



Practice Tip -- Eviction Expungement Changes April 21, 2025

SELA Investments, Ltd LLP vs. J.H. (Minn. Ct. App. A24-1380, April 21, 2025).

The Court of Appeals held mandatory expungements under Minn. Stat. § 484.014, subd. 3(a)(6) (2023) as facially unconstitutional because the statute violates the separation of power doctrine by infringing on the court’s inherent authority to control its own records. The court recognized the legislature’s intent to provide Minnesotans relief from the consequences of an eviction history but found that it is an inherent authority of the courts to control their own records. The Court held that by mandating that certain evictions be expunged from the public record, the Legislature overstepped and usurped this authority. Therefore, the Court held that Minnesota Statute § 484.014, subdivision 3(a)(6) violated the separation of powers doctrine.

Further the Court of Appeals stated, the judiciary exists to make legal determinations, and mandatory expungement leaves no room for the judiciary to exercise its function. Therefore, the statute violates the separation-of powers doctrine by infringing on the judiciary’s inherent authority to decide cases.

Given this analysis, the ruling may affect all mandatory expungements including mandatory expungements in cases ordered for eviction which are older than 3 years and cases that were dismissed for any reason.

Eviction Expungements On or After April 21, 2025

The standard applicable for eviction expungement under the court’s discretionary power is that “the court finds the expungement is clearly in the interests of justice and those interests are not outweighed by the public’s interest in knowing about the record.” Minn. Stat. §484.014, subd. 2.

The court may consider the following factors:

- a. whether any back-rent is owed, how much is owed, and if there is a payment plan in place;
- b. the tenant’s eviction history;
- c. the cause for the nonpayment of rent – whether it was due to economic hardship or a mere willful refusal;
- d. the length of time since the petitioner’s last eviction;
- e. whether the eviction was for a material breach of the lease other

- than non-payment;
- f. the number of evictions with the same landlord as opposed to different landlords; and
- g. the term of the lease.

At Home Apts., LLC v. D. B., No. A18-0512, 2019 Minn. App. Unpub. LEXIS 47 at *10- 11, 2019 WL 178509 at *4 (Minn. Ct. App. Jan. 14, 2019) (Unpublished)

Issues Raised by the New Case Law:

While there has been no official statement about whether the ruling may affect all mandatory expungements, going forward, we plan to proceed with caution. In the event a mandatory expungement motion, made on grounds other than compliance with the settlement agreement, is denied, we may appeal. This would require a firm to take on the appeal and a client who is not in urgent need to have such a record expunged. If you are interested in challenging this ruling as it relates to the other subdivisions, please discuss this with our eviction expungement Staff Attorney, Liv Sayavong.

Otherwise going forward, please file all future expungement requests by motion under Minn. Stat. § 484.014, subd. 2, under the court's discretion in the interest of justice.

Mid-Minnesota Legal Aid has requested Supreme Court review of this case.