

## Policy Brief: Keeping Minneapolis Kids in (the same) School After Eviction

According to a 2023 national study<sup>1</sup>, adult renters living with at least one child in their home were threatened with eviction at an annual rate of 10.4%, twice that of adults without children (5.0%). The study also found that:

- the most common age to experience eviction in America is during childhood,
- Children represent more than 40% of those who face eviction in a year, and
- Over 24% of Black children live in rental households that receive an eviction filing.

According to [the study](#), over 26% of Black adults living with children faced an eviction filing, and 11.6% were evicted. In comparison, 6% of white adults living with children received an eviction filing, and 4% of white adults living with children were evicted. Racial disparities persist across income brackets.

As highlighted in, *“The Illusion of Choice: Evictions and Profit in North Minneapolis”*, Black females with children are at the highest risk for eviction in North Minneapolis. The same holds true nationwide. Black women renters who have a child living in their home [comprise 28.3% of the average annual rate for eviction filings](#), the highest of any race and gender group.

In 2023, around 29% of initial eviction filings resulted in evictions in Hennepin County. 2,529 Minneapolis residents were evicted in 2023 (some of which were displaced). According to the [Hennepin County evictions dashboard](#), the trend toward increasing eviction filing rates appears to be continuing into 2024.

According to [numerous studies](#), eviction negatively affects children’s emotional and physical well-being; increases the likelihood of emotional trauma and food insecurity; leads to academic decline and delays; and could increase all-cause mortality risk.

[A “Losing Home” 2018 report](#) by non-profits in Seattle, documents the impact of evictions on school-age children in Seattle. The study found that “of evicted respondents with school-age children, 86% said their children had to move schools after the eviction, and 88% reported their children’s school performance suffered ‘very much’ because of the eviction”.<sup>2</sup>

According to [Minneapolis Public Schools](#), 6 to 7% of MPS students experience homelessness in any given school year. This instability correlates with lower attendance rates, test scores and graduation rates.

### Kids experiencing homelessness have a right to stay in school

Under a 2001 federal law known as the [McKinney-Vento Homeless Assistance Act](#), students experiencing homelessness have the right to equal access to the same free, appropriate, public education as all other students, including a public preschool education.

---

<sup>1</sup>Desmond Matthew; Hepburn, Peter; Gershenson, Carl; and Graetz, Nick. [“A comprehensive demographic profile of the US evicted population”](#), Princeton University, Eviction Lab, October 2023

<sup>2</sup> [LosingHome\\_9-18-18.pdf \(seattle.gov\)](#)

Homeless children and youths must have access to the educational and related services that they need to enable them to meet the same challenging State academic standards to which all students are held. Under the act, schools are required to remove barriers to enrollment, attendance, and success for students experiencing homelessness.<sup>3</sup>

The Federal Act defines homelessness as “children and youth who lack a fixed, regular, and adequate nighttime residence.” This includes children and youths who are:

- Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as “doubled-up” or “couch surfing”).
- Living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations.
- Living in emergency or transitional shelters; or abandoned in hospitals.
- Having a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children who qualify as homeless because they are living in circumstances above<sup>4</sup>.

“The McKinney-Vento Act strongly emphasizes the importance of school stability for homeless children and youths. Changing schools’ multiple times significantly impedes a student’s growth. The research on highly mobile students, including homeless students, indicates that a student can lose academic progress with each school change. Highly mobile students have also been found to have lower test scores and worse overall academic performance than peers who do not change schools frequently. Therefore, the McKinney-Vento Act calls for local education agencies to maintain students in their school of origin to promote school stability and greater educational outcomes overall, unless it is not in the student’s best interest.”<sup>5</sup>

According to the [National Homelessness Law Center](#), in keeping with the Federal Act, children can either stay in the school they attended before housing was lost—their school of origin—or go to the school near their current location. Children can keep attending this school the whole time they are homeless and schools cannot charge an out of district fee. If a school determines that a child should not be enrolled, parents can appeal the school’s decision and the school must enroll them until a final decision is reached. When parents find permanent housing, the child can stay at their school until at least the end of that school year.<sup>6</sup>

---

<sup>3</sup> US Dept of Education, [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#), Title VII-B of the McKinney-Vento Homeless Assistance Act, Updated August 2018

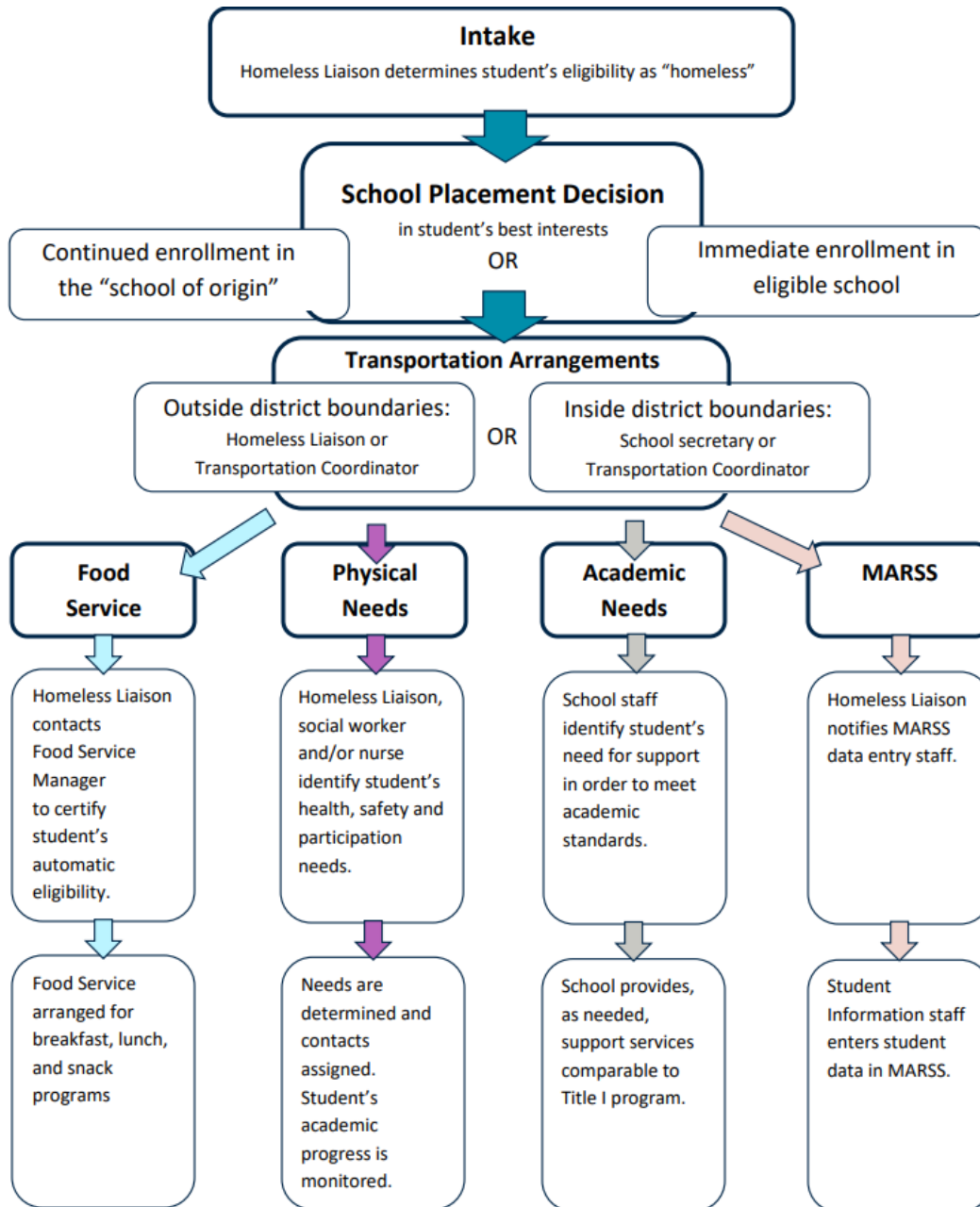
<sup>4</sup> US Dept of Education, [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#), Title VII-B of the McKinney-Vento Homeless Assistance Act, Updated August 2018

<sup>5</sup> Ibid.

<sup>6</sup> National Homelessness Law Center, [“Know-Your-Rights Toolkit for Unaccompanied Youth & Families Who Lack Stable Housing”](#)

According to the [MN Dept of Education](#), “one of the priorities of the McKinney Vento Act is the provision of transportation services to allow students experiencing homelessness to remain in their school of origin, which is defined as the school that the student attended when they first experienced homelessness”.

The MN Dept of Education asks school districts use (or adapt) the following flowchart to help evaluate the requirements for McKinney Vento eligible learners:



The [Minneapolis Public Schools \(MPS\) Homeless/Highly Mobile Department](#) works to remove barriers to attendance, school stability and full participation in school during a period of housing instability. Minneapolis Public Schools is guided by the McKinney-Vento Homeless Assistance Act and the Every Student Succeeds Act.

According to MPS, eligible children and youth have the right to:

- receive a free, appropriate public education.
- enroll in school immediately, even if lacking documents normally required for enrollment.
- enroll in school and attend classes while the documents are gathered.
- enroll in the local school; or continue at the last school attended if that is the guardian's preference and it is feasible.
- receive transportation to and from school, if requested. Transportation could be provided by school bus, Type III school vehicle (certified vans, taxis, or cars) or city bus pass depending on the situation and grade level of the student.
- have disagreements about school placement decisions resolved quickly.

According to MPS, whenever possible, they offer resources to remove barriers to school attendance and participation. This includes, but is not limited to the following:

- school supplies and hygiene products
- beds
- basic needs clothing items and winter gear
- homelessness prevention funds
- transportation to school events including conferences<sup>8</sup>

Such resources are limited to a first come first serve basis, MPS has, for example, 10 beds available at any given point. Outside of available beds, referrals are made to shelters.

The main contact for students experiencing homelessness is the school social worker. Each school in MPS has a school social worker. According to the MPS' Director for Homeless/Highly Mobile school kids, identifying elementary and pre-school kids experiencing homelessness is facilitated by screening questions, asked of parents requesting transportation. Identifying High School students experiencing homelessness can be harder as their transportation is not arranged by the school district.

To meet McKinney-Vento requirements, MPS buses travel to and from shelters and hotels. School approved cabs pick up kids outside normal routes. Starting this year, MPS expects McKinney-Vento transportation to be reimbursed by the State. This would result in significant cost-savings for MPS, freeing funding for other purposes.

### **Highly mobile kids NOT experiencing homelessness**

Not all kids who go through an eviction become homeless or are displaced. Rental assistance has enabled a significant portion of Minneapolis households facing eviction to “pay and stay”, even if evicted in court. With the end of Federal emergency rental assistance (ERA) however, if eviction filings continue to rise, it could lead to more displacement.

---

<sup>8</sup> [Homeless & Out-of-home Placement - Minneapolis Public School District \(mpschoools.org\)](#)

According to the MPS' Director for Homeless and Highly Mobile school kids, there are a "dramatic" number of kids not experiencing homelessness who, nonetheless, are highly mobile, changing schools more than once per year. Data can be provided upon request. According to the Director, there is evidence to suggest that this is a result of housing instability. Moving schools impacts kids' school performance. The performance of classrooms that experience high turnover may also be negatively impacted. The Director indicated that a locally focused study would be helpful to understand the impact of high mobility on attendance, performance etc.

The MPS' Director also pointed out that students experiencing homelessness under McKinney-Vento often end up changing schools as their family goes in and out of homelessness. Under McKinney-Vento kids experiencing homelessness have a right to stay in the same school *through the current school year*. By the end of the school year, however, if their parents secure housing, they must move schools. According to the Director, many kids with McKinney-Vento rights nonetheless change schools every year.

MPS' established centralized magnet schools with busing across the city, in part, to try and generate greater school stability. In practice, however highly mobile school kids rarely stay within Minneapolis city boundaries.

There are almost no funds/programs targeted to schoolkids who are highly mobile but not experiencing homeless. One exception is the Minneapolis Stable Homes, Stable Schools, Housing Stability Fund.

### **Minneapolis Stable Homes, Stable Schools**

Stable Homes Stable Schools is a collaborative effort by the City of Minneapolis, the Minneapolis Public Housing Authority, Minneapolis Public Schools, and Hennepin County Health and Human Services. Stable Homes Stable Schools supports children and families in two ways:

- Rental assistance and supportive services for families who meet the McKinney-Vento definition of homelessness.
- The Housing Stability Fund, which provides low-barrier funding to families who are housed but are facing housing instability or eviction.

Multiple months of emergency assistance are now offered, coupled with case management support for families that are housed but for whom one-time assistance is not adequate. Full-service support is offered at 24 elementary schools with the highest numbers of students experiencing homelessness. Housing Stability is offered at all elementary schools.

MPS social workers identify eligible families across the district, as defined as:

- Lacking "a fixed, regular, and adequate nighttime residence".
- Have at least one minor child enrolled in one of the participating Minneapolis Public Schools.
- Have household income of 50 percent or below the Area Median Income.
- Commit to certain program conditions (such as regular school attendance and parental involvement with school activities). and,
- Meet certain conditions regarding criminal history.

This school year the program has expanded, following an infusion of over \$4 million from Minneapolis and Hennepin. Emergency assistance is offered to all 43 MPS elementary schools and multi-year rental assistance was expanded from 19 to 24 schools.<sup>9</sup>

According to the MPS Director of Homeless/Highly Mobile kids, the goal for 2024 is to expand rental assistance and supportive services from 10% of MPS kids experiencing homelessness to 25%.

### Examples of City Action to Prevent Evictions of Households with Kids During the Schoolyear

**Seattle** - Ahead of the end of pandemic-era city, state, and federal eviction moratoriums, in June 2021, Seattle established a “ban” on evictions during the school year. In practice, [the ordinance](#) provides a defense against evictions during the school year for children and students, for their guardians and for educators.<sup>10</sup>

The law does not nullify a tenant’s liability for unpaid rent. Eligible tenants and their lawyers can cite [the ordinance](#) in eviction hearings as a defense against eviction from Sept 14<sup>th</sup> to June 30<sup>th</sup>. The decision as to whether to accept the defense is ultimately up to the Judge in each case. The ordinance covers the school year as set by Seattle Public Schools, though it also applies to students and educators in private schools.

[The eviction defense applies to students](#), defined as all children under the age of 18 who are currently enrolled in school or an early childhood care or education setting, and anyone who works as an employee of independent contractor of a school in Seattle. The range of employees is specifically noted to include teachers, substitute teachers, paraprofessionals, substitute paraprofessionals, administrators, administrative staff, counselors, social workers, psychologists, school nurses, speech pathologists, custodians, cafeteria workers, and maintenance workers.

Exceptions are as follows:

- A landlord may terminate a month-to-month tenancy
- The landlord issues 90 days of notice for intent to reside in the rental
- The dwelling unit is found in violation of the Land Use Code and remediation has been ordered
- The rental is a shared house and the landlord wishes to discontinue sharing it with the tenant
- The tenant creates a nuisance or engages in illegal criminal activity<sup>11</sup>

Seattle established at the same time, a “rent mitigation fund” to provide funds to eligible low-income tenant households at risk of residential eviction during the period described. The funds are available “if other sources of funds are not available to assist the tenant, or to provide financial assistance to a non-profit corporation or other housing provider that cannot evict a tenant from a rental housing unit during the period described because the unit is subject to restrictions on tenant incomes or rent as a condition of that assistance.”<sup>12</sup>

The school-year evictions ban comes on top of Seattle’s [winter eviction ban](#). Adopted in 2020, the ordinance aims to prevent evictions of households under the area median income from being evicted between Dec. 1 and

<sup>9</sup> [Stable Homes Stable Schools – Minneapolis Public Housing Authority \(mphaonline.org\)](#)

<sup>10</sup> [Seattle council votes to ban some school-year and post-pandemic evictions, guarantee lease renewals | The Seattle Times](#), June 2021

<sup>11</sup> [SEATTLE CITY COUNCIL - Record No: CB 120046 \(legistar.com\)](#)

<sup>12</sup> [SEATTLE CITY COUNCIL - Record No: CB 120046 \(legistar.com\)](#)

March 1. Like the school-year eviction ban, the winter ban ordinance must be invoked as an affirmative defense at an eviction hearing. The law does not nullify a tenant’s liability for unpaid rent. The law covers households under the median income for the area. Exemptions include:

- “Mom and pop” (small) landlords.
- Where tenants have engaged in illegal drug-related or criminal activity, or “conduct [that] has a substantial detrimental impact on . . . the health or safety of other tenants”
- A variety of business considerations concerning the unit.<sup>13</sup>

The ordinance suggests that an eviction proceeding could begin during the moratorium period, so long as it did not “result in the tenant having to vacate” between the effective dates.

A trade association for landlords, alleged that the winter eviction moratorium violated the State Constitution. In February 2021, a Washington state trial court upheld Seattle’s winter eviction moratorium. The court ruled the winter eviction moratorium constitutional on all counts.<sup>14</sup>

According to an article in an [on-line Seattle magazine](#), in practice, “lawyers prefer to connect tenants with rental assistance programs rather than use the winter eviction defense”. The article describes that “simply paying back landlords solves the problem quickly, whereas the eviction defense requires low-income tenants to pay back debts themselves. Once the judge decides a given case, Washington state law gives tenants only five court-days to pay rent debts before the court locks them in for a March 1<sup>st</sup> eviction. And even if they somehow find the money, it’s up to the judge to decide whether to allow the tenant to remain housed in the unit.”<sup>15</sup>

### San Francisco

In 2016 the San Francisco Board of Supervisors amended the Rent Ordinance to prevent evictions of school employees and tenants with children under the age of 18.

[Under ordinance N. 55-16](#), it is a defense to an eviction “if a child under the age of 18 or any educator resides in the unit, the child or educator is a tenant in the unit or has a custodial or family relationship with a tenant in the unit, the tenant has resided in the unit for 12 months or more, and the effective date of the notice of termination of tenancy falls during the school year.”<sup>16</sup>

The “school year” is defined to be the school year used by the San Francisco Unified School District. Under the ordinance, within 30 days of a notice of termination of tenancy, the tenant must submit a “statement with supporting evidence to the landlord, if the tenant claims to be a member of the class protected from eviction under the ordinance.”

The 2016 ordinance was in effect less than five months before it was overturned by a Superior Court who said less-restrictive state laws on evictions and property rights prevented cities from passing their own limitations.

---

<sup>13</sup> [SEATTLE CITY COUNCIL - Record No: CB 119726 \(legistar.com\)](#)

<sup>14</sup> [IT’S COLDER DAY BY DAY: ADOPTING A WINTER EVICTION MORATORIUM IN MINNESOTA - Minnesota Law Review](#), Daniel Suitor, Volume 105, April, 2021

<sup>15</sup> [Seattle’s Winter Eviction Protection Needs a Fix - The Stranger](#), Jan 2023

<sup>16</sup> [0055-16.pdf \(sfbos.org\)](#)



Later reinstated, the ordinance was subsequently challenged by two real estate groups who appealed to the State Supreme Court.

In 2018, California’s highest court upheld the city’s limitations on a landlord’s ability to effectuate no-fault evictions during the school year.<sup>17</sup>

### Tacoma

After much [controversy](#), in November 2023 Tacoma adopted, [by ballot initiative](#), the [Landlord Fairness Code](#) which included a prohibition on school-year and cold-weather evictions. The initiative provides that “it shall be a defense to eviction if the eviction qualifies as a student/school-year eviction or a cold-weather eviction.”

A landlord can seek a court order to be exempted from provisions and allow evictions if they can show they would experience “an undue and significant hardship” if the code were enforced.

Exceptions to the school-year and cold-weather eviction bans:

- The owner or immediate family member intends to occupy the unit.
- The unit has been condemned.
- The landlord is sharing the house and asking a roommate to vacate.
- Sexual harassment by the tenant.
- Drug-related nuisance on the premises.
- Waste nuisance or unlawful activity on the premises.
- The tenant’s conduct has substantial detrimental impact or causes an immediate threat to the health and safety of other tenants or the owner.<sup>18</sup>

### St. Paul – Guaranteed Basic Income

St. Paul’s [Families First Housing Pilot](#) provides around 70 families a \$300 monthly rent supplement and supportive services for 3 years, in partnership with St. Paul Public Schools

According to staff<sup>19</sup> in Saint Paul’s Department of Planning and Economic Development, the motivation for the program stemmed from changing housing needs, with climbing rents and decreasing vacancies.

“At the time of program creation (2022), 75% of low-income renter households were cost burdened, leading many families with young children to become highly mobile. Mobility is disruptive to a child’s educational experience and ability to focus on learning. This program was created to see if a direct subsidy to landlords would keep kids in their schools, effectively stabilizing that student. The program initially wanted to target investments to schools that have high student mobility and lower rates of consistent attendance. The program would then benefit from existing partnerships with wrap-around services that were already in those schools.”

---

<sup>17</sup> [Teachers Rejoice as Court Reinstates San Francisco's Ban on School-Year Evictions \(governing.com\)](#), Feb 2018

<sup>18</sup> <https://www.thenewtribune.com/news/local/article282654978.html#storylink=cpy>

<sup>19</sup> Interview conducted for Anti-displacement and Evictions Report, PAR, City of Minneapolis



However, due to low enrollment because of the pandemic, staff explained that the idea of targeting certain schools was dropped. Instead, program enrollment was opened to all meeting the following eligibility. To be eligible families must:

1. Rent in Saint Paul
2. Not be receiving other housing assistance (such as public housing or Section 8)
3. Have at least one student enrolled in Pre-K through 5th grade in a participating school
4. Spend at least 30% of household income on rent
5. Meet specific income limits

The program's ongoing support services are dependent on program partners which include in-school partners and Family Coordinators. In-school partners advertise the program and verify school enrollment; and Family Coordinators work with families to apply. Both partners help connect families with additional services that might be available for them like emergency grants, food shelf services, etc. Ongoing support services include Family Coordinators connecting families with other programs they might need at any time during their enrollment.