

**Committee on Industry, Business and Labor**

**Representative Mike Lefor, Chairman**

Testimony Introducing HB1438—Eviction Notice Information

By

**Rep. Mary Schneider, District 21**

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Good morning, Chairman Lefor, and members of the Industry, Business and Labor Committee. I'm Representative Mary Schneider from District 21, the Heart of Fargo, and I'm here to introduce HB 1438. This bill would provide information with a "3-day intention of notice to evict" about the availability of legal services, including contact information for a nonprofit organization which serves low income and elderly residents.

HB 1438 will help tenants understand their rights in eviction, may prevent evictions, and may actually benefit both parties. In my 24 years of running a large Minnesota legal services organization, most landlords we dealt with appreciated having a legal aid attorney or advocate involved. The payment plans and other settlements we could negotiate could both halt unnecessary evictions and get landlords the funds owed them. Often, we could put together a package of money grants and public benefits to pay the landlord—a service the tenant likely couldn't arrange on their own.

If a tenant doesn't think they can afford an attorney or know of legal help for low income or elderly persons, the fast-moving eviction process will be over before there is any hope of finding counsel. That's often a lose-lose proposition. Not only is the tenant often homeless, with all the negative consequences that entails, but the landlord may

only get a money judgment that may or may not be readily collectible, rather than the actual cash payment owed.

The notice of potential legal assistance in this bill need not be long or complicated. The content for such a notice is readily available, and it wouldn't require any substantial work or cost. While the information may be otherwise researched, a tenant with limited resources, education, capacity, or literacy, or someone elderly or disabled might have difficulty finding help. That is especially true considering the stress, fear, or distress caused by receiving a 3-day eviction notice.

For those who haven't issued or received one, a 3-day notice of intention to evict is a prelude to the actual eviction process. A landlord must deliver a letter or legal document that often looks to tenants like an eviction order. Having information about legal help right with that notice would allow tenants to get needed information that could help avoid packing up and leaving, which is often what happens. The law currently says what must be in a 3-day notice, so it would take very little effort to add a paragraph about available legal assistance.

Can tenants now represent themselves if they don't know about other resources? Maybe. But I've included the document from the North Dakota Legal Self-Help Center, "Eviction for Tenants: An Informational Guide to a North Dakota Civil Court Process" for your review in online testimony.

Consider the reaction of a tenant faced with a 3-day eviction notice and a look at that brochure (if they find it online). It is 25 pages long, with numerous warnings and disclaimers throughout, accompanied by recommendations to consult a lawyer. The first page alone has a bold and underlined warning: "**Use at your own risk.**" That is followed by a

red outlined box saying in bold and all capitals: **“WARNING—EVICTION CAN HAVE SERIOUS LEGAL AND FINANCIAL CONSEQUENCES.”** That is followed by, **“It is strongly recommended that you consult a lawyer as early as possible in the eviction process, and carefully consider all of your options before you represent yourself in an eviction action. When you represent yourself, you are held to the same requirements and responsibilities as a lawyer, even if you don’t understand the rules or procedures.”**

This bill would just have you tell a tenant, with or on the 3-day notice of intention to evict, what legal resources might be available—especially important if the tenant is poor, elderly, impaired or disabled. With the destructive consequences from eviction to a person’s credit, economic stability, personal safety (especially in a pandemic), and emotional and physical well-being, is an additional informational paragraph too much to ask? Many states require much more. New York, for instance has a right to appointed counsel in all eviction cases.

Passing HB 1438 is an easy fix to a serious problem that might be helpful to both tenants and landlords. Please pass it.