



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

# New Brooklyn Center Tenant Protection Ordinance

April 13, 2022 – 1:30-3:00 pm

Fadumo Mohamed, Housing Organizer, ACER

Jesse Anderson, Deputy Director of Community Development, City of Brooklyn Park

Samuel Spaid, Housing Attorney and Research Director

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

# 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 280,000 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](http://homelinemn.org/email)*



# Eviction Moratorium Phaseout Resources

**Timeline, Key Points, FAQ:**

*[homelinemn.org/phaseout](https://homelinemn.org/phaseout)*

**Phaseout Webinar Series:**

*[homelinemn.org/schedule](https://homelinemn.org/schedule)*

**Previous Webinar Recordings:**

*[homelinemn.org/webinars](https://homelinemn.org/webinars)*



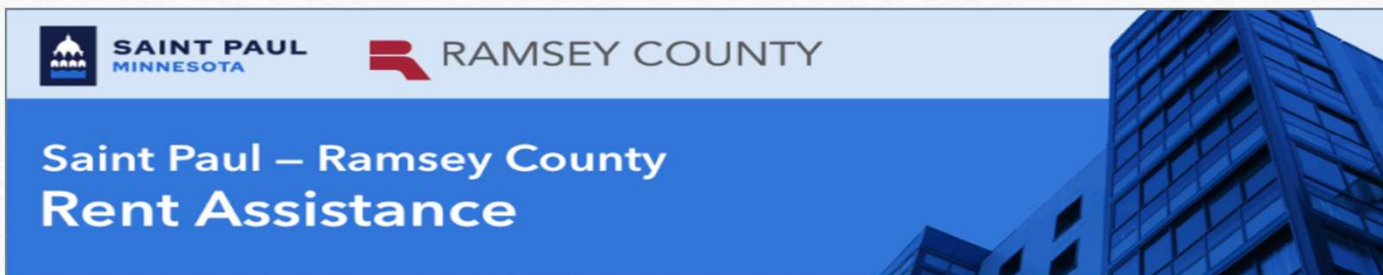


# RENTHELPMN IS NO LONGER ACCEPTING APPLICATIONS



- If you submitted an application on or before the January 28 deadline, it will be reviewed. Eligible requests will be processed subject to funding availability.
- Utility assistance is available through the [Energy Assistance Program](#).

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



**Friday, April 15th is the last day to apply for assistance**

More information:

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

Application:

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

# Phaseout Overview

As of April 13, 2022





# Renter Protections

- The Phaseout protection for tenants with pending COVID-19 Emergency Rental Assistance protections is still in effect
  - Protection lasts through **June 1, 2022**
- A tenant who still has a pending application with a qualifying program cannot be evicted for non-payment of rent at this time, while the application is in a pending status.
  - 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.



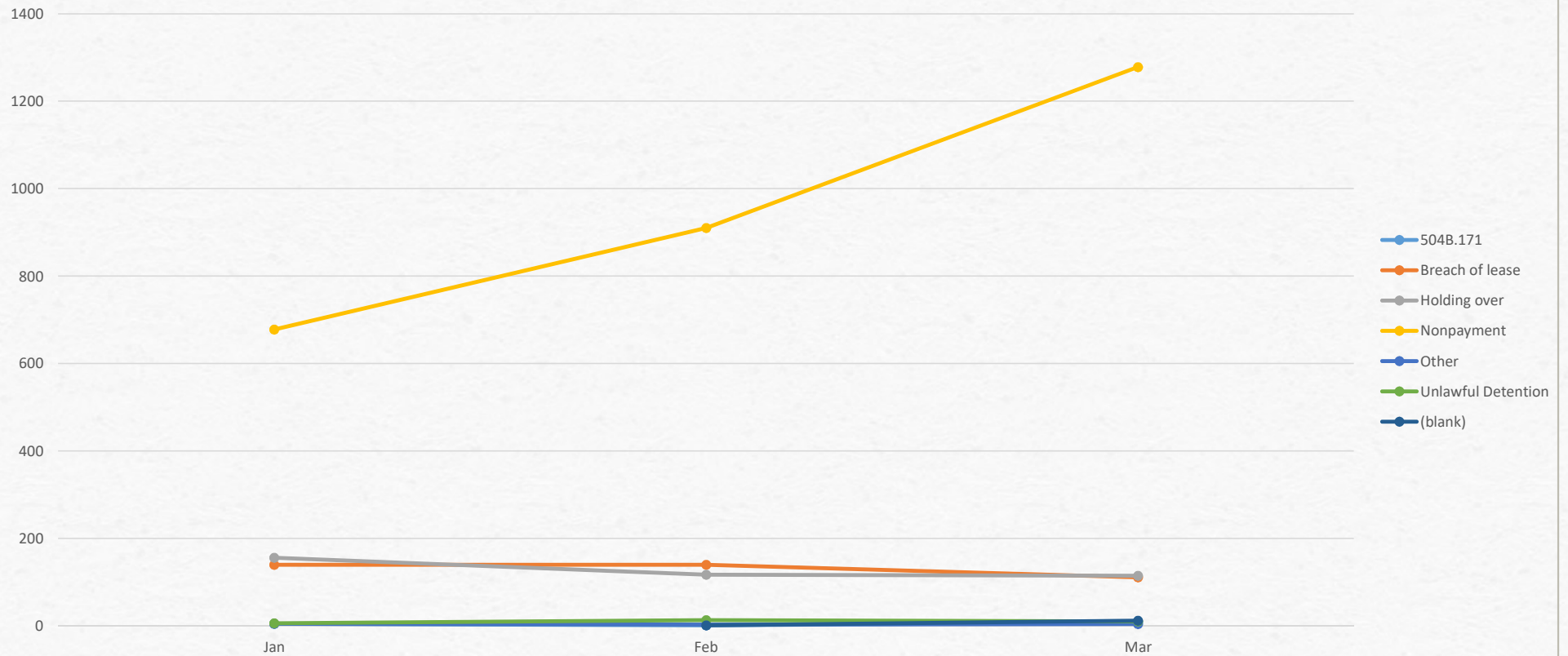


# Pre-Eviction Filing Notice Requirements

- 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
    - Brooklyn Center – 30 days for non-payment or material breach evictions
  - Federal pre-filing eviction notice requirements for certain types of properties
    - CARES Act
    - HUD Properties

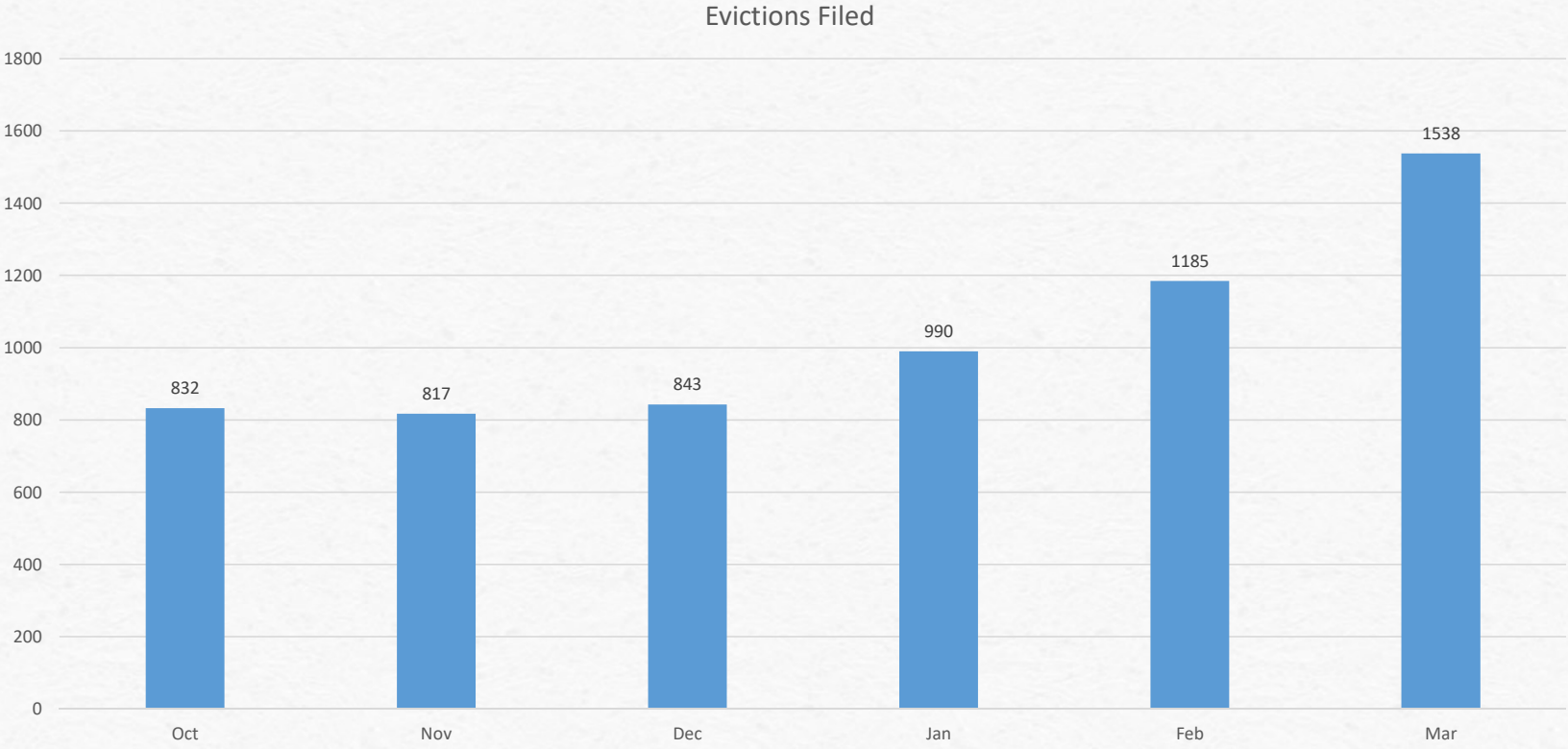


# What is happening with evictions?



Eviction Reasons by month (January – March, 2022)

# What is happening with evictions?





# BROOKLYN CENTER TENANT PROTECTION ORDINANCE

Brooklyn Center City Code, Section 12-912D

<https://www.ci.brooklyncenter.mn.us/home/showpublisheddocument/1745/637720018726770000>

# Tenant Protection Ordinance



Jesse Anderson, Deputy Director of Community Development

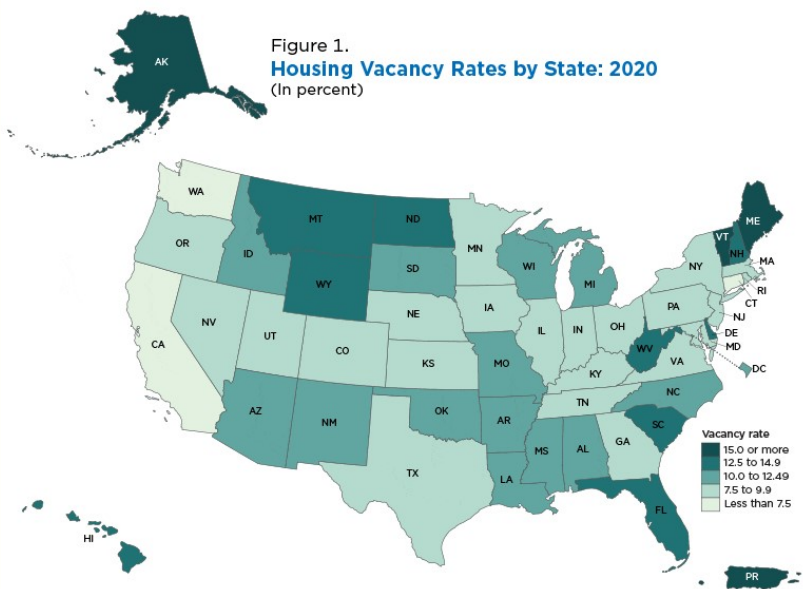
# Regional Housing Trends

- Twin Cities Metro Area currently experiencing record low vacancy rates
  - Midyear report, average vacancy rate across region was 2.3%
- Driven by high demand for rental housing combined with unmet supply
- Effect of low vacancy rates:
  - Increased rents (up 8 percent year over year)
  - Increased interest from outside investors in Class B and C rental properties
  - Landlords in a position to be choosier about who they rent to
  - Reduction in number of landlords accepting Section 8 vouchers





Figure 1.  
**Housing Vacancy Rates by State: 2020**  
 (In percent)



Source: U.S. Census Bureau, Census 2000 Redistricting Data (Public Law 94-171) Summary File; 2010 Census Redistricting Data (Public Law 94-171) Summary File; 2020 Census Redistricting Data (Public Law 94-171) Summary File.

### 10 Core Based Statistical Areas With Lowest Vacancy Rates

Statistical area	2020 Census housing unit count	2010 vacancy rate (percent)	2020 vacancy rate (percent)
Modesto, CA .....	183,140	8.0	3.5
Appleton, WI .....	100,642	5.0	3.8
Vallejo, CA, .....	162,237	7.2	3.9
Stockton, CA .....	251,453	8.0	4.1
Provo-Orem, UT .....	196,386	5.4	4.2
Kennewick-Richmond, WA.....	109,816	4.8	4.3
Manchester-Nashua, NH .....	175,571	6.4	4.4
Ogden-Clearfield, UT.....	234,051	6.3	4.6
Oxnard-Thousand Oaks-Ventura, CA.....	293,080	5.2	4.6
Minneapolis-St. Paul-Bloomington, MN-WI ..	1,503,829	6.3	4.6

Note: Information on confidentiality protection, nonsampling error, and definitions is available at <<https://www2.census.gov/programs-surveys/decennial/2020/technical-documentation/complete-tech-docs/summary-file/>>.

Source: U.S. Census Bureau, 2010 Census Redistricting Data (Public Law 94-171) Summary File; 2020 Census Redistricting Data (Public Law 94-171) Summary File, and U.S. Office of Management and Budget, March 2020, Metropolitan and Micropolitan Statistical Area delineations.



# Brooklyn Center's Rental Housing

- 37% of Brooklyn Center's housing stock is rental
  - 829 properties and 4,340 units
  - 8 percent of single family properties are rented
- Nearly all of it is considered naturally occurring affordable housing (NOAH)
  - Average rents affordable at between 50-60 percent AMI
- 6% of all housing units (17.1% of rental) are legally-binding affordable
- Nearly all constructed between 1961-1979 – homogeneous
  - 1 and 2 bedroom units



# Brooklyn Center's Rental Housing

## Resident Concerns

- Many renters are on month to month leases – making their housing situations more tenuous
- Tenants report frequent (more than once per year) rent increases
- Rent and incomes are not increasing at the same rates
- Capital improvements in buildings typically coincide with rent increases
- Tenants report concerns over retaliation (non-renewals) or maintenance fee charge backs if they complain about maintenance issues
- Lack of clarity on how to report maintenance complaints and elevate those complaints
- Inconsistent parking policies
- Concerns about safety and security





# Tenant Protections

- December 2018 – City adopted a Tenant Protection Ordinance Relating to Transfer of Ownership.
  - Narrow focus – applies protections when a rental property sells to a new owner
  - Provides a three month advance notice before new owner can make major changes to lease agreements or non-renew leases
  - Provides relocation assistance if new owner chooses not to follow the notice period (voluntary program)



# Ordinance Summary - Evictions

- Pre-Eviction Filing Notice
  - Requires 30 day written notice prior to filing an eviction on an affordable unit.
    - Notice can be for alleged non-payment of rent
    - Notice can be for alleged material breach of lease
  - Exemption to the 30 days is based on state statutes when there is illegal behavior that seriously endangers the safety of other residents.



# Pre-Eviction Notice

- Past due rent notice:
  - Must include name, mailing address and phone number of person who received rent.
  - Total money owed including past due rent, late fees, and other charges
  - with a due date that is no earlier than 30 days from the delivery date of the notice.
- Material Breach of Lease:
  - Must include name, mailing address and phone number of the owner.
  - Full description of the lease violation including dates and who committed the alleged violations.
  - Must identify how to correct the violation
  - Provide no earlier than 30 days from the notice delivery date to correct the violations
  - Must include a copy of the lease.



# Ordinance Summary – Non-Renewals

- Just Cause Non-Renewals establishes requirements that prevents a property owner or property manager from non-renewing an existing tenants lease without just cause.

## Affordable Units Only

- Non-Payment of Rent
- Material Non-compliance
- Tenant nonrenewal
- Occupancy by property owner or family member
- Building Demolishing or Conversion
- Rehabilitation or Renovation
- Complying with a Government order to vacate
- Occupancy conditioned on employment



# Ordinance Summary – Non-Renewals

## **A lease for an affordable housing unit shall include just cause notice language:**

*“The landlord under this lease shall not unilaterally terminate or attempt to terminate the tenancy of any tenant unless the landlord can prove that just cause exists. The reasons for termination or nonrenewal of tenancy listed in the City of Brooklyn Center’s Just Cause Notice (Section 12-912D(5)), and no others, shall constitute just cause under this provision.”*

- Notice of nonrenewal of a tenancy
  - Comply with all notice requirements under the lease and applicable law
  - Include in such notice a written statement of the reasons for the nonrenewal and the facts in support of those reasons
- The owner must maintain documentation totaling the number of notices of nonrenewal issued





# What's an affordable Unit

- Affordable Housing Unit - rents for an amount that is affordable to households at or below 80% of area median income as adjusted for household size and number of bedrooms.

Unit Type	Month Maximum Rent
Efficiency	\$1,468
1 Bedroom	\$1,574
2 Bedroom	\$1,889
3 Bedroom	\$2,180



# Ordinance

- Waiver is not allowed by a tenant to waive their rights under the new ordinance.
- Private Enforcement – A person harmed by an owner in violation of this ordinance may bring action against the owner in district court.



# Contact Info

If you have questions and you can contact:

Jesse Anderson, Deputy Director of Community Development

[Janderson@ci.Brooklyn-center.mn.us](mailto:Janderson@ci.Brooklyn-center.mn.us)

763-569-3420

