Matthew Desmond, and a national legal representative and housing advocate to Washington, DC to lead an educational staff briefing. The briefing was intended to provide information for policymakers on policy solutions that would increase access to civil legal services for families facing eviction. Following the panel, Congressman Ellison introduced the Equal Opportunity for Residential Representation Act (HR 1146), proposing a grant program to fund legal representation for those facing housing-related issues.

The panel began with an introduction by Bruce Lesley, president of First Focus and its Campaign for Children. Mr. Lesley gave an overview of the status of child poverty and homelessness in the United States. Keynote speaker Matthew Desmond then took the stage, discussing his Pulitzer Prize-winning book, *Evicted: Poverty and Profit in the American City*, which follows eight families and their experiences with eviction. Panelists from the Annie E. Casey Foundation, New York University, the Legal Aid Society of Washington, DC, and lastly, Senior Research Associate from CURA, Dr. Brittany Lewis. Dr. Lewis described the work being done in Minnesota to provide civil legal services and other supports to families that had been evicted or were at risk of eviction while also introducing the goals of *The Illusion of Choice* project. Congressman Ellison closed the panel by detailing his legislation, HR 1146, the Equal Opportunity for Residential Representation Act, which is a pilot program that would provide grants to housing-related organizations, including those that provide civil legal services to families facing eviction, landlord/tenant disputes, or fair housing discrimination. Although this legislation did not make it out of the Committee on Financial Services, the recommendations in the report included increasing the supply of affordable housing, expanding access to civil legal services, strengthening family tax credits, reforming the Temporary Assistance for Needy Families (TANF) Program, investing in early childhood education, addressing environmental hazards in housing, and increasing equity in public schools.

Nine months later, Congressman Ellison hosted a similar panel on April 5, 2018, in North Minneapolis with Dr. Lewis and other affordable housing providers and legal representatives serving as key experts. Congressman Ellison's intention was to bring together local power brokers from across multiple sectors to name the problem of evictions and in breakout sessions discuss potential solutions. The event prompted its participants, most of whom were nonprofit leaders or policymakers, to discuss solutions and policy fixes in four key areas: (1) legal representation and remedies for tenants facing eviction; (2) policy and funding solutions to preserve and develop additional units of affordable housing; (3) emergency assistance (EA), social services intervention, and wraparound services; and (4) city, county, and state policy solutions to strengthen and protect tenant rights.

Through this event, Dr. Lewis was invited to share the stories and perspectives of those who do not often get heard—those most impacted by evictions. She chose to pull out direct quotes from the interviews conducted with evicted tenants that centered around their experiences with EA. Naturally, by bringing in the voices of tenants, Dr. Lewis put policymakers in an uncomfortable position, wherein they were forced to confront an issue that they were too often able to ignore. It was at that forum that Dr. Lewis was able to compel former Hennepin County Commissioner Peter McLaughlin to arrange a meeting with Hennepin County Emergency Assistance leadership to present the data being collected and discuss potential policy and programmatic solutions. Communities of color are far too familiar with those in positions of power admiring the problem without any real, tangible action steps taken to address it. By partnering with Congressman Ellison, Dr. Lewis was able to explore the problem of evictions by centering the voices of those most impacted, while using those voices to show policymakers how to co-develop policy solutions at the federal and local levels with those most impacted at the center.

Investing in the Capacity of Youth Researchers to Produce Knowledge

For years, CURA has partnered with the North Minneapolis-based youth arts organization Juxtaposition Arts, also known as Juxta. Juxta classifies itself as a nonprofit youth art education program, a teen-staffed art and design enterprise, and a locally rooted cultural development center. [Juxta](#)'s mission is to "develop community by engaging and employing young urban artists in hands-on education initiatives that create pathways to self-sufficiency while actualizing creative power." In 2018, Juxta began its Young People's Action Research (YPAR) team, consisting of five youth researchers, a youth facilitator and tactical lead, Adrienne Doyle, and Director Kristen Murray. Dr. Lewis reached out to the YPAR team leadership to determine if the youth would be interested in partnering with the CURA Evictions research team to explore the inequities behind a differential social service system that tenants consistently described in their interviews.

When tenants were interviewed, it was quite common for them to describe their experience of applying for Hennepin County EA as “dehumanizing” and show emotional anguish or often cry. Interviewees 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 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. These processes were described as inefficient and frustrating but more than anything, dehumanizing. The YPAR team agreed to partner with CURA on this aspect of the project, with the goal of using interviews they conducted with local social service navigators to create a game simulation called the *The Social Service Runaround*.

In the fall of 2018, Dr. Lewis met with the YPAR team members to familiarize them with the scope of *The Illusion of Choice* project and share the interview instrument as well as de-identified interview transcripts. These tools and Dr. Lewis’s mentorship helped them gain a broader understanding of the goals and scope of the project and also some of the initial data findings. Dr. Lewis then led a series of technical skills trainings with the YPAR team, providing an introduction to interview guidelines, interview consent procedures, qualitative interview skills training, and effective interview question development. Dr. Lewis also helped the team to identify interview participants from across social service sectors in and outside the county.

The YPAR team interviewed 17 people over the course of 6 months, meeting as a group twice a week. Four of these people were from Hennepin County and worked in the Emergency Assistance Department of Human Services. They also interviewed supervisors, staff members, case managers, and rental assistance program workers from shelters, such as St. Stephen’s and Simpson Housing, as well as people from the Salvation Army, local churches, Legal Aid, and *Inquilinx Unidxs*. The team reported interesting perspectives from those who work at community development agencies, such as Commonbond and Urban Homeworks, since they function as nontraditional landlords. These interviews concluded in early December of 2018. The interview data were compiled and used to create an interactive game simulation, *The Social Service Runaround*, which aims to cultivate a better understanding of the inefficiencies and difficulties inherent in the county’s current social service system.

Game 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 documentation like an EA denial letter needed to obtain other services. The experience of YPAR’s simulated social service runaround is quickly and unexpectedly humbling.

All participants are first given a booklet with the rules of the game and then asked to roll a die determining their current situation, whether it be unemployed or recently evicted and homeless. Each participant is then given a checklist of tasks to complete within a given amount of time, in no particular order, including tasks such as “apply for EA at the county,” “apply for unemployment at human services,” and “get UD expunged from record.” Additionally, players are made aware of the specific physical location of these services within the context of the physical place where they play. In a brilliant effort to emphasize time as a metaphor for money, YPAR designed the game such that each task—and the transportation required to reach each location—costs a certain amount of “time coins,” five of which are doled out to each participant in the beginning. Simulation participants quickly become frustrated, with long lines of people waiting their turn to be denied for EA, unreliable “transportation” to and from different social service locations, and unexpected requirements of unobtained documentation. To simulation participants, it quickly becomes clear that there are several unwritten rules to be discovered along the way, and that there are no clear ways to win this game. In this process, it is also notable that all roads lead back to the county. Whether it be to obtain a denial letter necessary to receive unemployment, or an approval on a request for EA, going to the county is almost always the first step in making any headway elsewhere.

Another tactfully representative element of the game is the inclusion of “blessing” and “curse” cards that are handed out randomly to participants. A facilitator can come by at any point and give a participant a card that either provides them a blessing—such as extra time coins—or a curse—such as suddenly being laid off from a job, thus becoming unemployed. These cards demonstrate the *illusion of choice* that many experience when struggling to stay afloat and obtain necessary services. Despite playing the game correctly, saving up time coins and applying for employment, the chance cards create an inability to fully control the outcome of the game, accurately paralleling the uncontrollability of life events before, during, or after seeking services.

The game ends after a set period of time, with no obvious winners, and participation concludes with a reflection on the simulation’s intentions and reality parallels. Most notably was the empathy felt by many participants toward those who cannot simply stop playing the social service runaround game, whose lives are dominated by interactions with flawed systems. YPAR team members explained that in their interviews, county resource navigators themselves expressed a need for systemic change at the county level specifically, recognizing the inefficiency and dehumanizing nature of the processes that occur (or do not occur) there. Team member Adrienne commented on the process of creating the game: “It’s been awesome. This issue is really important to me, and I know a lot of us have experienced first-hand these issues. It has been great to challenge who is an expert and also asking community and advocating for change.”

The overall goal of *The Social Service Runaround* simulation is to prompt policy change at the county level, for EA and human resources, drawing blatant attention to the ineffectiveness of

these services when it comes to meeting the needs of the people they are intended to serve. The YPAR team hopes that this game reaches both policymakers and community centers in their neighborhoods, specifically in the zip codes of 55411 and 55412. Makeda, a YPAR team member, emphasized: “We want people to come out with a better understanding of how to navigate the system, and the issues within the system that make it difficult to navigate. Also, [we want them to] just [learn] empathy.”

Policy Interventions from the Ground up: Producing Community-centered Public Policy and Programmatic Solutions

The production of community-centered public policy and programmatic solutions is predicated on our ability as community-engaged action researchers to allow the voices of those most impacted to guide and identify the places where change is needed the most. Then we aim to utilize the relationships built across institutional spheres of influence to bring those marginal voices to local decision-making bodies.

To do this, first, we must understand what policy prescriptions are being used nationally and locally. Second, we must pay close attention to the individuals and institutions that have had the most impact on those we interviewed and their ability to maintain safe, affordable quality housing. We do this to assess whether or not local policy prescriptions are actually addressing the needs of those most impacted. Third, we focus on the gap between what policy and programmatic interventions local power brokers support publicly and what issues arose from interviews with those most impacted. These gaps are under-analyzed sites of policy change. We do this in an effort to utilize our data as an advocacy and policy-framing tool that helps to draw our attention to under-analyzed areas of intervention that often only those experiencing the realities of housing instability would be able to readily identify. In short, we treat our research participants as the experts on their own realities.

From the National to the Local: Common Policy Frames and Divergent Approaches

Across the United States, tenant organizing highlights a number of serious housing concerns, including unsafe and unhealthy living conditions, unresponsive landlords, dramatic rent increases, and evictions (Ortiz, 2018). Three of the major national policy imperatives highlighted by tenants, organizers, and housing advocates across the country are right to counsel, universal rent control, and just-cause eviction (also termed “good-cause” eviction).

Right to Counsel

Right to counsel is “the commitment to make legal services available to all tenants facing eviction in housing court and public housing authority termination of tenancy proceedings” (New York City Human Resources Administration, 2018). Tenant activists and supporters argue that tenants are often in financially and socially precarious situations when facing eviction proceedings with landlords and public agencies. Tenants should have the right to counsel to mitigate some of the initial power imbalance. New York City recently passed right to counsel legislation when organizers fighting for right to counsel succeeded. In August 2017, Mayor Bill de Blasio signed Intro 214-b into law, officially guaranteeing New York City tenants this right, which resulted in 33,000 households receiving free legal representation, advice, or assistance through the city’s Office of Civil Justice. Several other jurisdictions have implemented or are considering some degree of right to counsel for evictions, based on the income of the tenant or category of housing involved (e.g., Washington, DC, San Francisco, Philadelphia). During the 2019 Minnesota legislative session, State Senator Kari Dziedzic introduced a bill that would provide court-appointed counsel for certain tenants facing eviction from public housing based on allegations they had breached the lease (SF 1785).

Universal Rent Control

Rent control is a set of regulations on yearly rent increases and the terms of eviction actions, and policies sometimes can also restrict how much a landlord can charge for rent, based on tenants’ eviction history (Tenants Together, 2019). Rent control was originally a federal price control implemented during World War II, but now it is typically a municipal, county, or state regulation that leads to serious challenges for rent control advocates in states with state-level laws regulating rent control on the municipal or county level. While opposers cite studies tying rent control to the reduction in the quantity and quality of available housing, proponents hold that it provides a necessary economic stop-gap for neighborhoods experiencing gentrification due to massive reinvestment in real estate and infrastructure after decades of targeted disinvestment (Stein, 2019). While California, New York, New Jersey, and Maryland have rent control in certain municipalities, Oregon is the only state with universal rent control. This came about after two decades of work by tenant groups, which led to the passage of Senate Bill 608, a state law restricting “annual rent increases to 7 percent” and banning no-cause evictions (Walker, 2019).

Just- or Good-Cause Evictions

In most cases, a landlord in Minnesota may legally terminate a lease at its expiration date (or at the end of the month for a month-to-month tenancy) as long as they have given proper notice based on the lease terms and the law. The landlord does not need to have a specific reason in most cases not to renew a lease. A just-cause eviction policy would require that even when a lease expires, a landlord would need a specific, legally valid reason to not renew or continue the

lease with the current tenant. Cities or states with these standards allow eviction or nonrenewal of a lease only if the tenant has violated the lease terms, failed to pay rent, or some other specific reason permitted by the law. Just-cause laws can be instituted at the municipal, county, or state levels; vary across the country; and are often included in rent control laws to specify the terms of eviction for residents in rent-controlled units. Given the constraints on landlords' ability to serve non-renewal notices at the end of a tenant's lease term, just-cause laws receive pushback from associated parties. Additionally, tenants are often left with only the limited protections described in their leases in municipalities and states without just-cause laws. Actions for just-cause are front and center for urban tenants facing rising economic pressures from stagnant wages and gentrification. Recent activism by the Philadelphia Tenants Union and other housing activists led to the unanimous passage of Good Cause by all 17 members of the Philadelphia City Council—later signed into law by the mayor in January 2019—demonstrating the need to ensure tenants are treated fairly in relationships with private landlords (Merriman, 2019).

Approaches to Policy and Program Change in the Twin Cities

Policymakers and tenant advocates in Minneapolis and Saint Paul have pursued similar interventions and found varying levels of success in shifting local policies and practices. Former Minnesota Congressman (now Minnesota Attorney General) Keith Ellison introduced federal legislation on the issue titled HR 1146, the Equal Opportunity for Residential Representation Act, which stipulated the creation of a pilot program providing grants to housing-related organizations, including those that provide civil legal services to families facing eviction, landlord/tenant disputes, or fair housing discrimination. While this legislation did not make it out of committee, local organizations continue to work on right to counsel legislation.

Mid-Minnesota Legal Aid and the Volunteer Lawyers Network “Right to Counsel”

Mid-Minnesota Legal Aid and the Volunteer Lawyers Network are two such organizations researching and advocating on the issue. In their 2018 project titled *Legal Representation in Evictions*, they sought to determine whether legal representation for tenants in the Fourth Judicial District Housing Court provides tenants meaningful benefits in housing stability. The organizations 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 (Grundman and Kruger, 2018). 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 if they were represented by a lawyer. These findings support Minnesota legislative bills on right to counsel, 14-day pre-eviction notices, and eviction expungement reform.

HOMELine “Right to Cure”

HOMELine, a Minnesota-based nonprofit tenant advocacy organization, advocates for tenants' rights to receive adequate notice of a potential eviction action and for limiting the effects that past evictions have on future housing options (HOMELine, 2019). A "right to cure" pre-eviction policy would mandate a 14-day notice, allowing the tenant the opportunity to get current on rent or remedy a breach of lease before the landlord can file an eviction action. Forty-three states require some kind of notice to tenants before a court eviction is filed. Minnesota is one of the seven that does not. Many tenants interviewed in *The Illusion of Choice* report expressed frustration with the small window of time provided once an eviction notice is filed, because it does not align with the Hennepin County emergency financial assistance process. Moreover, eviction actions mark tenants' rental housing records long term, partly due to the situation just described but also because eviction actions remain on a tenant's record and publicly accessible for decades—information that most if not all the tenants interviewed were completely unaware of. To ensure tenants can secure housing in the future, eviction expungement reform plays an important role in the legislative agenda of HOMELine and other tenant advocacy organizations, particularly giving tenants the right to due process before an eviction is placed on their record and limiting the amount of years that a UD stays on a tenant's record.

InquilinXs UnidXs por Justicia's "Tenant's Bill of Rights"

Inquilinxs Unidxs por Justicia (United Renters for Power, or "IX"), a Minneapolis tenant power organization, seeks to challenge the present political economy of commodified housing. The group was initially organized in 2015 to acquire pro bono legal representation to sue a negligent landlord. Today, IX members utilize a tenant powerbuilding model to support their education and development as they fight for systemic changes in housing while dispelling myths about the lack of roots that renters have in a community. Housing cooperatives, tenant unions, and rent control are imperatives for IX members, who also cite the necessity for lawmakers to sign a "tenants' bill of rights which would provide tenants additional legal mechanisms to more evenly negotiate with their landlord over applications, repairs, or displacement" with the engagement and support of Minneapolis tenants (IX, 2018). IX's focus on building tenant power highlights important contradictions in the US housing system: policies like rent control empower tenants and change the terms of their housing situation. In the current system that commodifies housing, real estate interests take community members' spaces of labor and convert them into spaces of profit (Stein, 2019). Thus, supporting policies and strategies that aim to separate the profit relation in housing are important components of building tenant power and control for IX and partners.

CommonBond Resident Support

In addition to these national and local policy proposals and their supportive advocacy efforts, local housing and social services professionals are making important programmatic changes to address the evictions crisis. CommonBond Communities (also known as CommonBond), a large

nonprofit affordable housing developer delivering services in the Midwest United States, focuses on “supporting residents of all ages to achieve long-term stability and independence” through on-site programs and services and organizational partnerships, and community-building and engagement; some of these activities have an expressed goal of reducing the risk of eviction for residents housed in CommonBond properties (CommonBond Communities, 2018). Performing a social return on investment (SROI) analysis of CommonBond’s eviction prevention program (EPP) activities revealed a return of “\$4 in social benefits generated for every \$1 invested by CommonBond.”

Hennepin County Pre-Eviction Pilot

Similarly, a Pre-Eviction Pilot (PEP) carried out by Hennepin County, the McKnight Foundation, and the Pohlad Family Foundation trialed a program in North Minneapolis to reduce evictions. This project, which took place from January to November 2018 at NorthPoint Health and Wellness, focused on preventing eviction filings among residents who experienced hardship paying rent, bringing together financial, social, and legal services to mitigate the potential of an eviction action regardless of tenant income. After examining pilot data, the researchers concluded that most PEP participants remained housed, did not experience an eviction filing, accessed helpful legal and social services, and did not need to utilize an emergency shelter. The findings demonstrated methods that governments, research centers, and tenant advocacy organizations can promote to reduce and ultimately eliminate evictions and mitigate resulting harm to individuals, families, and communities.

Ramsey County Emergency Assistance Restructure

Ramsey County piloted an emergency assistance service restructuring program titled “Continuous Improvement, Immediate Action” from 2013 to 2014. The design-oriented practices of the Kaizen method utilized by Ramsey County fostered significant changes in emergency assistance design, implementation, and evaluation, indicating the strengths of a collaborative process of policy revision to improve service delivery. “With an average wait of less than five days from initial application, county assistance is better aligned with state mandates for eviction proceedings, increasing the likelihood that residents will be able to avoid housing court” (University of Minnesota College of Design, 2018).



Collage of images by Nikki McComb

CURA's Policy Recommendation Process: Policy Interventions from the Ground Up

It is critical that we pay close attention to work already being done both nationally and locally to mitigate the negative impacts of evictions, while also acknowledging that these reform efforts are a larger part of a complicated system that does not always ask those most impacted what they want or need. Unfortunately, our nation's history of paternalism often prevents us from seeing low-income people of color as the experts on their own realities. To resist the common paternalistic approach that public policy development often takes, CURA's Evictions research team engaged in a three-part process to guide the creation of the CURA Evictions Policy Recommendations. This process included:

1. a review of the interview data to analyze policy recommendations that arose from stories shared by tenants, property managers, landlords;
2. an analysis of current policy proposals being made by local policymakers in Minnesota regarding evictions at the city, county, and state levels;
3. an evaluation of tenant and landlord perspectives on those current policy proposals to assess whether or not those most impacted believe they are the recommendations that the city, county, and state should pursue.

A Review of Interview Data

The research team reviewed the interview data from the 32 landlord and 68 tenants interviewed, while looking for themes and suggestions for public policy and programmatic interventions that aimed to ensure the success of the tenant and landlord relationship. Although participants were

not asked for their policy recommendations outright, several tenants and landlords provided examples of changes to the eviction process that would provide relief for both. For example, one tenant noted:

Giving somebody seven days to move [after eviction hearing], that's really not enough time for, I mean just think. If I was still working in the same jobs I was working before, I wouldn't be able to pull that off. You would have to get a moving truck, get everything packed up, and if you work, you've got to go between your work and trying to get everything done and moved out, and with the process of that they're using now to find housing, there's no way. (Black female, 46 years old)

Another example came from a landlord who discussed some of the challenges from his experience with the county's emergency assistance programs. As noted previously, the emergency assistance process was a recurring topic of frustration for both landlords and tenants. One landlord noted:

Our experience is we sometimes see people get denied and we're like, "You know, if you just would have helped them, like maybe with two months' rent, they could have gotten back on their feet." Now they're spending all of their extra time with children, and all their other things in their life, when they just needed maybe one more month, and it would have been a greater success. But the cut off is just so fast and hard. And I get it, right? But this person who maybe didn't quite have their new job yet. They were in between jobs. Emergency assistance won't help unless they can prove they can pay the next month's rent. What if we loosened that for 45 days, and then the resident gets help, and then it's a one-time help versus an escalating...It's expensive to move for the resident. Not to mention what it does to the, if they have children, and the disruption. (White female, 46 years old, property manager for a for-profit organization)

Examining tenant and landlord interview responses in the context of their eviction experiences allows for an inductive and organic assessment of both short-term and long-term priorities of each participant, which also assisted us in identifying places where policy and programmatic reform was necessary.

An Analysis of Current Policy Proposals

To engage with local policymakers, the CURA Evictions research team invited Mid-Minnesota Legal Aid the offices of council member Jeremiah Ellison and state senator Bobby Joe Champion to meet with the CURA Evictions Advisory Council to discuss current and future policy and program proposals aimed at mitigating the impact of evictions at each level of the government. In total, the Advisory Council outlined 16 different policy recommendations based on the information provided by these representatives, along with information from ongoing initiatives

such as the city of Minneapolis Conduct on Premises work group. These policy recommendations included proposals such as limits on background checks, shortening the emergency assistance and emergency general assistance decision timelines, changing conduct on premise regulations, and ensuring legal representation in Housing Court. The CURA Evictions research team compiled and examined all of these recommendations.

An Evaluation of Tenant and Landlord Perspectives on Current Policy Proposals

In a community-engaged action project, policy recommendations cannot end with the traditional experts. They must be produced, vetted, and enhanced by the community members who stand to be impacted the most by the implementation of the recommendations. To gauge tenant and landlord perspectives on the current policy proposals, the CURA Evictions research team compiled 16 policy proposals, outlined by state and local officials, into an electronic policy survey and sent it to all 100 research participants (68 tenants and 32 landlords). A CURA Evictions research team member attempted to contact each participant a minimum of three times, either by phone, email, or text message. For each policy or program proposal, the survey prompted participants to choose between three responses: “strongly agree,” “neutral,” or “strongly disagree.” Additionally, the survey included open-ended text boxes to allow survey participants the option to comment or elaborate on their responses. At the end of the survey participants could offer their own general insights and recommendations for eviction policy.

In total, 26 (38%) tenants and 16 (50%) landlords responded to the survey. It is important to note that within the 4 months between the end of interviews and the online policy survey, the contact information for approximately 12 (18%) of all tenant participants was invalid. Several other tenants’ phone numbers were out of service, and although a team member reached out via email, these requests for input garnered no response. This is a serious challenge, research limitation, and characteristic emblematic of working with highly mobile populations; however, it does not deem the responses received irrelevant. Rather, the integration of feedback from tenants and landlords who experience and participate in eviction actions in Hennepin County plays a critical role in our broader policy recommendations. The lack of a complete set of participant responses should not dismiss the saliency and gravity of the resulting recommendations. The research team used this data to inform, reinforce, and critique the policy recommendations outlined next.

Utilizing our three-part process, the research team identified three major policy recommendations that can support efforts to prevent eviction action filings and mitigate their consequences.

CURA Policy Recommendations

Policy Recommendation #1: Extending the Length of the Evictions Process

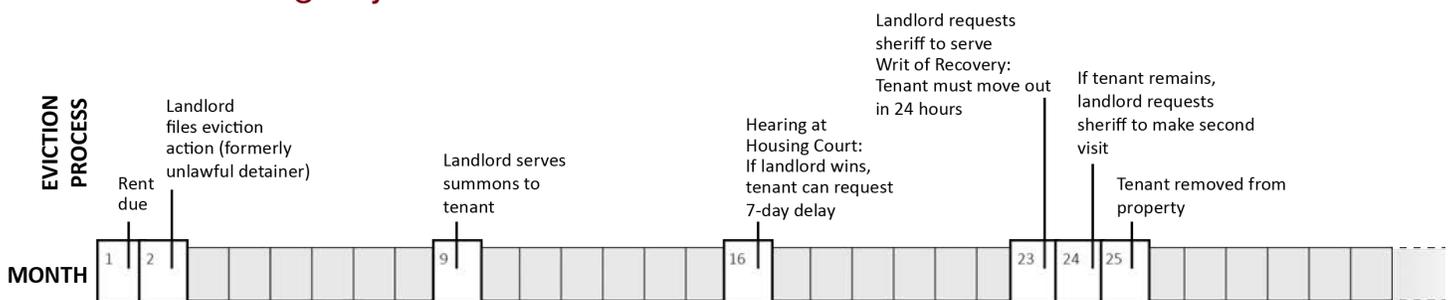
If the notice is for eviction, and the landlord does not have a “just cause” for the eviction, the landlord should give the tenant a 30-day notice from the date the rent is paid on, to move. Nothing less. (Black female, 55 years old)

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.

A rapid evictions process is particularly concerning in tight rental markets. Although the demand for rental properties is high, which benefits most landlords, the supply of housing is low, which places renters in a precarious position of accessing and maintaining a home. CURA aims to center the tenant in this policy recommendation, as preventing and mitigating the impact of evictions may also prevent further economic, social, and psychological burdens.

Currently, Hennepin County hosts one of the fastest eviction timelines in the country, according to Mid-Minnesota Legal Aid. More time should be allotted to help individuals and families transition through a difficult and arduous time, enhancing their ability to seek additional resources to prevent displacement. HOMELine, a partner in *The Illusion of Choice* project, has outlined a sample evictions timeline:

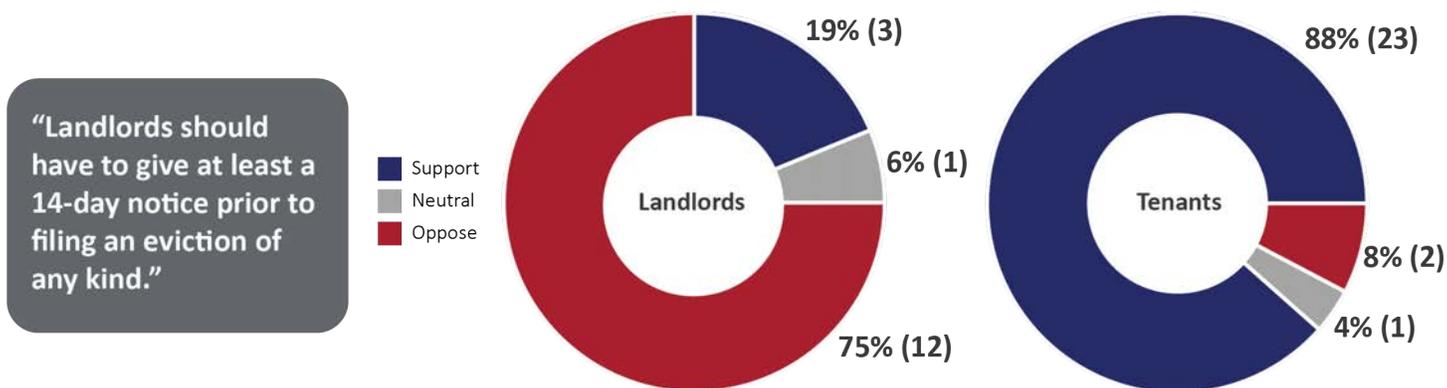
Evictions and Emergency Assistance Processes



Graphic adapted from HOMELine

Community Voice and Response

Community advocates and policymakers have aimed to lengthen the eviction process in an effort to create a process that is more responsive to vulnerable tenants. Mid-Minnesota Legal Aid presented its recommendation of extending the eviction process to the CURA Evictions Research Advisory Council. One way to do this would be to require landlords to give tenants a 14-day notice prior to filing an eviction of any kind (except expedited action). Additionally, Mid-Minnesota Legal Aid proposes additions to the statute that all filings would require more detail about conduct on premise violations and the exact financial information in question for nonpayment of lease filings. When asked, tenant and landlords had different responses in terms of levels of support for this policy proposal:



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

Clearly, there is a discrepancy in the support for this proposal between landlords and tenants. As one landlord noted, “The eviction process is already unacceptably slow and expensive. This addresses and rectifies none of the underlying problems.”

Another landlord explained:

A property costs a great deal of money to maintain every day, and adding 14 days onto the possession by a potentially non-paying party can unfairly cost an owner money that they should not have to lose. A lease outlines reasons for possible eviction, and tenants should be aware that they can potentially be evicted for not paying rent or violating terms of their lease. (White female, 35 years old, individual property owner and manager)

On the other hand, tenants were in high support of this proposal. One tenant noted that this “would give tenant[s] time to get money together if need be.” CURA recognizes the time and expense of eviction actions for both landlords and tenants. Although, it is important to note that

landlords and tenants throughout this project cited that often landlords who file an eviction action pass on the filing cost to the tenant. This cost for Hennepin County is \$297. To build housing stability, particularly in high eviction action areas such as North Minneapolis, the state must allow time for tenants to garner the resources to mitigate the impact of eviction actions.

Policy Recommendation #2: A Humane and Timely Approach to Emergency Assistance

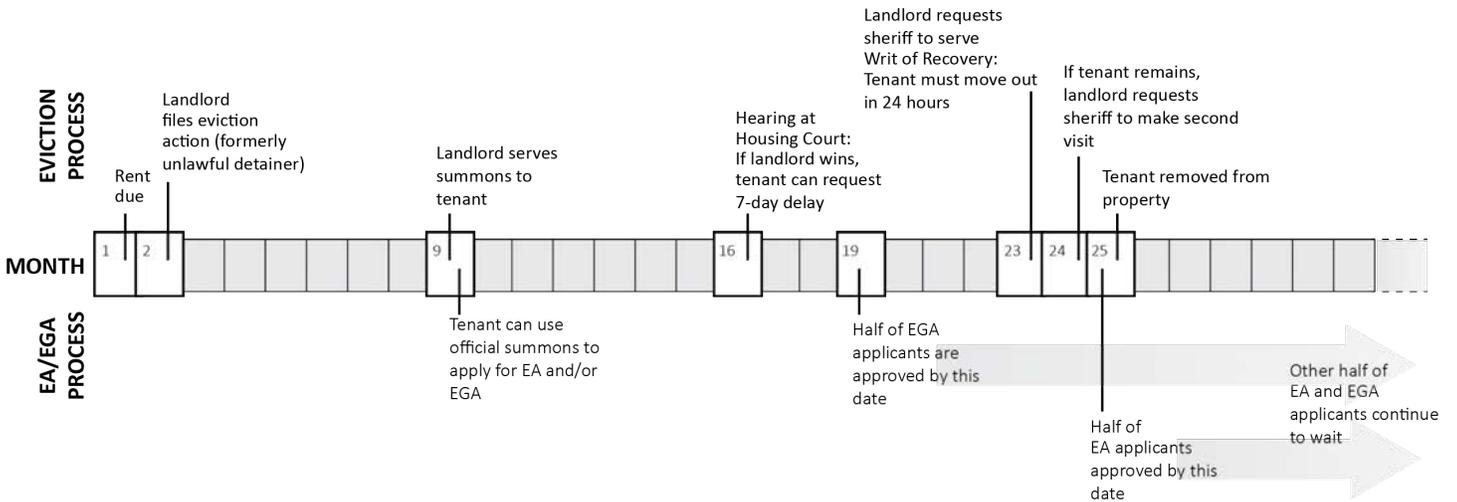
I wish that the system was more humane for people to have some kind of dignity, somewhere along the way. It'd be okay with asking for help, and not having so many doors shut in your face. And all the hoops you have to jump through, with the county, trying to get assistance. And then find out that you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

Yeah, they [emergency assistance] give you somethin' to say, you applied...A little form, a regular form they give everybody saying you applied, but it takes 30 days. They can make a decision up to 30 days. But landlords don't wanna wait on that. (Black female, 38 years old)

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 centers the needs of each individual and/or family is vital to this vision. 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 an open and transparent community-engaged process for collecting feedback from those most impacted by the EA/EGA program that includes diverse partner organizations and advocates.

EA/EGA programs serve roughly 5,400 and 3,600 households, respectively, each year, helping those behind on rent or struggling to pay utility bills. Hennepin County also provides case management to 30,000 people each year, and case managers can be a strong partner in maintaining housing for clients. The speed of Housing Court stands in contrast to the speed with which Hennepin County responds to housing emergencies brought by clients. For families served by the EA process, half are approved in 16 days and half of EGA cases are approved within 10 days. However, more cases are denied than approved, and those have median denial times of 20 days and 31 days, respectively. Housing Court, on the other hand, has mandated timelines of “first appearance” in court within as little as 7 days after service of notice to the tenant. If the case is not resolved at first appearance and the tenant convinces the court that a dispute exists, then a trial is set within 6 days. If a judgment of eviction results, the Sheriff's Office can proceed to remove the tenants and their belongings 24 hours later. (Hennepin County, 2019).

Evictions and Emergency Assistance Processes



Graphic adapted from *HOMELine*

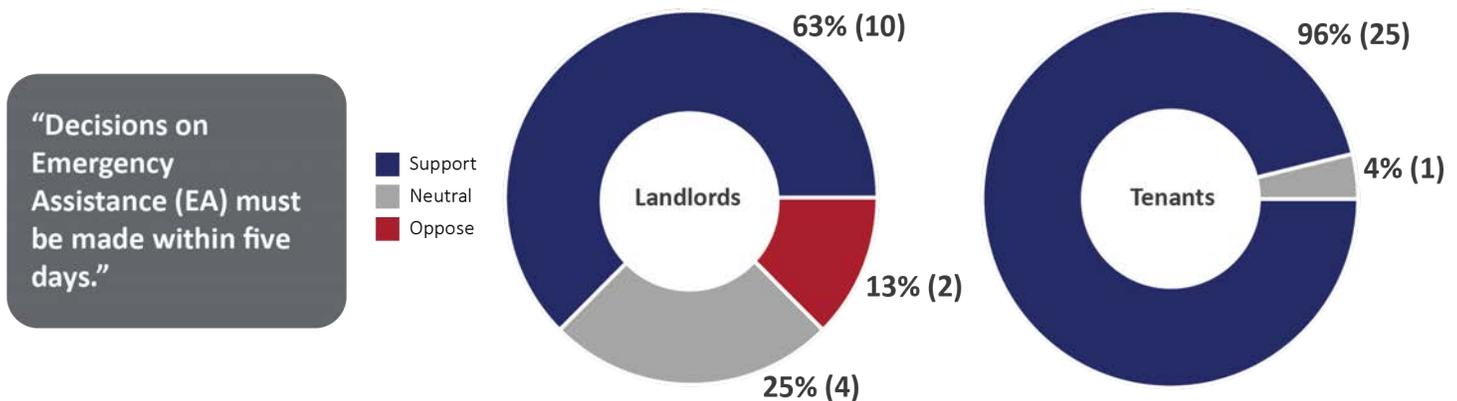
Challenges include staffing resources and the current complexity of the entire system and how EA fits into it—few can see the system from a point of view big enough to cut through that complexity. Another challenge is the intense focus on incremental change to the EA program, when we would like to look broader to create a system that works for those seeking assistance.

The Hennepin County Human Services Department intends to engage partners from the Family Homeless Prevention and Assistance Program (FHPAP) under the Minnesota Housing Finance Agency (MHFA), along with EA staff, for policy analysis. Once they have made some progress, they would also like to similarly include any other privately funded partners who are interested and willing to be included in the policy pieces. Their view is that with a comprehensive view of the programs and policies, those working to reduce evictions can see more clearly where gaps exist that can ultimately inform legislative priorities, county policy prescriptions, nonprofit work, and more.

Moreover, Hennepin County Human Services is exploring the idea of having staff at Housing Court, but the agency wants to take a holistic view first as “that seems like a reactive point in the game (but it may fit into the design of the larger system)” (Juxtaposition Arts, 2018). Nonetheless, this policy idea aligns with research findings and policy recommendations made by Mid-Minnesota Legal Aid stating the success of tenants in overturning eviction action decisions if they have legal representation. Having county staff available would also provide a reputable source of information for tenants in Housing Court, as many study participants stated that they were not aware that eviction actions remain on their record even in cases where they prevail.

Community Voice and Response

As noted in the larger report, two main themes emerged from tenant interviews regarding the Hennepin County EA/EGA processes. First, both landlords and tenants reported that the length of time it takes to get a decision regarding support from EA or EGA often does not match up with the rapid nature of eviction actions. Second, a number of tenants described the process of applying for EA/EGA as dehumanizing, as if those with whom they were working were giving them money directly from their own pockets. Tenants and landlords alike were overwhelmingly in support of faster deadlines for EA/EGA decisions (within 5 days):



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

In addition to increasing the speed at which EA/EGA decisions are made, Mid-Minnesota Legal Aid, along with HOMELine and several other community partners, has called for EA/EGA to redefine “emergency” in the statute, streamline the application process, and decrease the length of appeal decisions in an effort to make the process more accessible and human-centered for those in need.

Finally, Dr. Lewis is working as a partner with Hennepin County to re-envision a process of EA/EGA assistance that centers those most affected by evictions. She has shared data and stories from *The Illusion of Choice* project, which has in turn informed a new partnership between the Pohlad Family Foundation and Hennepin County to implement a “Housing Stability Resource Redesign.”

Policy Recommendation #3: Centering People’s Agency: Ending Current Self-Pay Procedures in Hennepin County Shelters

You know the other irony with this whole system is that, I don't know what it's called but there's a shelter situation where...yes you can come in. Yes you have lodging, you have a bed, you share common space, you get three squares a day. But whatever your money is, you have to give it all to us for \$75 dollars, each month, and you're familiar with it. So then how do you get ahead? I mean how

do you then say, "Well you know, I don't want to be here forever." You know what I mean? And I learned that as a result of the situation, too. I said "Wow." And then they wonder why folks become dependent and are there forever. (Black female, 70 years old)

To go to the shelter. That was the only way they would help us. If you're in the shelter and let them take a little bit of money from you, or take money from you, and then in that situation, of course. With your own money we'll help you pay for stuff that you coulda paid for if you woulda just gave us that money originally. 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)

We recommend ending the county's policy on self-pay at shelters to enable shelters to develop and implement asset-building and financial education programs for shelter guests. The relevant county policies 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.

During interviews, several tenants revealed that they often slept in their cars as an act of resistance instead of paying the approximately \$30 per bed price to stay at a county shelter. While guests believed that this was a shelter policy, it is actually a Hennepin County policy known as "self-pay," and shelters contracting with the county are obligated to enforce it. One tenant interviewed illustrated the frustration in paying a shelter for services at a time of hardship when the shelter could be supporting their financial independence: "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."

Under the self-pay policy, guests of county shelters must exhaust all "available resources" to resolve the emergency for which they are seeking EA/EGA *before the county expends reimbursements to the shelter*. This Hennepin County policy applies to all county shelters but is not explicitly written into the individual contracts with shelters. The county benefits economically from this relationship because the county shelters (e.g., People Serving People) cannot precisely anticipate the number of guests they will have, which ultimately affects their reimbursement amount.

Relevant County Policies Informing Self-Pay:

- *2.6: All resources available to the family unit must be used to resolve the emergency.*
- *2.6.1: Resources are defined as all real and personal property owned in whole or in part and all income, minus basic needs, received from date of application for Emergency Assistance through*

the disposition date of application.

- 2.6.2: *Basic needs are defined as the minimum personal requirements of subsistence restricted to shelter, utilities, food, and other items the loss of or lack of is determined by Hennepin County to pose a direct, immediate threat to the physical health or safety of a member of the family unit.*

The Evictions team and the county shelters hope to reimagine this process to serve residents more holistically. Suggestions and critiques made by tenants interviewed and Advisory Council members include:

- Helping guests save money by starting financial help programs as a component of time spent at a county shelter.
- The acknowledgment that the policy to expend all available resources does not help the family out of homelessness; rather, it can compound *crisis-based decision making* for those affected, limiting their options there on.
- The “rose-colored glasses” view of county shelter turnover rates. At the moment, the average county shelter stay is 32 days (Hennepin County, 2019). However, since many housing insecure tenants refuse to stay in shelters if the staff make them pay for their bed, this form of resentful resistance could negatively skew the average shelter stay; that is, because many people decide not to stay at the shelter, the average shelter stay may not be a reliable indicator of the state of homelessness and housing insecurity in Minneapolis.

Ending the self-pay requirement to enable shelters to implement asset-building and empowerment programs for guests is crucial to housing stability. Many families experience self-pay as a source of frustration and a barrier to exiting homelessness. Ending self-pay, financing shelters up front, and incorporating housing services and financial education into shelter stays are practices the county can promote to empower tenants with resilience-building methods during what is already a distressing time. In this way, the county can play an active and positive role in ensuring housing stability for all. This finding has already spurred a partnership between Dr. Lewis and her research team at CURA and People Serving People. The partnership aims to develop a pilot program that will explore an alternative to self-pay, with the goal of allowing families to retain and grow their financial resources on their way to housing stability, increasing family agency and helping to build family, personal, and financial power.

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