



MN Judge Muddles Section 8 Program

One of the core components of the Section 8 housing voucher program is its flexibility for recipients to find housing anywhere and use their voucher to pay 70% of the rental cost.

But landlords across the country have been resistant -- unwilling to get involved with the mounds of paperwork involved and the prospect of renting to what could become undesirable tenants.

While the policy isn't part of the program operated by HUD, refusal to accept vouchers as legitimate income has become a standard strategy among landlords to turn away voucher holders.

Several cities and counties already have approved local laws barring landlords from refusing applicant interviews based on the legitimacy of their earnings. Minneapolis is one of the latest communities to endorse the concept of legitimate earnings.

But unlike other communities, Minneapolis landlords sued to overturn the law which took effect May 1. Angered by what they contend is a violation of their prerogatives to exclude potential troublemakers or rent slackers, 55 apartment owners who control more than 3,200 housing units moved to have the ordinance overturned.

While the ordinance, passed in 2017, allows landlords to screen tenants, they could no longer unilaterally exclude all Section 8 applicants. The exclusion -- No Section 8 Applicants -- is a common statement on apartment listings in the state. Landlords went so far as to ignore the law when it took effect.

The ordinance grants a reprieve for landlords who could show compliance would create an "undue hardship." But the reprieve would only be considered after a discrimination claim was filed against the landlord in the city's Civil Rights Department.

A Hennepin County judge this week backed the landlords. Judge Bruce Peterson ruled the ordinance violates landlords' due process rights by presuming that any owner who does not accept Section 8 vouchers is motivated by prejudice, even though landlords argue they have business reasons for refusing vouchers.

The decision likely will have a ripple effect across the country. Minneapolis officials are mulling an appeal saying they disagree with the decision.

The Minneapolis law cannot be enforced now unless a higher court steps in and restores it.