

Cities and the state should do more to protect the tenants of irresponsible landlords

By Eric Hauge | Monday, Jan. 30, 2011

The Twin Cities metro area is experiencing a rise in irresponsible landlords and rental housing license revocations. The media have highlighted issues in [Minneapolis](#) (1,000+ units), [Burnsville](#) (100+ units), [St. Paul](#) (50+ units), and have identified [extremely destructive landlords](#). Reckless landlords and license revocations force thousands of families into a costly and competitive rental market, where most will pay higher rents or face homelessness because of their landlord's neglect — while also reducing the stock of non-subsidized affordable housing in the metro area. We need comprehensive "truth in rental leasing" tools to help tenants and cities eliminate problem landlords before they damage our communities. Cities can be more proactive in protecting residents rather than penalizing innocent renters for the inaction of their landlord.

For renters, these rental license actions present a serious dilemma. Most often it is the residents of poorly managed apartments who make the first call requesting inspections. Renters believe it best to ask their city to hold a landlord accountable, especially cities that employ housing inspectors, have rental housing codes, and license rentals as local businesses. The tenants' only legal alternative is to invoke their rights under state landlord/tenant law in court — a process that requires understanding of the law, considerable time and money, and an inclination to put oneself in the crosshairs for retaliation from the landlord.

The dilemma comes when an inspector cites a landlord for disrepair, the landlord repeatedly ignores the city, and residents are eventually forced out. Generally, the public-policy purpose guiding rental licensing is to hold landlords accountable for poor housing conditions and to ensure health and safety of residents. Both are well-intentioned goals — but for these recent license revocations, the goals are not accomplished.



Forced-out tenant sends the wrong message

True, landlords ultimately feel pressure when their apartments are emptied of rent-paying tenants — but at what expense? Hundreds of families are ejected into the competitive rental market or into

homelessness when, through no fault of theirs, a landlord fails to act responsibly. This is counterintuitive to the entire purpose of licensing and inspections. A tenant forced out because of his landlord's inaction sends the wrong message to others who might consider calling a city inspector. Why call if it means you'll ultimately lose your housing through city enforcement of ordinances?

Government regulation of the rental housing business — through state law permitting tenants their day in court and city authority to license and inspect rentals — is failing for residents who are in most need of it. Many families face barriers to attaining safe, stable housing including: lack of housing subsidies, unaffordable rents, a dismally small rental vacancy rate, imperfect rental or credit histories, costs of moving, and language differences or citizenship issues.

Irresponsible landlords must be held accountable immediately instead of months or years down the line. In fact, cities already have the tool to do this. Cities that collect evidence of poor conditions via inspections can initiate a [Tenant Remedies Action](#). This action permits a judge to place a 3rd-party administrator in control of an apartment, tasking them to return it to good conditions. This process is cheaper and more effective than re-inspecting units or forcing tenants out; it does not cause homelessness, and the end result is not vacant, boarded-up apartments. Rather, it addresses the core problem: the irresponsible landlord, not the tenants or the apartment building.

Several cities have successfully used Tenant Remedies Actions to maintain safe rental housing and to hold landlords responsible. More cities should consider this effective tool.

More tools needed

State laws can work to protect renters, but only when court enforcement is accessible to those who are most vulnerable — a situation we are not achieving when thousands of rental units are threatened with condemnation and a minority of residents (and cities) invoke their rights in court. Meanwhile, housing instability racks up substantial taxpayer costs through shelter expenses and social services. We need more efficient and accessible tools to deal with irresponsible landlords.

The governor and state Legislature should pass "truth in rental leasing" legislation that requires irresponsible landlords to disclose their rental business history to cities and prospective tenants. This would give tenants the information they need to screen their future landlord (a practice landlords commonly use when selecting tenants). It would provide cities stronger tools to properly regulate a business that affects thousands of its constituents by allowing them to deny licenses to problem landlords before they cause havoc. Cities could restrict this small group of bad actors from doing business, while the majority of landlords who operate responsibly would benefit with increased business.

Eric Hauge is a tenant organizer at [HOME Line](#), a nonprofit whose mission is to provide "free legal, organizing, educational and advocacy services so tenants throughout Minnesota can solve their own rental housing problems. HOME Line works to improve public and private policies relating to rental housing by involving affected tenants in the process."

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(#1) On January 30, 2012, Thomas Swift says:

First, let me say that I'm fully aware that there are some really shady landlords out there.

But isn't it also a fact of life that the clap-traps they maintain provide a last-ditch shelter for shady tenants?

That is to say, it's all well and good to declare war on slumlords, but unless the state decides to get back into the "project" business (not likely), there is simply a limit to how stringent inspectors can be unless they are willing to put people out on the street.

The author doesn't say, but I'm assuming the costs incurred from a Tenant Remedies Action are expected to come from the land owners pocket. We've already seen what happens when a slumlord is forced into a corner; they simply walk away.

And pursuing a judgement can, and will be thwarted by a bankruptcy declaration.

Isn't it more realistic to draft laws for minimum allowable safety standards and enforce them through the criminal courts?

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