



February 9, 2022

Chair Becker-Finn and Members of the Committee:

MHA is made up of 1,800 members representing over 300,000 rental housing units in Minnesota. I write today to raise our concerns regarding HF 400.

HF 400, the infirmity bill, is one that could create confusion and conflict with federal fair housing law. In circumstances where federal law would require a reasonable accommodation, this proposal could have a differing timeline for compliance, what may be requested of residents, and could pose compliance challenges for property managers.

The proposal allows a resident to break a lease without any prior conversation with the property manager. If a 60-day notice is sent due to not having an accessible unit, including their documentation for need and acceptance to another location, but the current property manager is able to provide an accommodation, it is not clear if the resident is obligated to stay.

Some aspects of this bill look to add facilities to those potentially not covered by the Fair Housing Act. For example, the infirmity protection could be extended for an inpatient chemical treatment program or housing for those deemed a health threat, something that may be for a duration significantly shorter than the lease term remaining, potentially a week, to break a lease with 9 months remaining.

For this reason, we ask the committee to consider how this proposal defines infirmity. The proposal uses locations to define the individuals who could be considered infirmed. This focuses on the facility rather than the individual's needs.

Most importantly, the proposal lacks any duration an individual expects to be infirmed to meet the break lease requirement. There are several areas of law that already exist that can help guide how to remedy this issue. Those considered completely disabled under the ADA are expected to be infirmed and need significant assistance for the remainder of their life. A special exemption also exists for a member of the military who can break their lease if their active-duty service is expected to be 90 days or longer. A requirement for a 90-day expectation of stay would alleviate many of MHA's concerns with this proposal.

Finally, MHA is deeply concerned about the implementation of the most restrictive Rent Control policy in the country in our own backyard. St. Paul's rent control policy remains deeply concerning with a 3% rent cap that does not include an inflationary adjustment. Any added regulatory costs to housing providers with such restrictive rent caps could jeopardize housing stability.

Respectfully,

Kyle D. Berndt
Director of Public Policy
Minnesota Multi Housing Association