



Tenant Hotline
Phone: 612-728-5767
Online: [homelinemn.org/email](mailto:homelinemn.org)

Overview of HOME Line's 2022 Legislative Agenda

January 12, 2022 – 1:30-3:00 pm

Michael Dahl, Public Policy Director

Eric Hauge, Executive Director

Rachael Sterling, COVID-19 Eviction Response Coordinator & Housing Attorney

Minnesota State Senator Kari Dziedzic

Minnesota State Representative Kaohly Vang Her

What is HOME Line?

- HOME Line is a statewide nonprofit organization providing free legal, educational, and advocacy services to Minnesota renters. We have advised approximately 250,000 renters since 1992.
- Our primary program is a free and confidential legal hotline any Minnesota renter can contact us to receive legal advice specific to their situation, in 4 languages.
- HOME Line has a staff of 26, including attorneys, tenant advocates, and tenant organizers. We also rely on volunteers and interns.



What is HOME Line?

HOME Line Tenant Hotline:

612-728-5767

Toll-free: 866-866-3546

- Para Español, llame al 612-255-8870
- Af- Soomaali wac 612-255-8860
- Hais lus Hmoob, Hu 612-255-7104
- Online: *homelinemn.org/email*



Eviction Moratorium Phaseout Resources

Timeline, Key Points, FAQ:
homelinemn.org/phaseout

Phaseout Webinar Series:
homelinemn.org/schedule

Previous Webinar Recordings:
homelinemn.org/webinars





Minnesota Tenant/Landlord Law Webinar Schedule

- Wednesday, January 12, 2022 — 1:30-3pm
 - *State legislators Sen. Kari Dziedzic and Rep. Kaohly Vang Her will join us to speak about proposed tenant/landlord legislation.*
- Wednesday, February 2, 2022 — 1:30-3pm
 - *Guest speakers from Housing Justice Center on navigating RentHelpMN*
- More webinars & topics to be scheduled in 2022:
 - *An analysis of statewide eviction filings since the eviction moratorium phaseout began*
 - *Updates on control measures in Mpls & St. Paul*
 - *General Q&A on tenant/landlord issues*

To register, visit: homelinemn.org/schedule



COVID-19 Emergency Rental Assistance RentHelpMN.org / 2-1-1



**“I just want to
get caught up
on my bills.”**

GET RENT HELP MN TODAY

Visit renthelpmn.org or call 211

COVID-19 Emergency Rental Assistance



COVID-19 Emergency Rental Assistance Saint Paul - Ramsey County Rent Assistance Program



SAINT PAUL
MINNESOTA



RAMSEY COUNTY

**Saint Paul – Ramsey County
Rent Assistance**

More information:

<https://www.ramseycounty.us/residents/assistance-support/assistance/financial-assistance/emergency-assistance>

Application:

<https://submit.caprw.org/forms/cera>

Phaseout Overview

Rachael Sterling
COVID-19 Eviction Response Coordinator & Housing
Attorney



What is happening with evictions?

- Beginning 10/12/2021 almost all evictions allowed pre-pandemic are allowed again
 - Exception still for non-payment of rent evictions for tenants with a pending rental assistance application
 - Protection lasts through **June 1, 2022**
 - If a tenant can reasonably access info they must provide the landlord or court with proof of the pending application and the reason, if any, for delay in processing the application
 - **The tenant MUST show up to (virtual/Zoom) court for any scheduled eviction hearing**, whether they have a pending rental assistance application or not.
 - An eviction is almost certain to occur if the tenant does not show up to their hearing.
- Tenants should seek legal advice about their situation before their court hearing.



Pre-Eviction Filing Notice Requirements

- No more state level pre-eviction notice requirement
 - Some cities have a pre-filing eviction notice requirement
 - St. Louis Park - 7 days for non-payment evictions
 - Minneapolis - 14 days for non-payment evictions
 - Federal pre-filing eviction notice requirements for certain types of properties
 - CARES Act
 - HUD Properties



Recent Updates

- RentHelpMN application for future rent is now limited to 1 month (previously was up to 3)
- Local mask / face covering mandates that impact rental housing:
 - Minneapolis
 - Hopkins
 - Golden Valley



Overview of HOME Line's Legislative Agenda

Michael Dahl
Public Policy Director

Senator Kari Dziedzic

Representative Kaohly Vang Her



Context

There are roughly 15,000 residential evictions filed in a normal, non-pandemic year, which is less than 3% of the rentals in Minnesota.



Context

- What was acceptable in the 1970's and 80's, when many of our current landlord/tenant statutes were enacted (and before the internet existed), is no longer sufficient.
- Some of our landlord/tenant statutes are much older than that – much of the framework of our eviction rules are from when Minnesota was a territory.



Context

- Cities are stepping in because at the state level, landlord/tenant law has simply not kept up. As such, a hodgepodge of local ordinances are replacing what is a state responsibility – a guide for consistent tenant-landlord relationships.



Context

Landlords write the leases.

We need state law to provide tenant protections
to better balance the playing field.



Overview of HOME Line's 2022 Legislative Agenda

- 14-day pre-eviction notice
- Eviction expungement reform
- Prohibit non-optional fees for non-optional services
- Privacy statute clarification and strengthening
- Break lease due to infirmity
- Establish a statewide heat code
- Expand number of emergency repairs
- Reduce court filing fees



Pre-Eviction Notice

Minnesota is one of only 4 states that does NOT require a landlord formally notify a tenant before filing an eviction action for nonpayment of rent.



Pre-Eviction Notice

- Pre-filing **notice would be required 14 days before a formal eviction action** can be brought in court to provide tenants an opportunity to fix the problem, negotiate an agreement with the landlord, or quit the lease and vacate the apartment unit making an eviction filing unnecessary.
- Pre-filing notice would **include information** on how tenants can seek legal help and apply for emergency financial assistance.
- Avoiding eviction court **saves time and money**: courts are less busy, landlords are paid or the issue is resolved, and tenants don't experience a harmful mark on their records.



Eviction Expungement Reform

The simple filing of an eviction action by a landlord **appears immediately on a tenant's record**, before the court has rendered a judgement or even heard the case. Once an eviction is filed, it **appears on the renter's record as an "eviction" indefinitely** and is reportable by tenant screening agencies for the next seven years, whether the eviction was warranted or not.



Eviction Expungement Reform

- Eviction reporting would be **prohibited until a court judgement is rendered in favor of the landlord**. This gives tenants the opportunity to remedy the situation before it harms their record.
- The court would **order an expungement if**: 1) the tenant prevailed; 2) the case was dismissed; 3) the parties agreed to expungement or upon request of the tenant if the case was settled and tenant fulfilled the terms; 4) the eviction was ordered three or more years ago.
- The court would **consider an expungement if** there's a change in a defendant's circumstances indicating the eviction case is not a reasonable predictor of future tenant behavior.



Prohibit Non-Optional Fees for Non-Optional Services

An increasing number of landlords **charge fees for non-optional services** rather than including costs in the advertised rent for an apartment. Move-in and move-out fees, lease processing fees, are imposed on unsuspecting, prospective tenants.



Prohibit Non-Optional Fees for Non-Optional Services

Administrative costs must be **incorporated in the tenant's rent** so they understand how much they will pay each month before they enter into a lease.



Privacy Statute Clarification and Strengthening

While many people assume that the law requires a 24-hour notice, Minnesota law simply states that landlords must give tenants “reasonable notice” to enter their apartments for non-emergency reasons. The term **“reasonable” is very subjective**, and can rob tenants of the privacy in their home that they pay for and deserve, and their ability to make sure their home is prepared and they can be present, if they wish.



Privacy Statute Clarification and Strengthening

Unless it is an emergency: 1) a tenant would have a minimum of **24-hours' notice from the landlord** prior to entering the tenant's home, and 2) the landlord would only be able to **enter between 8 a.m. and 8 p.m.** and give a **four-hour window**. That said, if the tenant wants to grant access earlier or outside the 8 am - 8 pm time frame, that is also their right. If a tenant's right is violated, they would be able to sue during or after a tenancy for a **meaningful penalty**.



Break Lease Due to Infirmity

Minnesota does not allow a tenant to break a lease due to a medical condition. The Fair Housing Act does not explicitly give a tenant this right, which is why a growing number of states (eight, thus far) have enacted their own laws protecting some of their most vulnerable citizens. Minnesota should follow putting this statement explicitly in statute.



Break Lease Due to Infirmity

Renters who have a physician-certified medical condition, illness, or disability that hinders their ability to remain in their current housing situation would be able to **end their lease with a 2-month notice** if they must move to a medically-assisted or accessible housing unit.



Establish a Statewide Heat Code

Currently, there is a **hodgepodge of city-adopted minimum heat codes** for rental properties across the state, many of which simply require that heating equipment be able to heat units to a certain temperature, not that they actually maintain apartments at that temperature.



Establish a Statewide Heat Code

Minnesota would have a **statewide minimum heat code**, enforceable both by city rental inspectors where applicable, and by individual tenants through their own private court actions. If the tenant does not control the heat, then from **Oct 1 to April 30** the heating would be maintained at a minimum of **68 degrees Fahrenheit**.



Expand Number of Emergency Repairs

Minnesota law lists only the following as **emergency issues**, allowing an expedited process to get into court:

- loss of running water
- loss of hot water
- loss of heat
- loss of electricity
- loss of sanitary facilities
- loss of other essential services (“essential services” serves as a catch-all, but is difficult to know what else might be covered)



Expand Number of Emergency Repairs

The law would include, but not be limited to, the **following emergencies:**

- no working refrigerator;
- no working air conditioning (if rental was advertised as having air conditioning and included in the lease);
- loss of any conditions, services, or facilities that pose a serious and negative impact on health or safety;
- Notice of Intent to Condemn for unsafe/unsanitary conditions;
- non-working elevators;
- serious infestations.



Reduce Court Filing Fees

If a landlord fails to comply with repair orders/ requests, **tenants can file a Rent Escrow in court for approximately \$70** to enforce their rights. This is set by law at the same price as a small claims court to make it accessible. However, if a tenant has a serious emergency, such as no heat in the winter or being locked out of their home by the landlord, the tenant has to pay the full **court filing fee of \$300 for an Emergency Tenant Remedies Action (ETRA) or a lockout petition.**



Reduce Court Filing Fees

Filing an Emergency Tenant Remedies Action / Lockout petition would be the **same cost as the lower small claims court filing fee for rent escrow**, making it more accessible for tenants facing serious and immediate housing repairs.





Q & A

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Thank You