

Selected Decisions Involving Eviction Actions in Federally Subsidized Tenancies

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Hoglund-Hall v. Kleinschmidt, 381 N.W.2d 889 (Minn. App. 1986) – A landlord in a federally subsidized tenancy must comply with federal requirements for pre-eviction notice to terminate a tenancy. Eviction based on good cause reversed for landlord’s failure to give federally required pre-eviction notice.

Housing and Redevelopment Authority of Waconia v. Chandler, 403 N.W.2d 708 (Minn. App. 1987) – A landlord in a federally subsidized tenancy must comply with the rules governing any pre-eviction grievance procedure mandated by federal regulations and may not disregard the landlord’s own rules governing a pre-eviction grievance procedure. Eviction based on multiple alleged lease violations reversed for landlord’s failure to abide by a hearing officer’s decision following a pre-eviction grievance procedure.

Chancellor Manor v. Thibodeaux, 628 N.W.2d 193 (Minn. App. 2001) – Federal regulations governing a HUD-subsidized lease and tenancy are part of the lease and control what a landlord in such a tenancy must prove in an eviction action. Eviction based on alleged unreported income reversed for district court’s failure to make findings necessary for material non-compliance standard in HUD Handbook 4350.3.

Oak Glen of Edina v. Brewington, 642 N.W.2d 481 (Minn. App. 2002) – Federal law governing subsidized housing is superimposed upon and consciously interdependent with the substructure of local law governing housing. State law may impose *more* but not *less* stringent standards for notice of termination of federally subsidized tenancies. Eviction based on repeated late payment of rent reversed for landlord’s failure to make showing of effect on rental business and property required by federal regulation, as well as on state common law waiver grounds.

Housing and Redevelopment Authority of Duluth v. Lee, 832 N.W.2d 868 (Minn. App. 2013), *review granted* September 17, 2013 – Federal regulations requiring that all terms and conditions in leases between a public housing authority and tenants in federally subsidized housing be reasonable, including fees for late payment of rent, create a regulatory floor allowing for more stringent state regulation of public-housing lease provisions. The late fee regulations in Minn. Stat. § 504B.177 are not preempted by federal regulations. Eviction based on nonpayment of \$25 late fees assessed on \$50 monthly rent reversed for the public housing landlord’s violation of the late fee statute and applicable federal regulations requiring reasonable late fees.