



Tenant Hotline
Phone: 612-728-5767
Online: homelinemn.org/email

Pre-Eviction Notices

September 20, 2023 — 1:30-3:00pm

HOME Line Housing Attorney, Samuel Spaid

HOME Line Policy Attorney, Larry McDonough

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 over 20, 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 CLE credits will be applied for after this session



Upcoming Webinars



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



Pre-Eviction Notices



Current Law(s)

- No notice is required under state law for nonpayment of rent or breach of lease evictions
- Three cities have ordinances
- Manufactured Home Parks (327C.09, subd. 2)
- Federal Subsidies
- The CARES Act



City Ordinances

- Brooklyn Center (12-912D) (affordable housing)
 - 30 Days, nonpayment and breach of lease
- Minneapolis (244.2060) (all)
 - 14 Days, nonpayment of rent
- Saint Louis Park (Chapter 8, Section 8-335) (all)
 - 7 Days, nonpayment of rent



Manufactured Home Parks

- Controlled by Chapter 327C
- 327C.09, subd. 2 requires
 - 10 Days, Nonpayment of rent
 - 30 Days, Rule violation
 - 30 Days, Endangerment (no right to cure)



Federal Subsidies before the CARES Act

- Notice time depends on the subsidy.
- Notice content depends on the subsidy.
- Section 8 Vouchers do not require notice.
- See [Residential Eviction Defense and Tenant Claims in Minnesota at VI.F.10.](#)



The CARES Act

- Applies to Federal Subsidies and Federally Backed Mortgages
- 30 Days
- Overrides shorter notice time requirements but does not override notice content
- Inconsistent interpretations?
- See [Residential Eviction Defense and Tenant Claims in Minnesota at VI.D1.](#)



Problems with No Notice

- Evictions are serious and harm everyone
- Tenants should have a right to notice
- Lack of time means lack of options
 - Difficult to get Emergency Assistance
 - Difficult to move



504B.321 Overview

- [2023 Minn. Laws Ch. 52, Sen. F. No. 2909, § 105](#)
- Effective January 1, 2024
- Written 14-day notice for nonpayment of rent
- Hand delivered or by first class mail
- Notice content:
 - Total amount due
 - A specific accounting of the amount of the total due from unpaid rent, late fees, and other charges under the lease
 - Name and address of person authorized to receive rent and fees on behalf of the landlord



504B.321 Overview

- More notice content:
 - "You have the right to seek legal help. If you can't afford a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org to know your rights and find your local Legal Aid office."
 - "To apply for financial help, contact your local county or Tribal social services office, apply online at MNBenefits.mn.gov or call the United Way toll-free information line by dialing 2-1-1 or 800-543-7709."
 - "Your landlord can file an eviction case if you do not pay the total amount due or move out within 14 days from the date of this notice. Some local governments may have an eviction notice period longer than 14 days."



Eviction Defenses

- Lack of notice or inadequate notice time or content is a defense to an eviction.
 - “The court must dismiss and expunge the record of any action if the person bringing the action fails to comply with this section.”
- There are many other defenses to nonpayment of rent eviction cases, including:
 - how the tenant receives the court paper, landlord violation of some local and state laws, needed repairs, excessive late fees, improper utilities billing, and retaliation.



Emergency Assistance

- Notice constitutes verification of emergency
- When the county agency receives a copy of the notice required by this section, it must not:
 - “(1) require a tenant to provide additional verification of the emergency; or
 - (2) require additional verification that the landlord will accept the funds demanded in the notice required by this section to resolve the emergency.”



504B.291 Redemption

- [2023 Minn. Laws Ch. 52, Sen. F. No. 2909, § 104](#)
- Effective January 1, 2024
- “Redemption [curing the rent default] may be made with a written guarantee from
 - (1) a federal agency, state agency, or local unit of government, or
 - (2) any other organization that qualifies for tax-exempt status under United States Code, title 26, section 501(c)(3), and that administers a government rental assistance program, has sufficient funds available, and guarantees funds will be provided to the landlord.”



Effect on Existing Laws for Nonpayment of Rent Notices

- Minneapolis and Brooklyn Center, still apply, notice content must comply with ordinance and new state law
- Saint Louis Park, overwritten as to time, but notice content must comply with ordinance and new state law
- Manufactured Home Parks, overwritten as to time and content, but notice must still be given to any party holding a security interest in the home
- Federal Subsidies, content still applies but new state law content also must be included, with 30-day requirement under the CARES Act
- Federally backed mortgages, new state law content also must be included, with 30-day requirement under the CARES Act



Summary of Changes

- A specific 14 day written notice is always required before filing an eviction for nonpayment of rent
- Failure to give this notice is a defense to an eviction
- Some cities and federal laws require more notice





Questions?

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Thank You