

**Comparison of Private Housing, Mobile Home Lot Rental, Public and Subsidized Housing Unlawful Detainer (Eviction) Action
Defenses in Addition to Private Landlord-Tenant Law
August 31, 2007**

	1 Private Housing	2 Mobile Home Lot Rental	3 Section 8 Certificates and Vouchers	4 HUD Subsidized and IRS Tax Credit Projects	5 Moderate Rehabilitation Projects	6 Project Based Certificate Projects	7 Rural Housing and Community Development Service Projects	8 Public Housing
Summary	Private landlord-tenant; Tenant rents mobile homes and not park lot; 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 applies with public housing authority (PHA). 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.	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.
Answer form	1	2	3	4	5	6	7	8

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Authority	Minn. Stat. Ch. 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	Minn. Stat. §§ Ch. 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. 327C, 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	42 U.S.C. §§1437f; 26 U.S.C.A. § 42 (tax credit); Various regulations depending on program; HUD Handbook 4350.3; Minn. Stat. §§ Ch. 327C, 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	24 C.F.R. Parts 882, 5, 8, 100; Minn. Stat. §§ Ch. 327C, 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	24 C.F.R. Parts 983, 5, 8, 100; Minn. Stat. §§ Ch. 327C, 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>	7 C.F.R. Part 3560; HB-2-3560; Minn. Stat. §§ Ch. 327C, 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. 327C, 504B; Minn. Gen. R. Prac. 600 <i>et. seq.</i>
Preconditions	See answer form for list.	Same as #1.	Plaintiff must give the eviction notice and/or the court papers to the PHA.	Same as #1.	Some leases require Plaintiff to give the eviction notice and/or the court papers to the housing authority.	Same as #1.	Same as #1.	Same as #1.

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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. Tenant has right to correct problem. Landlord must give a warning notice before the termination notice.	Notice required in all cases
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 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

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Pre-UD meetings or hearings	Not required unless in the lease.	Same as #1.	Same as #1.	Informal meeting	Informal meeting.	Same as #1.	Same as #1.	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 #1, except the housing subsidy is not considered rent.	Same as #3.	Same as #3.	Same as #3.	Same as #3.	Same as #1.
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.
Habitability defense to rent claims	Habitability statute.	Additional statute	Federal housing code and PHA inspects	Additional regulation	Federal housing code and PHA inspects	Federal housing code and PHA inspects	Additional regulation	Additional regulation
Late fees	Must be in lease, and be liquidated damages and not penalties.	Must be reasonable	Same as #1.	Not cause for eviction	Same as #1.	Same as #1.	Not cause for eviction	Same as #1.

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Disabilities	Fair Housing Act and state discrimination statute require reasonable accommodation	Same as #1.	Same as #1, plus Rehabilitation Act.	Same as #3.	Same as #3.	Same as #3.	Same as #3.	Same as #3.
Unlawful or criminal activity	State statute	Same as #1.	State and Federal Law with similar requirements	Same as #3.	Same as #3.	Same as #3.	Same as #3.	Same as #3.
Writ	Stay for up to 7days for hardship.	Same as #1, but stay for 60 days for sale of home	Same as #1.	Same as #1.	Same as #1.	Same as #1.	Same as #1.	Same as #1.