

TO: House Judiciary and Civil Law Committee
FROM: Shannon Guernsey, Executive Director, Minnesota NAHRO
DATE: March 2, 2021

RE: Concerns with Proposed Renter Protection Bills (HF398 & HF399)

On behalf of Minnesota NAHRO and its members, thank you for the opportunity to provide comment on the proposed renter's protections bills before the Committee today. Minnesota NAHRO members own, manage or administer the majority of subsidized rental housing in Minnesota including all public housing plus the administration of the Housing Choice Voucher (HCV)/Section 8 program. In addition, our members work with developers on a regular basis to preserve and develop affordable housing throughout the state.

As housing authorities, it is our mission to provide safe and affordable housing to our residents. We recognize the importance of respecting the privacy of our residents, ensuring timely repairs and helping residents succeed in their tenancy so they maintain safe and stable housing. However, as outlined below, we have numerous concerns with the proposals which will impact our ability to effectively serve our residents.

Housing Authorities Governed by Federal Rules & Regulations in These Areas

Many of the issues addressed in these bills may be issues in the open market, but in the area of subsidized housing governed by HUD rules and regulations, the proposed protections are already provided under federal law. As such, housing authorities already provide these protections and should not be subject to a second set of requirements at the state level. By imposing a second set of state requirements, housing authorities would see increased costs and administrative burden while not advancing tenant protections. Specific concerns are outlined below.

Emergency Repairs (HF398)

This bill significantly expands the emergency repairs remedies available and needs to ensure that landlords can present reasonable defenses. Specifically, with the addition of several elements such as pest infestations, the remedy requires the cooperation of tenants and takes more than 24 hours to address. As such, the bill should recognize the defenses set forth in 504B.415 as a permissible response to a complaint. In addition, the bill should ensure the defendant outline any reasonable measures taken in response to the emergency as an adequate response to a complaint under this section.

Notice of Entry (HF399)

This proposal presents significant challenges for housing authorities by imposing rigid timelines and the impact of these changes would be particularly difficult for properties located in Greater Minnesota. Specifically, the bill imposes 24 hour notice for entry as well as entry between 8am to 8pm without exception. Moreover, the bill eliminates the standard of reasonableness and good faith effort to inform the tenant before entry is made. By removing the reasonableness standard and imposing rigid timelines, housing authorities will be prohibited from providing timely repairs and inspections of their units. In fact, these provisions would likely prolong the repair period, increase the intrusion on tenants and increase costs. Finally, HUD rules and regulations govern notice of entry and advance notice for non-emergency repairs or inspections.

It is our hope that our concerns can be addressed so we can continue to effectively serve our residents. Thank you again for the opportunity to submit our concerns to the proposed bills.