

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-1645**

Housing & Redevelopment Authority of Duluth, MN,
Respondent,

vs.

Rodney Young,
Appellant.

**Filed July 31, 2023
Reversed and remanded
Jesson, Judge
Concurring in part, dissenting in part, Smith, Tracy M., Judge**

St. Louis County District Court
File No. 69DU-CV-21-2003

Brandon M. Engblom, Housing and Redevelopment Authority of Duluth, Minnesota,
Duluth, Minnesota (for respondent)

Peter LaCourse, Legal Aid of Northeastern Minnesota, Duluth, Minnesota (for appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Jesson, Judge; and
Bryan, Judge.

SYLLABUS

District courts have inherent authority to expunge judicially held eviction records.

OPINION

JESSON, Judge

The central issue before us is whether a district court possesses inherent authority to expunge judicially held eviction records. The legislature provides statutory-expungement authority where an eviction case “is sufficiently without basis in

fact or law, . . . 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 (2022). But appellant Rodney Young did not seek statutory expungement here. Rather, he asked the district court to expunge his eviction record under its inherent authority.

We hold that district courts have inherent authority to expunge judicially held eviction records. To determine whether expungement is appropriate, district courts should apply the balancing test that the Minnesota Supreme Court established for expungement of judicially held criminal records, found in *State v. C.A.*, 304 N.W.2d 353, 358 (Minn. 1981). But on the record before us, it is not clear that the district court considered its inherent authority or applied this test, as opposed to the separate—and different—statutory factors. Accordingly, we reverse and remand.

FACTS

Young leased an apartment from respondent Housing and Redevelopment Authority of Duluth (Duluth HRA) beginning in August 2017. In July 2021, Duluth HRA gave Young notice that it was terminating his lease for violating its terms. These violations included use of illegal drugs, illegal drug possession, and ongoing complaints and disturbances.

During an administrative appeal of the termination decision, the parties reached a settlement. Young agreed to vacate the unit by October 15, 2021 at midnight. When Young did not vacate, Duluth HRA initiated an eviction action based on breach of lease and holding over, but it eventually agreed to a second settlement that called for Young to

vacate before by November 22, 2021 at 4:30 p.m. Again, Young did not do so. After this second violation of a settlement agreement, Duluth HRA obtained a judgment and writ of recovery based on an affidavit of noncompliance with the settlement agreement, placing an eviction on Young's record.

In August 2022, Young applied for expungement of his eviction record. In an affidavit accompanying his application, Young stated that after his eviction, he became homeless, which has harmed his mental and physical health. With housing, he previously had a personal-care assistant, but without a home he can no longer have one. And since his eviction, Young's health has deteriorated to the point of hospitalization.¹

Young received a hearing on his expungement petition before a referee, where he argued that the district court has inherent authority to expunge eviction records.² The referee held that district courts have inherent authority to expunge evictions, but it denied Young's request for expungement, holding that under the balancing test laid out in *C.A.*, the harms to Young did not outweigh the benefits to the public in knowing about his eviction.³

¹ Duluth HRA does not dispute these facts, stating at the hearing before the district court, "We understand and we don't even dispute that he's suffering homelessness and that has its own parade of horrors that it comes with."

² Between the filing of his expungement petition and the referee hearing, Young obtained an attorney, and he was represented by counsel at both the hearing before the referee and the later hearing before the district court.

³ Specifically, the referee explained:

The Defendant here was not simply evicted for non-payment, financial hardship, or other similar issues that could be connected to an inability to abide by the lease. Rather, Defendant's lease was terminated due to significant material

Young requested district court review of the referee's decision and received a hearing at the district court. *See* Minn. Stat. § 484.013, subd. 6 (2022) (providing statutory basis for district-court review of a referee's decision). In its form order, the district court checked the box indicating that Young failed to meet the statutory basis for expungement and denied Young's request.

Young appeals.

ISSUES

- I. Do district courts have inherent authority to expunge judicially held eviction records?**
- II. If district courts have inherent authority to expunge eviction records, what is the applicable test to determine whether to exercise this authority?**
- III. Did the district court abuse its discretion when it denied Young's request to expunge his eviction record?**

ANALYSIS

Minnesota Statutes section 484.014, subdivision 2, provides the statutory basis for district courts to expunge eviction records, stating that a district court may expunge an eviction record if three factors are met:

lease violations involving intentional, and sometimes criminal, acts. Beyond that, Defendant then went on to manipulate the processes put forth for public housing and good faith negotiations by entering settlements and then failing to abide by them. The expense, time, and good faith of the HRA in this situation bears weight. The public interest in knowing of this eviction under these circumstances is significant. The potential benefit Defendant may obtain from the [expungement] does not outweigh that interest under these facts. As such, the request to expunge by means of inherent authority is denied.

The court may order expungement of an eviction case court file only upon motion of a defendant and decision by the court, if the court finds that the plaintiff's case is *sufficiently without basis in fact or law*, which may include lack of jurisdiction over the case, that *expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record*.

(Emphasis added.)⁴

But Young does not claim he is entitled to statutory expungement. Rather, he argues that the district court possessed inherent authority to expunge his eviction record. Whether a court's inherent authority extends this far is a question of law that we review de novo. *See State v. Pflepsen*, 590 N.W.2d 759, 763 (Minn. 1999) (explaining that questions concerning the authority of district courts are legal issues subject to de novo review). It is also a question of first impression.⁵

To address this question, we first look for guidance in caselaw considering a court's inherent authority to expunge criminal records. Applying that caselaw, both parties here

⁴ We also note the expansion of statutory-eviction-expungement authority in the 2023 legislative session, which is not applicable to this action. 2023 Minn. Laws ch. 52, art. 19, §§ 117-18; ch. 63, art. 6, § 54.

⁵ The legislature references expungement of evictions via an exercise of a district court's inherent authority, stating, "If the court or jury *finds for the defendant* . . . the [district] court may expunge the records relating to the action under the provisions of section 484.014 or under the court's inherent authority at the time judgment is entered or after that time upon motion of the defendant." Minn. Stat. § 504B.345, subd. 1(c)(2) (2022) (emphasis added). But no precedential case has held that district courts have inherent authority to expunge eviction records without a determination that the eviction case is "sufficiently without basis in fact or law" under Minnesota Statutes section 484.014, subdivision 2, or a finding for the tenant under Minnesota Statutes section 504B.345, subdivision 1(c)(2).

agree that district courts have inherent authority to expunge judicially held eviction records.⁶ For the reasons outlined below, we agree.

We ground our decision in a court's inherent authority to control its own records. The Minnesota Supreme Court relied upon this authority when it acknowledged the ability of a court to expunge criminal records. Given the similarity between eviction and criminal records, we conclude that the inherent judicial power to expunge records extends to judicially held eviction records. Next, we offer guidance to district courts on the appropriate balancing test to utilize and what considerations may guide the exercise of this inherent power. But because we cannot determine, based on the record before us, whether the district court analyzed Young's request under its inherent authority, we reverse and remand to permit the district court to specifically address that issue.

I. District courts have inherent authority to expunge judicially held eviction records.

The inherent authority of the courts to control their own records is well established since courts have the inherent judicial power to control things that are “essential to the existence, dignity, and function of a court because it is a court.” *Clerk of Ct.'s Comp. for Lyon Cnty. v. Lyon Cnty. Comm'rs*, 241 N.W.2d 781, 784 (Minn. 1976). Accordingly, every court in Minnesota “has supervisory power over its own records and files.” *Minneapolis Star & Trib. Co. v. Schumacher*, 392 N.W.2d 197, 202 (Minn. 1986) (quotation omitted). This authority derives from the Minnesota Constitution, which vests

⁶ This court is not controlled by the agreement of parties regarding questions of law. *Rayford v. Metro. Transit Comm'n*, 379 N.W.2d 161, 164-65 (Minn. App. 1985), *rev. denied* (Minn. Feb. 14, 1986).

the judicial power of the state in the “supreme court, a court of appeals, . . . a district court and such other courts . . . as the legislature may establish.” Minn. Const. art. VI, § 1. And when the courts came into existence, they “came with inherent powers.” *In re Greathouse*, 248 N.W. 735, 737 (Minn. 1933).

To determine whether inherent authority exists to grant a petitioner’s request, we ask whether the relief requested by an aggrieved party is necessary to the performance of the judicial function as contemplated in the Minnesota Constitution. *Buckner v. Robichaud*, ___ N.W.2d ___, ___, 2023 WL 4340153, at *3 (Minn. July 5, 2023); *State v. M.D.T.*, 831 N.W.2d 276, 280 (Minn. 2013). To answer this question, we consider the well-established precedent holding that Minnesota courts have inherent authority over criminal records. This authority was first recognized in *In re R.L.F.*, where the Minnesota Supreme Court held that if a statute does not provide for expungement of a criminal record, a court may expunge a criminal record under its inherent authority where “the petitioner’s constitutional rights may be seriously infringed by retention of [the] records.” 256 N.W.2d 803, 808 (Minn. 1977). Soon after, the supreme court held that even without an infringement of constitutional rights, district courts may expunge judicially held records in appropriate criminal cases if it “will yield a benefit to the petitioner commensurate with the disadvantages to the public from the elimination of the record and the burden on the court in issuing, enforcing and monitoring an expungement order.” *C.A.*, 304 N.W.2d at 358. Later, this court set out factors district courts should consider when exercising their inherent authority to expunge criminal records where a

constitutional right is not implicated.⁷ *State v. H.A.*, 716 N.W.2d 360, 364 (Minn. App. 2006). The exercise of this inherent authority permits courts to, among other things, “control court records . . . in order to reduce or eliminate unfairness to individuals.” *C.A.*, 304 N.W.2d at 358.

The rationale that undergirds expungement of criminal records—the power of the judicial branch to control its own functioning while reducing or eliminating unfairness to individuals—applies to expungement of eviction records as well. Whether the relief requested by an aggrieved party is necessary to the performance of the judicial function as contemplated in the Minnesota Constitution does not depend on whether the petitioner requests expungement of a particular type of record. A court has supervisory power over *all* its own records and files, not just criminal records. *Id.* (explaining that inherent power gives courts the power to direct the functioning of the court, including power over court records and agents of the court). And this power is precise. A court can only expunge eviction records held by the judicial branch. *See M.D.T.*, 831 N.W.2d at 284.

We recognize that while eviction records, like criminal convictions, can serve as barriers to obtaining housing, employment, and health care,⁸ the impediments raised by

⁷ And we clarified that a district court’s inherent power to expunge judicially held records does not depend on whether the petitioner’s conviction remains valid. *See, e.g., State v. N.G.K.*, 770 N.W.2d 177, 184 (Minn. App. 2009) (affirming expungement of judicially held records of a conviction that had not been overturned).

⁸ *See* Allyson E. Gold, *No Home for Justice: How Eviction Perpetuates Health Inequity Among Low-Income and Minority Tenants*, 24 Geo. J. on Poverty L. & Pol’y 59, 70-73 (2016) (explaining that evictions and the records they create harm both physical-health and mental-health outcomes). Evicted tenants are more likely to apply to homeless shelters, more likely to spend more time in homeless shelters once there, and are 70% more likely to visit the emergency room than members of nonevicted households. Judith Fox, *The*

eviction records may not always reach the level of harm caused by criminal records. But that is an issue for the district court in weighing the expungement petition. It does not change the nature of the judicial function to control judicial records.⁹

Because the relief requested by a party seeking to expunge eviction records is necessary to the performance of the judicial function as contemplated in the Minnesota Constitution, we hold that district courts have inherent authority to expunge judicially held eviction records.

II. District courts should consider the balancing test in *State v. C.A.* and all relevant factors that impact that analysis when determining whether to use inherent authority to expunge an eviction record.

Because we hold that district courts have the inherent authority to expunge judicially held eviction records, we turn to how that decision should be made. Our guidance is grounded in Minnesota Supreme Court precedent. District courts should undertake this analysis by balancing the (1) benefit to the petitioner; (2) disadvantages to the public; and

High Cost of Eviction: Struggling to Contain a Growing Social Problem, 41 Mitchell Hamline L.J. of Pub. Pol’y & Prac. 167, 170 (2020). And if an evicted tenant is able to obtain housing, it is often below standard housing conditions, which can expose tenants to further health problems, hazardous conditions, and physical injury. Frances Mock, *Blacklisted: An Argument for Eviction Record Suppression in South Carolina in Response to the Housing Crisis*, 15 Charleston L. Rev. 529, 533-34 (2021).

⁹ The relief sought here—to invoke inherent authority to address the maintenance of judicial records that allegedly harm someone in an unfair way—is a far cry from the imposition of sanctions by a district court for conduct with no connection to a court action or record. *Buckner*, 2023 WL 4340153, at *4. As the supreme court explained in *Buckner*, a district court lacks inherent authority to award attorney fees based merely on a party’s flouting of a private settlement agreement. *Id.* That award, far removed from a judicial record or current case, was not “necessary to the performance of a judicial function.” *Id.* In contrast, maintenance of judicial records does affect “the existence, dignity, and function of a court because it is a court.” *Lyon Cnty.*, 241 N.W.2d at 784.

(3) burden on the court regarding the expungement order. *See C.A.*, 304 N.W.2d at 358.

As the supreme court directed regarding petitions to expunge criminal records, “the court must decide whether expungement will yield a benefit to the petitioner commensurate with the disadvantages to the public from the elimination of the record and the burden on the court in issuing, enforcing and monitoring an expungement order.” *Id.*

In conducting this balancing test, district courts should consider all relevant factors. Relevant factors may include factors similar to those established in *State v. H.A.* for criminal-record-expungement decisions. 716 N.W.2d at 364. These factors, modified from *H.A.* to apply to the eviction context, include the following:

- the extent that a petitioner has demonstrated difficulties in securing housing as a result of the records sought to be expunged;
- the seriousness and nature of the reason for eviction;
- the potential risk that the petitioner poses and how this affects the public’s right to access the records;
- any additional eviction-related offenses or rehabilitative efforts since the eviction; and
- other objective evidence of hardship under the circumstances.

See id. (outlining factors for courts to consider in criminal-record-expungement decisions).

In certain circumstances, an additional factor may be whether any back rent is owed, how much is owed, and if a payment plan is in place.¹⁰

¹⁰ We observe that a concurrence in a nonprecedential case suggested seven factors, including this one. *At Home Apts., LLC v. D.B.*, No. A18-0512, 2019 WL 178509, at *4 (Minn. App. Jan. 14, 2019) (Connolly, J., concurring). The factors are: (1) whether any back-rent is owed, how much is owed, and if there is a payment plan in place; (2) a petitioner’s eviction history; (3) the cause for the nonpayment of rent—whether it was due

In sum, when addressing an expungement petition involving eviction records, district courts should apply the balancing test established in *C.A.* 304 N.W.2d at 358. In doing so, district courts may consider all relevant factors, including, where appropriate, the six factors listed above.

III. Because we cannot discern on this record if the district court evaluated the expungement petition here in light of its inherent authority—as opposed to the statutory factors—we reverse and remand.

Young challenges both the referee’s order and the district court’s order. We review only the district court’s order if it changes the referee’s order upon completion of its review. Minn. Stat. § 484.70, subd. 7(e)(3) (2022). Here, the referee concluded that it had inherent authority to expunge an eviction record, but given these facts, declined to exercise that power. But when the district court reviewed the referee’s decision, it denied Young’s expungement motion for not meeting the statutory factors under Minnesota Statutes section 484.014, subdivision 2, and did not mention inherent authority. Because the district court on review denied Young’s expungement motion on different grounds, the district court order supplants the referee’s order.¹¹ Accordingly, we review the district court’s

to economic hardship or a mere willful refusal; (4) the length of time since the petitioner’s last eviction; (5) whether the eviction was for a material breach of the lease other than nonpayment of rent (e.g., conducting illegal activity on the leased premises); (6) the number of evictions with the same landlord as opposed to different landlords; and (7) the term of the lease. *Id.* District courts may consider all relevant factors, including these factors, when making expungement decisions under their inherent authority, but we do not highlight them because many are subsumed in the broader considerations outlined in *H.A.* 716 N.W.2d at 364. The parties here offer other factors for consideration, but because the factors we lay out are broad, we do not address these more specific suggestions.

¹¹ Young contends that because the district court’s order did not overrule the referee decision, we should review both the referee and the district court orders. But the statute does not require the district court to overrule the referee order to supplant it; rather, the

decision—not the referee’s—for an abuse of discretion. *Cf. State v. Whelan*, 189 N.W.2d 170, 173-74 (Minn. 1971) (holding that the district court did not abuse its discretion in denying a motion grounded in the court’s discretionary authority). And a district court abuses its discretion if its decision is based on an erroneous view of the law. *State v. Guzman*, 892 N.W.2d 801, 810 (Minn. 2017).

In this case, when viewing the law, the district court did not have the benefit of precedent establishing that it had inherent authority to expunge judicially held eviction records. That lack of authority may have contributed to the district court denying the petition for failure to meet the *statutory* factors.

Here, the district court checked the box indicating that it denied Young’s request because Young “failed to prove that expungement is warranted under” Minnesota Statutes section 484.014 (2022). It did so on a form order that did not contemplate expungement based on inherent authority. And in the first three paragraphs of its explanation, the district court listed the statutory balancing test and applied it to Young’s petition. But in the fourth paragraph, the district court discussed the balance between the disadvantages to the public in expunging Young’s record and the impact of the eviction record on Young. While this analysis tracks the statutory balancing test, it also resembles the balancing test from *C.A.*, which was argued by the parties at the hearing before the district court. 304 N.W.2d at 358. And in the final paragraph of the order, the district court found that Young “has not demonstrated that the benefit to him in granting the expungement is *commensurate with*

district court only needs to change the order. Minn. Stat. § 484.70, subd. 7(e)(3). Because the district court did so here, we review only the district court’s order.

the disadvantages to the public from granting it,” which is language from *C.A. Id.* (emphasis added).¹²

Thus because it is not clear whether the district court applied the standard for expungement based on the court’s inherent authority when it denied Young’s expungement request, we cannot review its order. *See In re Amitad, Inc.*, 397 N.W.2d 594, 596 (Minn. App. 1986) (“Where the trial court has broad discretion, the Minnesota Supreme Court has demonstrated persistence in demanding findings to explain the trial court’s exercise of discretion.”). Accordingly, we remand for further findings consistent with this opinion.¹³

DECISION

District courts have inherent authority to expunge judicially held eviction records. When analyzing whether to expunge judicially held eviction records, district courts should conduct the balancing test provided in *C.A.*, 304 N.W.2d at 358, and consider all factors relevant to that analysis, which may include (a) the extent that a petitioner has demonstrated difficulties in securing housing as a result of the records sought to be expunged; (b) the seriousness and nature of the reason for eviction; (c) the potential risk that the petitioner poses and how this affects the public’s right to access the records; (d) any additional

¹² We further observe that during the hearing, the district court commented regarding the statute, stating: “The *statute* does not say that every case is expunged and if that were the intention, I would certainly expect that the *statute* would say something like that.” (Emphasis added.) But the court asked additional questions regarding the *benefit* to the tenant, a consideration in *C.A.* 304 N.W.2d at 358.

¹³ Young contends that the district court abused its discretion by not adequately acknowledging the hardship he faces due to his eviction record. Because we do not reach the merits of Young’s argument, we need not consider his argument here.

eviction-related offenses or rehabilitative efforts since the eviction; (e) other objective evidence of hardship under the circumstances; and (f) in actions based on nonpayment of rent, whether any back rent is owed, how much is owed, and if there is a payment plan in place. Finally, because we cannot discern whether the district court applied the law regarding the courts' inherent authority when it denied Young's expungement request, we reverse and remand for the district court to analyze Young's expungement request under that law.

Reversed and remanded.

SMITH, TRACY M., Judge (concurring in part, dissenting in part)

I concur in Section I of the majority's opinion. I also concur in Section II but emphasize my view that the test for inherent authority, drawn from the Minnesota Supreme Court's decision in *State v. C.A.*, 304 N.W.2d 353 (Minn. 1981), should be applied based on the facts and circumstances of the particular case and that the factors identified in Section II are neither exclusive nor mandatory in every case.

I respectfully dissent from Section III because I believe the district court, like the referee, in fact applied the inherent-authority test in analyzing appellant Rodney Young's request that the district court expunge his judicially held eviction record. Because I believe the district court applied the inherent-authority test, I address the parties' arguments on the merits and conclude that the district court did not abuse its discretion in denying Young's expungement request. I would therefore affirm.

1. The district court analyzed expungement under its inherent authority.

As articulated in *C.A.*, the test for expungement of judicially held criminal records when denial of a constitutional right is not involved is "whether expungement will yield a benefit to the petitioner commensurate with the disadvantages to the public from the elimination of the record and the burden on the court in issuing, enforcing and monitoring an expungement order." 304 N.W.2d at 358.

The district court's order here reads as follows:

Minnesota Statutes § 484.014, subd. 2, provides that the Court "may order expungement of an eviction case court file only upon the motion of a defendant and decision by the court, if the court finds that the plaintiff's case is sufficiently without basis in fact or law, which may include lack of jurisdiction over the

case, that expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record."

What this statute does not say is that every eviction case court file should be expunged. Defendant argues that having this eviction on his record has significant negative impacts on him. The Court finds this is likely true, but it is likely true in every case. Therefore, this impact does not carry the "huge" significance that Defendant asserts that it does.

On the other hand, the statute, and case law interpreting it, make clear that there is a significant public interest in knowing about the record. Defendant asserts that the Defendant did not admit to the allegations of the Complaint so the Court cannot consider them in determining this matter. But, likewise, the Defendant did not challenge them, instead opting to settle. He did not at any time argue that the Plaintiff's case was without basis in law or fact. That is not to say he admitted to the allegations, but if he had a strong defense based on law or fact, he likely would not have agreed to the settlement. Further, Defendant violated the very terms he agreed to in the settlement. Settlement agreements are favored by the law, and Defendant agreed not once, but twice, to vacate the property and then failed to do so.

The disadvantages to the public in expunging this case outweigh the impact on the Defendant. Plaintiff has described its interest, as a government entity, in transparency in what it does. It also has a legitimate interest in protecting other landlords who serve the same population. Expungement would prevent other landlords from knowing that Defendant has been evicted if he were to apply to rent from them. Finally, Plaintiff here acted in good faith, twice, in entering into settlement agreements with the Defendant who violated those agreements on both occasions. Granting an expungement to the Defendant in these circumstances could have a chilling effect on Plaintiff's willingness to work with other tenants to resolve their eviction cases by settlement. Finally, as recognized by the Court of Appeals, there is a burden on the court in issuing, enforcing and monitoring an expungement order.

For all these reasons, the Court finds that the Defendant has not demonstrated that the benefit to him in granting the expungement is commensurate with the disadvantages to the public from granting it. The Defendant's motion is, therefore, denied.

In these paragraphs, the district court explicitly addressed all three parts of the inherent-authority balancing test—the benefit of expungement to Young; the disadvantages of expungement to the public; and the burden on the courts in issuing, enforcing, and monitoring expungement. After doing so, the district court found—in language almost identical to the language in *C.A.*—“that [Young] has not demonstrated that the benefit to him in granting the expungement is commensurate with the disadvantages to the public from granting it.” It is true that the district court used a court form for statutory expungement and discussed facts that would be relevant to expungement under the statutory test. But I think it is clear from the order that the district court also applied *C.A.*'s balancing test for inherent-authority expungement.

In addition, there was no question that Young was seeking only inherent-authority expungement. In his memorandum of law and arguments to the district court, Young's counsel made clear that this was only an inherent-authority case, citing *C.A.* and employing the balancing test articulated in that case. And the referee's order, which was the subject of the district court's review and which the district court confirmed, cited *C.A.* and explicitly addressed only inherent-authority expungement.

Finally, although he challenges the decision, even Young agrees that the district court analyzed his expungement request under the district court's inherent authority. He

seeks reversal of the decision on the merits and a remand directing the district court to order expungement, not a remand for further decision making.

Because I think that the district court actually decided the issue, I turn to Young's argument that the district court abused its discretion when it denied expungement under its inherent authority.

2. The district court did not abuse its discretion by denying expungement.

Appellate courts review a district court's decision to invoke its inherent authority for an abuse of discretion. *Buckner v. Robichaud, Jr.*, __ N.W.2d __, __, 2023 WL 4340153, at *3 (Minn. July 5, 2023).

Young asserts that the district court improperly discounted the impact of the eviction record on Young when it stated that the impact "is likely true in every case;" failed to take into account that, under the retention schedule for judicial branch records, Young's eviction record was subject to destruction in the near future, signaling diminished public interest; gave improper weight to the public's interest in knowing about Young's eviction as compared to the benefits to him from expungement; and failed to consider that Young did not owe rent¹ or have a history of evictions. Young asserts that the district court's "findings against expungement were clearly erroneous because they failed to consider the benefits to Mr. Young and improperly weighed other factors."

Respondent Housing & Redevelopment Authority of Duluth (Duluth HRA) counters that the district court did not abuse its discretion because it expressly considered

¹ Because Young's eviction was not based on nonpayment of rent, this fact is not relevant.

that Young would benefit from expungement; that Young did not contest the eviction action or its underlying basis in law and fact; that Young agreed to settle the case and then violated the terms he agreed to; that Duluth HRA acted in good faith in resolving the case; and that Duluth HRA is a governmental entity and has a “legitimate interest in opposing Mr. Young’s request for the protection of other landlords that participate in its subsidized programs.”

I would conclude that the district court did not abuse its discretion by denying the request. The district court took into account the benefits of expungement to Young; the specific circumstances underlying this eviction—namely, violations of two settlement agreements; and the specific public interest in the eviction record given Duluth HRA’s governmental status and the desire not to discourage landlords from participating in subsidized housing. The district court balanced the competing interests and found that Young had not established a case for expungement under the district court’s inherent authority. I see no abuse of discretion in that decision and would affirm.