

Subject Right to counsel; public housing eviction

Authors Richardson and others

Analyst Mary Mullen

Date March 29, 2021

Overview

This bill requires the court to provide an attorney to defendants in certain types of eviction cases when the defendant lives in public housing and cannot afford an attorney.

Summary

Section	Description
---------	-------------

1	Right to Counsel in Public Housing; Breach of Lease Eviction Actions.
---	--

Subd. 1. Right to counsel. Requires the court to appoint counsel to represent a defendant in a housing eviction case when the defendant is a resident of public housing and the eviction is filed for holding over the property or certain illegal activities on the premises, when the defendant cannot afford an attorney on their own. This section requires the complaint to include notice to the tenant that they are entitled to counsel if they cannot afford an attorney and requires the court to explain this to the defendant at the initial eviction hearing. For the purposes of this section, public housing means project based federally funded public housing.

Subd. 2. Qualifications. Requires counsel appointed in these cases to have two years or more of experience handling housing eviction cases involving public housing and having training on handling public housing eviction cases, or to be supervised by attorney who has this experience.

Subd. 3. Compensation. Requires the chief judge of a district court to work with public housing attorneys, legal aid attorneys, and members of the private bar to establish a compensation rate for attorney's fees and costs to provide representation in the public housing eviction cases. This section also sets a bar for compensation on an individual eviction case unless the chief judge of a district certifies an amount in excess of the limit.



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155