



8011 34th Ave S., Suite 126
Bloomington, MN 55425
Office Phone: 612.728.5770
Office Fax: 612.728.5761
www.homelinemn.org

February 9, 2021

To: Members of the Housing Finance and Policy Committee

From: HOME Line

Subject: House File 400

Please find attached materials related to House File 400:

- The same one-page "Lease Fairness" overview which also covers this issue.
- A list, citations, and some basic information about the eight other states that have similar laws that allow tenants out of their lease early due to a medical condition.

Lease Fairness: Fees, Privacy and Infirmity

More than 625,000 Minnesota households are renters, a number that continues to grow every year. Making up 29% of the state's population, it is critical that residents and families have the rights, resources and information they need to live without the fear or threat of exploitation or abuse from some landlords. HOME Line calls for the following policy changes to ensure renter households have the transparency, privacy and flexibility they need to make informed decisions for their financial and physical health and safety.

CURRENT LANDSCAPE

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. These fees allow landlords to draw in **potential tenants with a deceptive rent amount**, and effectively raise the rent with required fees listed in the lease that are often revealed late in the application process, if at all.


Privacy

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. Current law has a **\$100 penalty that is so inconsequential, it's violated frequently** because it's not considered worth the time and effort to go to court.


Infirmity

Minnesota tenants in the middle of a "term" lease (one-year, most commonly) can only get out of or "break" their lease for a handful of reasons, including if they are victims of certain forms of violence, if they are called up for active military service transfer, if all tenants in a household die, if the building is condemned, or otherwise unlivable, or, rarely, by a judge's order. **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.


OUR PROPOSALS



Non-refundable fees for non-optional services **would be prohibited** to ensure tenants do not face unaffordable, concealed charges after signing a lease. 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.



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**. If this right is violated, tenants would be able to sue during or after a tenancy for a **meaningful penalty**.



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. This is a reasonable notice period that mirrors current law for an estate to end a lease after a tenant is deceased. The tenant would need to **have documentation** that they will be moving to a specific, medically-appropriate facility.

State	Statute	Effective Date	Required Notice	Applicability/Result
Delaware	25 Del.C. section 5314(b)(2)-(3)	July 17, 1996	30 days written notice, beginning on the first day of the month following the day of actual notice	Whenever serious illness or death by tenant or member of tenants family requires relocation, or the tenant is accepted for admission to a senior citizen's housing facility, including subsidized public or private housing.
Maryland	MD Code, Real Property, section 8-212.2	October 1, 2005	Written notice by physician who is licensed by the State Board	The tenant's liability may not exceed two months after the premises are vacated, with a note from a licensed physician.
Michigan	M.C.L.A. 554.601a	June 15, 1995	60 days written notice	If occupied unit for more than 13 months, and either is accepted into subsidized senior housing, or becomes incapable of living independently as per a physician.
Nevada	N.R.S. 118A.340	May 18, 2005	30 days written notice within 60 days after the tenant relocates	When need for care or treatment requires, and tenant is 60 or older or has a mental or physically disability; tenant must set forth the facts in their notice to demonstrate their entitled to terminate the lease.
New Jersey	N.J.S.A. 46:8-9.2	June 29, 2005	Written notice by lessee, lessee's spouse, or legal representative of estate	When need for care or treatment requires, and when certified by a physician; terminations are in effect 40 days after notice received. Very detailed, lots of requirements for eligibility.
New York	N.Y. Real Prop section 227-a	October 18, 1999	Written notice, with termination effective 30 days from the next rental payment due	When need for care or treatment requires, and tenant is 62 years or older, and certified by physician. 30 days notice.
Rhode Island	R.I. ST. 34-18-15	1993	Written notice, effective no earlier than 45 days after the first rent payment due date after notice is delivered	When a tenant is 65 or older and needs to enter a care facility; notice needs to be accompanied with documentation of their acceptance. 45 days notice.
Tennessee	TN. ST. section 66-7-110	2011	Written evidence to the landlord of the public housing facility acceptance; also must be certified by a physician.	When tenant is accepted to a public housing facility unit; no fees or further rent due after tenant leaves the residence. No specific notice period required.

Note: this research was completed in 2018