

Heintz, Polly (CI-StPaul)

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Sent: Thursday, June 3, 2021 10:44 AM
To: #CI-StPaul_Ward1; Dai Thao; Brendmoen, Amy (CI-StPaul); Xiong, Mai Chong (CI-StPaul); #CI-StPaul_Ward5
Cc: #CI-StPaul_Ward4; Privratsky, Matt (CI-StPaul); #CI-StPaul_Ward2; Maki, Taina (CI-StPaul); #CI-StPaul_Ward3; Grady, Caitlin (CI-StPaul); #CI-StPaul_Ward6; Xiong, Chris (CI-StPaul); #CI-StPaul_Ward7; Harr, Stephanie (CI-StPaul)
Subject: Judge Magnuson's Injunction re: S.A.F.E.
Attachments: 134 ALR 841 Validity of statute or municipal ordinance which provides generally that occupations or businesses for which no specific license tax has been imposed, shall be subject to a license tax of a specified amount or rate.pdf; 93 ALR2d 1136 Validity and construction of license tax or fee, or business privilege or occupational tax, on persons renting or leasing out real estate.pdf

Think Before You Click: This email originated outside our organization.

Good afternoon,

I recently read Judge Manguson's injunction regarding the S.A.F.E. housing ordinance. I wanted to share a few of my thoughts.

A) It is deeply disappointing at a moral level that a coalition of landlords see their only moral obligation to our community being profit collection. It is not, however, not surprising.

B) By design, injunctions are supposed to be easy to accomplish so parties have an ability to discuss the actual merits of case.

[Magnuson's order](#) says it plainly: "While no factor is dispositive, 'the absence of a likelihood of success on the merits strongly suggests that preliminary injunctive relief should be denied.' *Barrett v. Claycomb*, [705 F.3d 315, 320](#) (8th Cir. 2013)." That's kind of legal hullabaloo, but the best way I can describe it is this: imagine two children fighting. You discover the two children fighting and one kid is on top of the other. You don't know who started it, and that fact doesn't really matter right now. You put both kids on opposite sides of the room to stop the fight. That's an injunction. By design, an injunction stops the disagreement so that an authority can figure out what is relevant to this argument. The only reason you *wouldn't* stop this fight is because it doesn't look serious. *See Barrett v. Claycomb*.

In the case of the city, it is important to remember this is just an injunction. The landlords haven't come up with their litany of facts proving their case, yet. They might not have good facts. They might have great facts. Remember landlords were already talking about suing even before the S.A.F.E. ordinance went into effect. I think there is something to be said for not letting landlords push the city around. After all, this city is 50% renter. As a citizen and not a lawyer I can't give you legal advice. However I ask you this: Why should money dictate power?

C) More importantly, why should money dictate law? Attached are a few ALR articles that I found prior to the S.A.F.E. ordinance describing constitutionality of regulating landlords. 134 ALR 841, 93 ALR2d 1136. These are long and I am not a lawyer so I can't really give you any advice on them. Here are two general points though: (1) A *lot* of states have said it is *totally fair* to regulate a landlord's property rights in pursuit of the common good. (2) Minnesota doesn't appear to have addressed this in the courts.

Applied to where we are now, my question is this: Why should landlords be the ones using the judicial branch to write Minnesota's controlling law? Even judges with the most conservative minds deeply protect the legislature's right to make laws as they see fit. As the city, you are empowered by charter with the legislative power of the state. Why should a small group of especially wealthy individuals rewrite the law? This was a 7-0 vote that was incredibly popular. Simply put, writing laws and ordinances is the job of city council. It is the job of the judicial branch to interpret these laws and do so with a light touch. It is hard for me to believe that any judge would completely disregard the legislature and gut an entire ordinance, especially considering ordinances such as this are controlling in other jurisdictions.

That being said, I am no judge and I am no lawyer. It is, however, my strong citizen opinion that this ordinance is worth fighting for.

Best Regards,

Dan Choma