

House Research Act Summary

CHAPTER: 188

SESSION: 2014 Regular Session

TOPIC: Tenant remedies for victims of violence and HOME pilot project established

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Overview

This act modifies existing law on evictions, lease terminations, and damage deposits for victims of violence and creates a pilot project to promote affordable homeownership to reduce the disparity gap for communities of color and American Indians in Minnesota.

Section

1 Terms of covenant. Adds a provision that all leases for residential tenancies, whether they are written or not, require that a tenant will not commit acts of domestic abuse, criminal sexual assault, or stalking.

2 Rights of victims of domestic abuse to terminate the lease.

Subd. 1. Right to terminate; procedure. Allows a tenant to terminate a lease if he or she fears imminent violence due to domestic abuse, sexual assault, or stalking, and the tenant provides a written advanced notice about the termination of the tenancy that includes when the tenant will vacate, and how his or her property can be disposed of, along with a qualifying document which is defined in subdivision 6 of this section. The landlord may request the perpetrator's name, however the tenant may decline to provide it for their safety.

Subd. 2. Treatment of information. Specifies information about the tenant which the landlord cannot disclose.

Subd. 3. Liability for rent; termination of tenancy. Changes existing requirements so that a tenant, who is the sole tenant of a residence, has to pay the full month's rent for the month the tenant terminates and forfeits the tenant's deposit, instead of having the tenant pay two months of rent and get his or her deposit returned

Section

under the existing law. This section adds a provision that terminates the lease even where there are multiple tenants, but allows the tenants to reapply and enter a new lease with the landlord. This section removes previous language on the effect of termination for one or more tenants.

Subd. 4. Multiple tenants. Repeals the previous provision on how this lease termination affects remaining tenants who are not the victim.

Subd. 5. Waiver prohibited. No changes.

Subd. 6. Definitions. Provides definitions for the terms used in this section including “qualifying third party” which means a health care professional operating within the scope of their license, domestic abuse advocate, or sexual assault counselor and a “qualifying document,” which includes an order for protection, no contact order, a written record signed by a court official, a law enforcement report, or a statement by a qualified third party. This section also provides a form for the qualified third party to fill out to provide verification of the information that the tenant has provided regarding the domestic abuse, sexual assault, or stalking.

Subd. 7. Conflicts with other laws. Provides that if a federal subsidized housing program conflicts with this statute then the landlord must comply with the federal law, regulation, or handbook.

- 3 **Grounds.** Prevents a landlord from starting an eviction action against a tenant solely based on the tenant or occupants having been the victim of domestic abuse, sexual assault, or stalking.
- 4 **Housing Opportunities Made Equitable (HOME) Pilot Project.** Creates a pilot program through the housing finance agency, with input in the implementation of the program from the four councils of color, to close the disparity gap in affordable homeownership available for communities of color and American Indians. The housing finance agency, if there are funds available, is to provide financial supports to community nonprofits to either: provide homeownership education and counseling or to make first mortgage financing to homebuyers.