Welcome!

Housing Best Practices Forum
Housing Best Practices Forum: Repairs and Security Deposits
Logistics
(boring yet necessary)

• Audio can be done over your computer OR conference call line

• Conference call number:
  • 844-302-0362
  • Meeting ID: 591 365 068

• Conference call lines will be muted. You can ask questions through the WebEx chat feature.

• Follow up evaluation
Format of Forums

• Every other month (evens), third Monday, 1:30-3:30

• Taped presentation and materials available post-session on mn.HB101.org (partners tab)

• Steering Committee to oversee agenda and topics
• Repairs and Security Deposits—Mike Vraa, HOME Line
  • Questions
• Policy and Program updates
• Closing
Housing Best Practices Forum

HOME Line

Repairs and Security Deposits

Attorney Michael Vraa

February 12, 2018

Tenant Hotline: 612-728-5767

homelinemn.org
<table>
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<th>Repairs: HOME Line’s #1 reason for calls</th>
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<td>• About 60 reasons for calls tracked</td>
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<td>• 20% of all calls to HOME Line are about repairs</td>
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Repair Basics

• Covenants of Habitability
  • Code compliant
  • Fit for the use intended
  • In reasonable repair

• If repairs are needed, the tenant can:
  • Call inspector
  • Write 14-day letter: https://homelinemn.org/form-letters/repair-request-2/
Repairs

• Fritz Defense
  • Affirmative Defense to an Eviction Action
  • Must deposit rent owed into court on hearing date

• Rent Escrow

• Requirements Before filing:
  • Expired 14-day letter OR expired inspector’s report
  • Procedure for Filing
    • File at District Court
    • Attach copy of repair letter or inspector’s report
    • Bring all rent owed + filing fee
    • IFP (Fee waiver)

• Fritz vs. Rent Escrow
Bedbugs

• Bedbugs versus other Infestations
• Who’s Responsible for Making and Paying for Repairs?
• Can Tenants Choose the Type of Treatment?
• What about bedbug addendums that specifically make a tenant responsible?
Mold

- 27% of all repair calls to HOME Line
- Mold only occurs with moisture: solve this first
- To make tenant liable, landlord must be able to prove “willful, malicious or irresponsible” conduct of tenant
- Short-term vs. long-term thinking
- MN Stat. § 504B.161
Emergency Tenant Remedies Action (ETRA)

- Used Only for Dire Repair Issues
  - Heat, Running Water, Hot Water, Electricity, Sanitary Facilities, Other Essential Service
- 24 Hour Oral or Written Notice to Landlord Necessary – Then File for Court Hearing
Constructive Eviction

• Apartment in Unlivable Condition
• Tenant Must Vacate and Turn in Keys
• Almost Never Applicable (But tenants think it applies…)
Security Deposits: #2 Reason for HOME Line calls in 2017

• Usually at least a full-month’s rent (metro area average—over $1,100)
• Some landlords charge 1.5 or double deposits for tenants with bad credit/rental history
• 12% of HOME Line calls in 2017 were about Security Deposits
Security Deposits

• Landlord has 3 weeks from:
  • Termination of the tenancy: and
  • Receipt of tenant’s forwarding address

• Within 3 weeks, Landlord must send:
  • Either the full deposit plus interest, or
  • A security deposit disposition letter
  • Postmark sufficient
## Sample Deposit Penalty

- Withheld deposit $1,000
- + Interest (1 Year) $10
- Multiplied by 2 $2020
- + 500 Punitive $500
- Total: $2,520
Deductions from Security Deposits

- Landlord can only deduct for physical damages beyond “ordinary wear and tear”
  - Landlord does not have to paint or change carpets between tenants
- If debt still owed by tenant
Update: HCBS settings implementation

• Between April and September 2017, Home and Community Based waiver service providers (residential or day provider owns/controls the setting) were required to complete and submit a provider attestation form and supporting documentation to assess if each setting’s current level of compliance meets the federal criteria for HCBS.

• DHS received approximately 6,000 provider attestations and 97.6% of settings self-reported full compliance

• For more information about the attestation process and next steps, visit mn.gov/dhs/hcbs

• For questions, email hcbs.settings@state.mn.
Update: Plan to Prevent and End Homelessness

• “Heading Home,” Minnesota’s Plan to Prevent and End Homelessness is being updated for 2018-2020

• Public comment period is now open, but closes tomorrow!

• Plan, informational webinar and survey is available at https://mn.gov/dhs/heading-home-minnesota/
Thank you!

Comments or questions? DHS Housing Options email: dhs.housingoptions@state.mn.us

Presentation and materials available: http://mn hb101.org/

Complete evaluation

Future sessions