

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

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Tenant Hotline: 612-728-5767

homelinemn.org

Repairs: HOME Line's #1 reason for calls

- About 60 reasons for calls tracked
- 20% of all calls to HOME Line are about repairs

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)	<u>\$10</u>
• Multiplied by 2	<u>\$2020</u>
• + 500 Punitive	<u>\$500</u>
• 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