



Tenant Hotline

Phone: 612-728-5767

Online: [homelinemn.org/email](mailto:homelinemn.org)

**Fee Disclosures, Pet Declawing/ Devocalization,
Move-in/Move-out Inspections, Early Lease renewals**

August 16, 2023 – 1:30-3:00pm

Shana Tomenes, University of Minnesota Student Legal Services Staff Attorney

Zack Eichten, Minnesota Humane Society State Director

Ama Carrion, HOME Line Supervising Attorney

Rachael Sterling, HOME 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 over 300,000 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



Housekeeping

- This session is being recorded and will be available on HOME Line's website in a few days
- Please ask questions through the Q&A function located at the bottom of the Zoom window
- 1.5 Standard CLE Credits will be applied for



Upcoming Webinars



September 20, 2023

Pre-Eviction Notices

October 18, 2023

Heat, Emergency Repairs, Privacy, Break Lease due to Infirmity

November 15, 2023

Expungements, Evictions and the Public Record

December 20, 2023

Public Housing Right to Counsel, Eviction Process

January 17, 2024

Renters' Credit

Visit homelinemn.org/newlaws/ for more information and to register

Upcoming Trainings

Mark your Calendars!

Thursday, December 7th, 2023 HOME Line will host a full day CLE on the specific rule changes taking place January 1, 2024

More information to come



2023 Legislation

Lease renewals

Move In & Move Out Inspections

Effective: leases signed or renewed after Jan. 1, 2024

Lease Renewals

Text of law

504B.144 EARLY RENEWAL OF LEASE.

A landlord must wait until six months from the expiration of the current lease before requiring a tenant to renew the lease, if the lease is for a period of time longer than ten months. Nothing prevents a landlord from waiting until closer to the expiration of a lease to ask a tenant to renew the lease. Any provision, whether oral or written, of any lease or other agreement whereby any provision of this section is waived by a tenant is contrary to public policy and void.

Highlights

- Applies to leases for more than 10 months
- Landlord cannot require lease to be renewed during first 6 months of lease term
- Can request renewal in a shorter period (ex. 90 days before lease ends)

Move-In Inspections

Text of Law

504B.182 INITIAL AND FINAL INSPECTION REQUIRED.

Subdivision 1. Initial inspection. (a) At the commencement of a residential tenancy, or within 14 days of a residential tenant occupying a unit, the landlord must notify the tenant of their option to request an initial inspection of the residential unit for the purposes of identifying existing deficiencies in the rental unit to avoid deductions for the security deposit of the tenant at a future date. If the tenant requests an inspection, the landlord and tenant shall schedule the inspection at a mutually acceptable date and time.

(b) In lieu of an initial inspection or move-out inspection under subdivision 2, when a tenant agrees, a landlord may provide written acknowledgment to the tenant of photos or videos of a rental unit and agree to the condition of the rental unit at the start or end of the tenancy.

Highlights

- Creates landlord obligation to inform tenant of right to request move-in inspection
- If tenant wants the inspection, tenant must then request the inspection which is held at a convenient date and time
- In the alternative, landlord and tenant may agree that photos/video of unit are acceptable

Move-Out Inspections

Text of Law

Subd. 2. **Move-out inspection.** Within a reasonable time after notification of either a landlord or residential tenant's intention to terminate the tenancy, or before the end of the lease term, the landlord shall notify the tenant in writing of the tenant's option to request a move-out inspection and of the tenant's right to be present at the inspection. At a reasonable time, but no earlier than five days before the termination or the end of the lease date, or day the tenant plans to vacate the unit, the landlord, or an agent of the landlord, shall, upon the request of the tenant, make a move-out inspection of the premises. The purpose of the move-out inspection shall be to allow the tenant an opportunity to remedy identified deficiencies, in a manner consistent with the rights and obligations of the parties under the rental agreement, in order to avoid deductions from the security deposit. If a tenant chooses not to request a move-out inspection, the duties of the landlord under this subdivision are discharged. If an inspection is requested, the parties shall attempt to schedule the inspection at a mutually acceptable date and time.

Highlights

- Landlord must inform outgoing tenant of right to request move-out inspection
- If requested, held no earlier than 5 days before move-out, inspection allows landlord to communicate and tenant to remedy deficiencies in property
- If tenant does not request inspection, landlord is discharged of any obligations, and security deposit is returned in accordance with Minn. Stat. § 504B.178

Pet Declawing And Devocalization Prohibitions

Effective Jan. 1, 2024



**THE HUMANE SOCIETY
OF THE UNITED STATES**

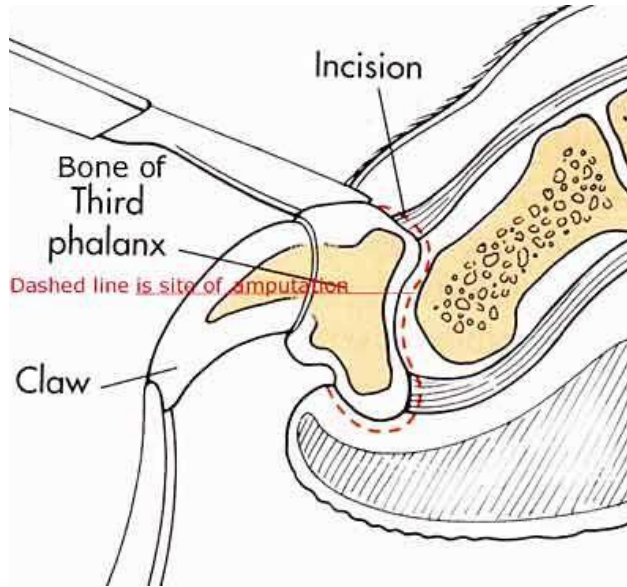


Pet Protections for Renters

Zack Eichten, HSUS Minnesota State Director

What is Declawing?

Cat's claws grow from the germinal tissue deep within bone of the third phalanx (P3), so removal of the claw requires removal of all or most of P3. The Canadian VMA uses the term "partial digital amputation." Others refer to declawing as "toe amputation."





Declawing is bad for cats

- One in five cats have long-term complications from declaw surgery. 50% experience immediate post-surgical complications.
- 3 times higher odds of developing back pain, as declawing changes the way a cat walks.
- One third have behavioral problems after declawing.
- **4 ½ times more prone to biting**, which is a serious health concern for people. Declawing is not advised to protect people from cat scratches.
- **7 times more likely to avoid the litter box**. This puts those cats at a greater risk of being surrendered to animal shelters.
- Many declawed cats suffer from painful leftover bone fragments, which makes them 9 times more likely to be aggressive.

Minnesota's new law

This legislation is a needed protection given the permanence of declawing and devocalizing procedures and the often-temporary nature of rental occupancy.

Specifically, the bill:

- Makes it illegal for a landlord to advertise or require declawing or devocalization of an animal as a condition of tenancy.
- Defines animal as a mammal, bird, reptile or amphibian.
- Assesses a civil fine of \$1000 for each instance of declawing or devocalization as a result of a landlord-tenant agreement or for rental advertisements requiring declawing or devocalization as a condition of tenancy.
- Landlords remain allowed to condition rental occupancy on pet ownership and may include language in contracts making tenants liable for pet-related damage.

Minnesota's new law: Definitions

- "Application for occupancy" means all phases of the process of applying for the right to occupy a real property, including but not limited to filling out applications, interviewing, and submitting references
- "Claw" means a hardened keratinized modification of the epidermis or a hardened keratinized growth that extends from the end of the digits of certain mammals, birds, reptiles, and amphibians that is commonly referred to as a claw, talon, or nail.
- "Declawing" means performing, procuring, or arranging for any procedure, such as an onychectomy, tendonectomy, or phalangectomy, to remove or prevent the normal function of an animal's claw or claws.
- "Devocalizing" means performing, procuring, or arranging for any surgical procedure, such as a vocal cordectomy, to remove an animal's vocal cords or to prevent the normal function of an animal's vocal cords.

Minnesota's new law: Prohibitions

- Advertise the availability of a real property for occupancy in a manner designed to discourage application for occupancy of that real property because an applicant's animal has not been declawed or devocalized;
- Refuse to allow the occupancy of a real property, refuse to negotiate the occupancy of a real property, or otherwise make unavailable or deny to another person the occupancy of a real property because of that person's refusal to declaw or devocalize an animal; or
- Require a tenant or occupant of real property to declaw or devocalize an animal allowed on the premises.

Minnesota's new law: Penalties

- A city attorney, a county attorney, or the attorney general may bring an action in district court to obtain injunctive relief for a violation of this section and to enforce the civil penalties provided in this subdivision.
- In addition to any other penalty allowed by law, a violation shall result in a civil penalty of not more than \$1,000 per advertisement, to be paid to the entity that is authorized to bring the action under this section.
- In addition to any other penalty allowed by law, a violation shall result in a civil penalty of not more than \$1,000 per animal, to be paid to the entity that is authorized to bring the action under this section.

Fee Disclosure Requirements

Effective Jan. 1, 2024

Fee Disclosure Requirement

- Why the change in the law?
 - Clarity in advertising - true cost of renting a unit isn't clear.
 - Landlords regularly charge mandatory fees that hide the real cost of rent.
- What does the new law require?
 - **Landlords must disclose all non-optional fees on both the front page of the lease and in any advertisements—calling it the ‘Total Monthly Rent.’**



Fee Disclosure: What does it look like?

- Tenant will get the lease and see all mandatory fees.
- The total rent calculation has to be listed in an obvious and easy to find place.
- Industry Standard - bait & switch mandatory fee system.
- Lease renewals are also covered by this law.

Total monthly rent calculation = ALL MANDATORY FEES not already included in rent



Fee Disclosure: Advertisements

Examples of common mandatory fees:

- Portal fee
- Administrative fee (usually annual so divide by # of months)
- Amenity fees
- Utilities fees, if charged by landlord
- Internet/Cable



Fee Disclosure - Example

- Advertisement on Craigslist: rent is \$1,000 a month.
 - Prospective tenant tours the unit and likes it.
 - Application fee is \$30 per adult: tenant x 2 = \$60 to apply.
 - Looks for rental at end of the month (think July 29th-31st) - when most units are available after unit turnover = opportunity cost
 - Prospective tenant does not apply anywhere else = opportunity cost
 - Tenant might also be locked into application since some landlords require a non-refundable hold fee.



Fee Disclosure

- To summarize, the current issues with hidden mandatory fees:
 - Tenants cannot budget. Can't see if they can afford the units they apply for.
 - Only see total cost of rent with fees on day of lease signing and if lucky after they are approved.
 - If they don't sign lease will lose hold fee.
 - Application fee is also lost.
 - Lost chance to look at and apply for other units during prime time for unit availability at end of a month.
- New law puts and end to this practice. **It requires disclosure of all non-optional fees on both the front page of the lease and transparency in advertisement.**



Fee Disclosure

- Landlords - the easiest way and best business practice model moving forward is to not charge any mandatory fees separate from rent, and just roll it all into the total rent owed each month.
 - That way you comply with the law
 - Tenants can budget properly
 - No one feels taken advantage





Questions?

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- Peb lub koom haum HOME Line muaj neeg txhais lus Hmoob. Hais lus Hmoob, Hu 612-255-7104.



Thank You