



MINNESOTA

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SERVING MINNESOTA'S HOUSING &
COMMUNITY DEVELOPMENT NEEDS

TO: Minnesota NAHRO Members
FROM: Shannon Guernsey, Executive Director, Minnesota NAHRO
Mary Dobbins, Landrum & Dobbins
DATE: July 21, 2023
RE: Complaint Requirement for Public Housing Eviction for Cause Effective August 1, 2023

To assist our members who operate public housing, we are providing this important update to highlight a required change to a complaint when an eviction is filed in certain circumstances. You may want to remind your legal counsel of this new requirement effective August 1, 2023. We have provided the relevant session law below for ease of reference which includes the required language and format (see highlight below). This addition to the complaint is only required if the eviction action meets ALL of the following:

1. The eviction is filed August 1, 2023 or later
2. The eviction is for cause under 504B.281 to 504B.371 alleging breach of lease
3. The defendant resides in public housing

Minnesota Session Laws 2023 Regular Session, Chapter 52, Article 19, Part F Section 89

**Sec. 89. [504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF LEASE
EVICTION ACTIONS.**

Subdivision 1. Right to counsel. A defendant in public housing subject to an eviction action under sections 504B.281 to 504B.371 alleging breach of lease under section 504B.171 or 504B.285 who is financially unable to obtain counsel has the right to counsel appointed by the court. **The complaint required by section 504B.321 shall include the notice on the first page of the complaint in bold 12-point type: "If financially unable to obtain counsel, the defendant has the right to a court-appointed attorney."** At the initial hearing, the court shall ask the defendant if the defendant wants court-appointed counsel and shall explain what such appointed counsel can accomplish for the defendant.

Subd. 2. Qualifications. Counsel appointed by the court must (1) have a minimum of two years' experience handling public housing evictions; (2) have training in handling public housing evictions; or (3) be supervised by an attorney who meets the minimum qualifications under clause (1) or (2).

Subd. 3. Compensation. By January 15, 2024, and every year thereafter, the chief judge of the judicial district, after consultation with public housing attorneys, legal aid attorneys, and members of the private bar in the district, shall establish a compensation rate for attorney fees and costs associated with representation under subdivision 1. The compensation to be paid to an attorney for such service rendered to a defendant under this subdivision may not exceed \$5,000, exclusive of reimbursement for expenses reasonably incurred, unless payment in excess of that limit is certified by the chief judge of the district as necessary to provide fair compensation for services of an unusual character or duration.

EFFECTIVE DATE. This section is effective August 1, 2023.