



VIA EMAIL

June 2, 2020

Saint Paul City Council
15 W. Kellogg Blvd.
Saint Paul, MN 55102

RE: City of Saint Paul's Proposed Tenant Protection Ordinance

Dear Saint Paul City Council and Mayor:

I am writing on behalf of the Housing Justice Center and submit this testimony in support of the City of Saint Paul's Proposed Tenant Protection Ordinance. Each element of the proposed policy plays a critical role in ensuring that St. Paul is a more fair, just, and equitable place for people to call home.

The City of Saint Paul stands on the shoulders of decades of work, both locally and across the country, to address disparities in our housing system. The resolution made by the city council in 2018 to declare its commitment to just and equitable housing was an important step. The policies in Ordinance 20-14 are a manifestation of the City's commitment in that resolution to "address racial, social and economic disparities in housing, and create infrastructure needed to stabilize housing for all in St. Paul."

We also appreciate the years of process that went into developing these policies. As advocates, we can at times be impatient because we know how the lack of policies that shift the power imbalance between renters and landlords has direct harm to low-income renter households who, in Saint Paul, are disproportionately POCI households. However, we also understand the importance of working with a range of stakeholders to ensure that the policymaking process addresses a variety of opinions. The process was long-range, transparent, and gave people from across the City who wanted to be engaged the opportunity to provide input and feedback.

What the City arrived at in the proposed ordinance will make a tangible difference in the lives of renters in Saint Paul, and now is the time to do it. Things that were always important take on new urgency with the backdrop of COVID-19. For example, creating well-defined parameters regarding tenant screening that disallow the use of credit scores – a problematic metric that has a well-documented disparate negative impact on POCI households – is more important than ever when placed against the difficult choices that people are making regarding priorities in a time of reduced incomes when consumer debt

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payments are taking a backseat to paying for essential needs like housing, food, and medical costs. Likewise, advance notice of sale provisions – provisions that do not change the sale price of a property or diminish the right of someone to sell their property – can be an essential tool for preservation purchasers to at least have the opportunity to bid on properties that can help serve Saint Paul’s affordable housing needs. The lack of such policies during the Great Recession hampered the ability to stabilize communities in the economic downturn. Saint Paul has the opportunity to write a different outcome for its communities in the face of the next economic downturn.

Of the proposed policies, I would like to make a special note of Just Cause. Just Cause is an essential manifestation of the rights of renters to not lose their homes for arbitrary reasons or no reason at all. It costs nothing. It does not diminish the ability of landlords to file an eviction against someone for valid reasons. It does not prevent a landlord and a tenant from developing a mutual agreement to avoid a formal eviction. What it does is eliminate the arbitrary loss of homes.

Just Cause notice is frequently misunderstood as diminishing the right of a landlord to evict a tenant who violates the rules or creates a safety hazard for the building or other tenants. This is not the case. Landlords still have rights and responsibilities related to the safety of the building and their tenants. Just Cause does not change or impair these rights and responsibilities.

Just Cause is the law of the land in states like New Jersey and cities like Seattle, but more importantly, it is also a fact of life here in Minnesota. Manufactured home law, for example, has Just Cause provisions that prevent a landlord from arbitrarily ending a tenancy. There are also Just Cause requirements for various forms of publicly funded housing in Minnesota.

Without Just Cause, the termination of tenancies becomes an entirely arbitrary process. A tenant who pays their rent on time and follows the rules can still lose their home for no reason. However, “no reason” can be for unstated reasons such as retaliation or discrimination. An excellent example of how no cause nonrenewal was used for discriminatory purposes was the Crossroads Apartments case in Richfield, where an entire building was cleared out to make way for a higher income and whiter clientele. While we were able to get a settlement for tenants based on discriminatory comments by the landlord in that instance, so often, discrimination is more subtle, and people who are displaced are afforded no rights and no compensation. We are right now working with community partners in Saint Paul on two different cases where non-renewal of leases has been used as a tool to displace people based on what we believe are discriminatory and retaliatory factors. Just Cause would prevent this displacement from happening in the first place.

Just Cause is a powerful tool for racial equity and within the power of this City Council to adopt. It is within the broad societal interest, meets a critical public purpose, does not impair the reasonable investment-backed expectations of landlords, and falls squarely within the City’s powers to protect the health and safety of its people. Just Cause has been consistently upheld by courts on constitutional grounds across the county. We will stand by the City against any potential challenge to the right to defend its people from displacement and discrimination.

Saint Paul is a great city because of its people and communities. The current COVID-19 crisis and the history of racism in our structures and systems only amplify the need to adopt policies that support renter households in Saint Paul. We applaud the authors of these policies for their hard work and dedication to creating a more just and equitable Saint Paul. We call on the Mayor and City Council to

enact these policies and continue their commitment to working with community partners to protect the right to safe, stable, and affordable places for people to call home.

Please do not hesitate to contact me if you have any questions or are in need of any clarification.

Truly,

A handwritten signature in black ink, appearing to read 'MK', with a long horizontal flourish extending to the right.

Margaret Kaplan
President
Housing Justice Center