

June 2, 2021

To: Council Members Amy Brendmoen, Rebecca Noecker, Jane L. Prince, Dai Thao, Chris Tolbert, Nelsie Yang;

Cc: Council Member Mitra Jalali; Mayor Melvin Carter; City Attorney Lyndsey Olson

Re: Proposed repeal of Chapter 193, the Tenant Protection Ordinance

Dear City Council Members:

I write to urge you to reconsider the idea of repealing the Tenant Protection Ordinance in the wake of Judge Magnuson's preliminary injunction order. Repeal will make St. Paul's housing problems worse and will embolden the property owners who believe that any regulation of "private" property is illegitimate.

As background, I was at the virtual court hearing on the preliminary injunction and have read the suit and the judge's 12-page order. I am a long-time St. Paul resident, first as a tenant and now as a homeowner.

We knew that this law would be challenged, and we knew that we could lose at least some of it in a preliminary skirmish. That is why the severability clauses were included in the ordinance. Judge Magnuson's order lacks specificity and is overbroad, and both of those reasons are among those why the order should be challenged.

Dozens of jurisdictions across the country have enacted just cause for eviction and other regulations on property owners and have been successful in persuading courts to uphold them. Did you realize that the entire state of New Jersey requires just cause for an eviction? Challenges to that and to many other renters regulations have been beaten back by vigorous, fact-based defenses.

Judge Magnuson's order is vulnerable on legal grounds and he gets the facts wrong also. On this the handful of housing attorneys with whom I've discussed this agree. For one thing, the City Attorney could ask the judge for a more definite statement as to which specific parts of the ordinance are enjoined and on what grounds. Or, she could ask the judge to stay the trial on the full injunction pending the outcome of the Minneapolis challenge.

But the strongest approach would be to gather community resources, citizen resources and legal resources--such as those offered by the Housing Justice Center, the Lawyers Committee for Civil Rights, HomeLine and so forth--**and prepare to defend the purpose and operation of this law.** Trials are how one corrects mistakes of fact, such as Judge Magnuson's idea that the ordinance requires leases to last in perpetuity or requires that owners go to court to end a tenancy. One also can see that his novel interpretation of law would void almost all Minnesota statutes that compel actions that cost money or "speech" from landlords to their tenants. It is a profoundly radical order.

If legal resources truly are the issue, **why not seek more resources from the bar** for this? My understanding is that they are standing by. Or from the Attorney General's office? There is a lot of frustration amongst those who are able and willing to help. Is our City so afraid of standing by policies they enacted through a thoughtful and participatory process?

The citizens Implementation Committee on which I served put in eight months' work on an implementation strategy, alongside hard-working and creative city staff. Why should we throw away all of that bridge-building and labor? **Repealing this ordinance will profoundly discourage those-- landlord and tenant alike--who put thousands of hours into shaping the law**, passing it and preparing to implement it. How will we gather those resources for another round if you so quickly cave in following a setback that might have been predicted?

This is a first step to a new approach and a new ordinance, you say? **Why not put the new approach together and have it ready and only then consider repeal?** Any new ordinance will be challenged immediately by an empowered group of property owners and their attorneys. It will not get the City any more quickly to protection of tenants than would taking this to trial. You cannot rely on Judge Magnuson to see things your way. His misunderstanding (ignorance?) of what the law does was obvious at the hearing and in his order. He will do it again, no matter what happens in Minneapolis. And we will be back at the beginning.

The challengers to this law will receive a huge gift and big shot in the arm if this repeal succeeds. Has the City attempted to negotiate for something from the property owners before turning away from this ordinance and all of the effort and coalition-building it entailed?

Those are my first thoughts. I am happy to discuss this with any or all of you at your convenience. My email is ann.juergens@mitchellhamline.edu and my cell number is 651-398-4830.

Respectfully,

Ann Juergens
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St. Paul