

RENT ESCROW ACTIONS

AVLN CLE Presentation

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STATUTES

504B.001 DEFINITIONS.

- Subd. 14 discusses violations

504B.161 COVENANTS OF LANDLORD OR LICENSOR.

- Covenants of habitability

504B.385 RENT ESCROW ACTION TO REMEDY VIOLATIONS.

- Sets out procedure, timeline, relief
- Discusses counterclaims

504B.415 DEFENSES.

- It's fixed
- Tenant's willful, malicious, negligent, or irresponsible conduct caused it
- Tenant wouldn't let me in

HOUSING COURT RULES

- **Rule 601. Applicability of Rules**
- In Hennepin and Ramsey Counties, Rules [601](#) through [612](#) apply to all proceedings in Housing Court. These rules and, where not inconsistent, the Minnesota Rules of Civil Procedure, shall apply to housing court practice except where they are in conflict with applicable statutes.

OTHER TENANT ACTIONS

Tenant Remedies Action

- Very similar
- Mostly seen as a multi-unit building

ETRA- 504B.38 I

- Lack of heat, running water, electricity, other essential services or facilities
- Shorter timeline

INVESTIGATING YOUR CASE

- Repairs
 - How severe? Attempted repairs?
 - Has the client tried to repair it themselves? What documentation does the client have?
 - Contact 311 – follow-up with City of Minneapolis to request an inspection on an expedited basis: Director of Housing Inspection Services Kellie Rose Jones (612-673-3506) or Manager of Field Operations Housing Inspections Bryan Starry (612-673-5828)
- Notice
 - Ideal situation- lawyer writes a letter
 - The notice must be delivered personally or sent to the person or place where rent is normally paid.
- Rent Money
 - Address arrearages of rent/ utilities
- Other Issues

CONSIDERATIONS

- Rent escrows = cheap eviction
- Some repair issues are too severe for clients to litigate- they need or want to move
- Deferred maintenance and complex repair issues and how to present those to court
- Prioritize repair issues and file on those; you can't waive covenants of habitability
- If there's a potential if you can beat a landlord to filing, keeps the UD off a client's record
- Can the client post rent while case is decided?
- Use of the Habitability Fund

SETTING CLIENT EXPECTATIONS

- Repairs are primary relief, and its essentially a reasonableness standard
- Other issues will not necessarily be part of the case
- Judicial discretion to award rent abatement
- If the landlord made a reasonable attempt at repair, might not recover for damages to personal property
- Your life will be put on trial
- This will take a long time, up to 90 days to get a decision
- Defining scope of representation, deciding when it will end

WHY FILE A RENT ESCROW?

- Friendly-Designed for pro se litigants, court will serve,
- Deterrent- Court holds money= motivation for landlord
- Fast- Hearing must be held within 10 to 14 days from when tenant deposits rent
- Allows your client's voice to be heard
- Can be a way to get a landlord to make necessary repairs or fulfill statutory or lease obligation

WHEN TO FILE

- 14 day notice has expired
 - Repairs not resolved,
 - No repair attempted
- City Order expired
 - May not have been able to reinspect
 - City Ordinance provides only for “minimum code enforcement”

PREPARING THE AFFIDAVIT

- IFP Affidavit filled out and signed
- Note the jurisdictional limit for court to serve
- Use best judgment when asking for rent abatement
- Attach notice to Rent Escrow Affidavit

TIMELINE

FIRST APPEARANCE

- Attempt to settle
- Posting rent
- Ask for informal discovery

TRIAL

- Best practice is to subpoena witnesses
- Slideshows or binders of pictures
- Charts can be helpful if dealing with multiple units or many issues

TRYING THE CASE

- Housing Court Rules in Hennepin and Ramsey Counties affect pace of trial
- Bring pictures
- Bring “tangible evidence”
- Consider calling an expert

ISSUES AFTER TRIAL

- Post rent as ordered or risk dismissal
- Problems from lack of repairs ongoing
- Clients might move

RESOURCES

- Watch a first appearance calendar
- Minnesota Department of Health
- City Healthy Homes
<http://www.minneapolismn.gov/health/homes/Healthy>
- Expert Witnesses
- <http://povertylaw.homestead.com/ResidentialUnlawfulDetainer.html>
- Lawhelpmn.org/AG website has resources for clients

VLN RESOURCES

- VLN Housing Volunteer Resources Website
www.vlnmn.org/housing-volunteers
- Steve Swanson
 - VLN Housing Project Attorney
 - Steve@vlnmn.org or 651-752-6652
- Muria Kruger
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