

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 98

(SENATE AUTHORS: MOHAMED, Port, Mann, McEwen and Gustafson)
DATE 01/09/2023 D-PG OFFICIAL STATUS
Introduction and first reading
Referred to Housing and Homelessness Prevention

1.1 A bill for an act
1.2 relating to housing; providing for a right to counsel in certain public housing
1.3 eviction actions; proposing coding for new law in Minnesota Statutes, chapter
1.4 504B.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH**
1.7 **OF LEASE EVICTION ACTIONS.**

1.8 Subdivision 1. **Right to counsel.** A defendant in public housing subject to an eviction
1.9 action under sections 504B.281 to 504B.371 alleging breach of lease under section 504B.171
1.10 or 504B.285 who is financially unable to obtain counsel has the right to counsel appointed
1.11 by the court. The complaint required by section 504B.321 shall include the notice on the
1.12 first page of the complaint in bold 12-point type: "If financially unable to obtain counsel,
1.13 the defendant has the right to a court-appointed attorney." At the initial hearing, the court
1.14 shall ask the defendant if the defendant wants court-appointed counsel and shall explain
1.15 what such appointed counsel can accomplish for the defendant.

1.16 Subd. 2. **Qualifications.** Counsel appointed by the court must (1) have a minimum of
1.17 two years' experience handling public housing evictions; (2) have training in handling public
1.18 housing evictions; or (3) be supervised by an attorney who meets the minimum qualifications
1.19 under clause (1) or (2).

1.20 Subd. 3. **Compensation.** By January 15, 2024, and every year thereafter, the chief judge
1.21 of the judicial district, after consultation with public housing attorneys, legal aid attorneys,
1.22 and members of the private bar in the district, shall establish a compensation rate for attorney
1.23 fees and costs associated with representation under subdivision 1. The compensation to be

- 2.1 paid to an attorney for such service rendered to a defendant under this subdivision may not
- 2.2 exceed \$5,000, exclusive of reimbursement for expenses reasonably incurred, unless payment
- 2.3 in excess of that limit is certified by the chief judge of the district as necessary to provide
- 2.4 fair compensation for services of an unusual character or duration.