



Minnesota
State Bar
Association

600 Nicollet Mall
Suite 380
Minneapolis, MN 55402

April 9, 2021

Re: Right to Counsel for Public Housing Tenants in Breach of Lease Cases (HF1077)

Chair Moran and Committee Members,

Established in 1883, the Minnesota State Bar Association (MSBA) represents approximately 13,000 attorneys who practice throughout the state. The MSBA is grateful to Rep. Hausman for including in her omnibus bill the language of Rep. Richardson's HF450, which would establish a right to counsel for public housing tenants in breach of lease cases.

Breach of lease cases can involve violations of management rules, claims of minor criminal activity, and disputes between tenants and property managers or other tenants. These cases often raise complex questions of law and fact in areas such as administrative law, constitutional law, real estate, and civil procedure. In addition, public housing evictions involve rights protected under the Minnesota and United States constitutions, and may involve issues such as search and seizure, self-incrimination, and elements of alleged crimes. Legal arguments related to these issues are too complex to be understood and effectively argued by self-represented individuals.

Legal aid and pro bono programs cannot come close to meeting tenant representation needs in the thousands of eviction actions filed every year. Appointed counsel will help public housing tenants avoid eviction or secure enough time to move, which will stabilize communities and reduce burdens on publicly funded county shelters and emergency assistance.

Comments have been made that this proposal would not address the vast majority of eviction actions. This is true, but resources are not unlimited. This legislation is intentionally targeted to assist the most vulnerable tenants in the most complicated public housing eviction actions. Comments have also been made that public housing tenants have an opportunity for informal hearings to resolve disputes before eviction actions are filed. This is also true, but sometimes this process is bypassed altogether, and these comments ignore that public housing authorities are themselves represented by publicly funded attorneys, while tenants have no such right. Appointed counsel would merely put public housing tenants on more equal footing in these critically important cases. We urge legislators to support this proposal and provide legal assistance to the tenants who most need it.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bryan Lake", is written over a light blue horizontal line.

Bryan Lake
MSBA lobbyist
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