

**Comparison of Minnesota Private Housing, Mobile Home Lot Rental, Public and Subsidized Housing Unlawful Detainer (Eviction) Action Defenses  
in Addition to Minnesota Private Landlord-Tenant Law  
November 21, 2016**

<b>Answer Form</b>	<b>A1 Private Housing</b>	<b>A2 Mobile Home Lot Rental</b>	<b>A3 Section 8 Certificates and Vouchers</b>	<b>A4 HUD Subsidized Projects</b>	<b>A4X HUD Care Programs</b>	<b>A5 Moderate Rehabilitation Projects</b>	<b>A5X HUD HOME Investment Partnerships Program</b>	<b>A6 Project Based Certificate Projects</b>	<b>A6X IRS Low-Income Housing Tax Credit</b>	<b>A7 Rural Housing Service Projects</b>	<b>A7X Rural Housing Service Receiving HUD Subsidies</b>	<b>A8 Public Housing</b>
Summary	Private landlord-tenant; post mortgage foreclosure; post contract for deed cancellation; NOT for mobile home parks, subsidized or public housing	Tenant owns mobile home and rents lot from park	Tenant obtains subsidy from public housing authority (PHA) § 8 office and finds private housing which PHA subsidizes. Subsidy stays with the tenant unless terminated by PHA. Tenant pays about 30% of income for rent.	Subsidy stays with private landlord. Tenant pays about 30% of income for rent.	Subsidy stays with private landlord. Tenant pays about 30% of income for rent.	Subsidy stays with private landlord. Tenant applies with public housing authority (PHA). Tenant pays about 30% of income for rent.	Subsidy stays with private landlord. Tenant pays about 30% of income for rent.	Subsidy stays with private landlord. Tenant applies with public housing authority (PHA). Tenant pays about 30% of income for rent.	Subsidy stays with private landlord. Tenant pays about 30% of income for rent.	Outside the Twin Cities. Subsidy stays with private landlord. Tenant pays about 30% of income for rent.	Outside the Twin Cities. Subsidy stays with private landlord. Tenant pays about 30% of income for rent.	Subsidy stays with public housing authority (PHA), which is the landlord. Tenant pays about 30% of income for rent.
Authority	Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	Minn. Stat. Chs. 327C, 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	42 U.S.C. §§1437f; 24 C.F.R. Parts 982, 5, 8, 100; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	42 U.S.C. §§1437f; Various regulations; HUD Handbook 4350.3; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	24 C.F.R. Parts 574, 578, 582, and 583; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	24 C.F.R. Parts 882, 5, 8, 100; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	24 C.F.R. Part 92; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	24 C.F.R. Parts 983, 5, 8, 100; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	26 U.S.C. A. § 42 (h)(6)(E)(ii)(D); Rev. Rul. 2004-82, at A-5, 2004-35 I.R.B.350; Rev. Procedure 2005-37 (June 21, 2005)	7 C.F.R. Part 3560; HB-2-3560; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	7 C.F.R. Part 3560; HB-2-3560; 24 C.F.R. Part 884; HUD Handbook No. 4350.3, ¶1-2; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	42 U.S.C. §1437d; 24 C.F.R. Parts 966, 965, 5, 8, 100; Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>

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Service	See answer form for list.	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1
Preconditions	See answer form for list.	Same as A1	Plaintiff must give the eviction notice and/or the court papers to the PHA.	Same as A1	Same as A1	Some leases require Plaintiff to give the eviction notice and/or the court papers to the housing authority.	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1
Notice before filing the action	No notice required in rent or breach cases unless in the lease. Notice required to terminate month to month lease, and to terminate tenancy following mortgage foreclosure or contract for deed cancellation.	Notice required in all cases	No notice before filing UD (unless required by lease) under federal law, but possibly required under state law where alleging a business of economic reason	Notice required in all cases	Notice required in all cases	Notice required in all cases	Notice required in all cases	Notice required in all cases	Same as A1	Notice required in all cases. Tenant has right to correct problem. Landlord must give a warning notice before the termination notice.	Notice required in all cases. Tenant has right to correct problem. Landlord must give a warning notice before the termination notice.	Notice required in all cases

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Cause	Cause not required to terminate month to month lease, and to terminate tenancy following mortgage foreclosure or contract for deed cancellation.	Cause required in all cases	Cause required except at lease expiration, but lease might require cause in call cases	Cause required in all cases	Cause required in all cases	Cause required in all cases	Cause required in all cases	Cause required in all cases	Cause required in all cases	Cause required in all cases	Cause required in all cases	Cause required in all cases
Pre-UD meetings or hearings	Not required unless in the lease.	Same as A1	Same as A1	Informal meeting	Termination review.	Informal meeting	Same as A1	Same as A1	Same as A1	Same as A1	Informal meeting	Informal meeting and formal hearing, except for criminal activity or drug-related criminal activity
Waiver of breach or notice by acceptance of rent	At common law, unless negated by nonwaiver clause in lease.	Statutory provision	Same as A1, except the housing subsidy is not considered rent.	Same as A1, except the housing subsidy is not considered rent.	Same as A1, except the housing subsidy is not considered rent.	Same as A1, except the housing subsidy is not considered rent.	Same as A1, except the housing subsidy is not considered rent.	Same as A1, except the housing subsidy is not considered rent.	Same as A1, except the housing subsidy is not considered rent.	Same as A1, except the housing subsidy is not considered rent.	Same as A1, except the housing subsidy is not considered rent.	Same as A1

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Rent	No controls on rent amount, but rent increases may not be retaliatory.	Reasonable rents, with rent increase limitations	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.	Nonpayment of rent caused by third parties might not be cause. Proper rent calculation.
Habitability defense to rent claims	Habitability statute.	Additional statute	Federal housing code and PHA inspects	Additional regulation	Additional regulation	Federal housing code and PHA inspects	Additional regulation	Federal housing code and PHA inspects	Same as A1	Additional regulation	Additional regulation	Additional regulation
Late fees	Must be in lease, and no more than 8% of unpaid amount.	Same as A1, and must be reasonable	Same as A1	Same as A1, and not cause for eviction	Same as A1	Same as A1	Same as A1, and not cause for eviction	Same as A1	Same as A1	Same as A1, and not cause for eviction	Same as A1, and not cause for eviction	Same as A1
Disabilities	Fair Housing Act and state discrimination statute require reasonable accommodation	Same as A1	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.	Same as A1, plus Rehabilitation Act.
Unlawful or criminal activity	State statute	Same as A1	State and Federal Law with different requirements	State and Federal Law with different requirements	Same as A1	State and Federal Law with different requirements	Same as A1	State and Federal Law with different requirements	Same as A1	State and Federal Law with different requirements	State and Federal Law with different requirements	State and Federal Law with different requirements

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Domestic Violence	State law	Same as A1	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act	Stave Law and Violence Against Woman Act
Writ	Stay for up to 7days for hardship.	Same as A1, but stay for 60 days for sale of home	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1
Other procedural and substantive defenses	See answer form for list.	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1
Remedies	See answer form for list.	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1	Same as A1

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