

Landlord and Tenant Law Schedule
Thursday Classes and Preparation
1:00-2:50, Room 6
Professor McDonough

I. January 20 Introduction

- A. Syllabus
<http://landlordtenantlaw.homestead.com/>
- B. Tenants' Rights in Minnesota (Minnesota Legal Services Coalition)
<http://www.lawhelpmn.org/documents/clusters/MN/285/English/tenantsrights.shtml>
- C. Come with general questions about landlord and tenant law
- D. Think about which state you would like to research for the graded assignments.
 - 1. <http://www.lawhelp.org/>
 - 2. Westlaw and Lexus
 - 3. *This week pick your first choice for which state other than Minnesota you would like to research for the graded assignments. No more than one student can research any one state. Email your request for your top three states to Professor McDonough. States will be assigned on a first request basis.*

II. January 27 Tenancies and Deposits

- A. Tenancies
 - 1. Required Reading
 - a. L. McDonough, Residential Eviction Defense in Minnesota, Chapter I
Posted at <http://hamlinetpc.homestead.com/> under Reading
 - b. Research from your state
 - 2. Optional but Not Required Reading
 - a. Friedman on Leases, Volume 1, Chapter 4
The copy in the library is old, but it is on Westlaw under the datafile PLIREF-LEASES
 - b. R Schoshinski, American Law of Landlord and Tenant, Chapter 2
On reserve in the library
- B. Deposits
 - 1. Required Reading
 - a. L. McDonough, Security Deposits in Minnesota

Posted at <http://landlordtenantlaw.homestead.com/Index.html> under Reading

b. Security Deposits, <http://www.lawhelpmn.org/MN/index.cfm> under Housing

c. Research from your state

2. Optional but Not Required Reading

a. Friedman on Leases, Volume 2, Chapter 20

b. R Schoshinski, American Law of Landlord and Tenant, Chapter 6, §§ 6:27-44.
There is some citation to state deposit statutes.

III. February 3 Deposit Interview and Assignment

A. Client Interviewing and Advice

1. C. Bruno, Client Interviewing Techniques

Posted at <http://landlordtenantlaw.homestead.com/Index.html> under Reading

2. J. Martin, How to Write Letters Nonlawyers Will Read

Posted at <http://landlordtenantlaw.homestead.com/Index.html> under Reading

B. Interview Professor McDonough

1. He will act as a landlord seeking advice about his rights and obligations concerning a security deposit at the end of a tenancy

2. Give initial advice

C. Written Assignment #1 Due February 10 at the Beginning of Class

1. Advice letter to Professor McDonough about his rights and obligations concerning a security deposit at the end of a tenancy

2. Confirm any advice given during the interview

3. Cite all sources of authority on which you rely, such as statutes, rules, and court decisions, and attach them to the letter

4. Page limit 5 pages, single spaced, with one inch margins, and 12 point Time New Roman font

IV. February 10 Habitability and Repairs

A. Hand in Written Assignment #1 at the Beginning of Class

B. Required Reading

1. D. Schaffer, Representing Clients in Pro Bono Housing Repair Cases

Posted at <http://hamlinetpc.homestead.com/> under Reading

2. Research from your state

C. Skim

1. L. McDonough, Residential Eviction Defense in Minnesota, Chapter VI, Section E.1-2
Posted at <http://hamlinetpc.homestead.com/> under Reading

D. Optional but Not Required Reading

1. R Schoshinski, American Law of Landlord and Tenant, Chapter 3, Section C
On reserve in the library

2. Friedman on Leases, Volume 1, Chapter 10
The copy in the library is old, but it is on Westlaw under the datafile PLIREF-LEASES

V. February 17 Tort Liability of Landlords

A. Begin with continuation of discussion from February 10 on Habitability and Repairs

B. Required Reading

1. L. McDonough. *Still Crazy after All of These Years: Landlords and Tenants and the Law of Torts*
33 WM. MITCHELL L. REV. 427 (2006), on [Westlaw at 33 WMLR 427](#)
Posted at <http://hamlinetpc.homestead.com/> under Reading

OR

2. L. McDonough, Who Pays When Tenants Are Injured Due to the Landlord's Failure to Repair?
Posted <http://landlordtenantlaw.homestead.com> under Reading

AND

3. Research from your state

C. Optional but Not Required Reading

1. R Schoshinski, American Law of Landlord and Tenant, Chapter 4
On reserve in the library

2. Friedman on Leases, Volume 1, Chapter 10
The copy in the library is old, but it is on Westlaw under the datafile PLIREF-LEASES

D. Be prepared to summarize habitability requirements and tort liability in each of your states.

VI. February 24 Public and Subsidized Housing

A. Required Reading

1. F. Fuchs, *Overview of Public Housing, HUD Federally Subsidized Housing, and Section 8 Housing Voucher Programs*, POVERTY LAW MANUAL FOR THE NEW LAWYER (Sargent Shriver National Center on Poverty Law 2002)
2. L. Krisher & S. Reif, *Housing Programs Unique to Rural Areas*, POVERTY LAW MANUAL FOR THE NEW LAWYER (Sargent Shriver National Center on Poverty Law 2002)
3. Tenancies Table Comparing Private, Public and Subsidized Housing, and Manufacture Home Park Housing
4. Eviction Answer Forms A3, 4, 7 and 8

B. Optional but Not Required Reading

1. F. Fuchs, *Defending Families and Individuals Threatened with Eviction from Federally Subsidized Housing, Home-funded Properties, §515 Rural Rental Housing, §8 Moderate Rehabilitation, Shelter plus Care, and Supportive Housing, HOPWA, Tax Credit Housing, Section 8 Housing Choice Voucher Program, Public Housing, and Project Base Voucher Program*, by Fred Fuchs (Texas Rio Grande Legal Aid 2010)
2. F. Fuchs, *Defending Families and Individuals Threatened with Termination of Their Section 8 Housing Choice Voucher* (Texas Rio Grande Legal Aid 2010)
3. L. McDonough, *Wait a Minute: Slowing Down Criminal Activity Eviction Cases to Find the Truth*, 41 CLEARINGHOUSE REVIEW 55 (May/June 2007)

VII. March 3 Other Required and Prohibited Lease Provisions

A. Required Reading

1. L. McDonough, Residential Eviction Defense in Minnesota, Chapter VI, § G.12 (and cross references)
Posted at <http://hamlinetpc.homestead.com/> under Reading
2. Research from your state

B. Mentors

1. List provided
2. Contact your mentors

C. Return Written Assignment #1

VIII. March 10 Break

IX. March 17

- A. Client Interviewing and Advice
 - 1. C. Bruno, Client Interviewing Techniques
Posted at <http://landlordtenantlaw.homestead.com/Index.html> under Reading
 - 2. J. Martin, How to Write Letters Nonlawyers Will Read
Posted at <http://landlordtenantlaw.homestead.com/Index.html> under Reading
- B. Interview Professor McDonough
 - 1. He will act as a tenant seeking advice about his rights and obligations concerning a lease provided by a prospective landlord.
 - 2. Give initial advice
- C. Written Assignment #2 Due March 24 at the Beginning of Class
 - 1. Advice letter to Professor McDonough about his tenant rights and obligations concerning a lease from a potential landlord
 - 2. Confirm any advice given during the interview
 - 3. Cite all sources of authority on which you rely, such as statutes, rules, and court decisions, and attach them to the letter
 - 4. Page limit 5 pages, single spaced, with one inch margins, and 12 point Time New Roman font
- X. March 24
 - A. Hand in Written Assignment #2 at the Beginning of Class
 - B. Manufactured and Mobile Home Park Lots
 - 1. Minn. Stat. Ch. 327C
<https://www.revisor.mn.gov/statutes/?id=327C&view=chapter>
 - 2. L. McDonough, Residential Eviction Defense in Minnesota I.F; VI.E.1.u, E.10.e, E.11, E.20.f, E.28, F.4.b, F.7, G.11
Posted at <http://hamlinetpc.homestead.com/> under Reading
 - 3. Answer Form A2
Posted at <http://hamlinetpc.homestead.com/> under Reading
 - C. Tenants of Landlords in Foreclosure
 - 1. Slide Show
 - 2. Fact Sheet
 - 3. Both posted at <http://hamlinetpc.homestead.com/> under Reading
- XI. March 31

A. Eviction Complaints for Landlords

1. Minnesota

a. Eviction Forms

<http://www.mncourts.gov/default.aspx?page=513&category=58#category1>

(1) Instructions - Eviction Action Complaint

(2) Eviction Complaint

b. Eviction Service, Preconditions, and Rent Cases

(1) L. McDonough. Residential Eviction Defense in Minnesota Chapters I - VI, § E (skim only)

Posted at <http://hamlinetpc.homestead.com/> under Reading

(2) Answer Form A1

Posted at <http://hamlinetpc.homestead.com/> under Reading

2. Research from your state.

B. Written Assignment #3 Due April 7 at the Beginning of Class

1. Advice letter to Professor McDonough about his landlord rights and obligations concerning a filing an eviction court case against a tenant for nonpayment of rent
2. Draft an eviction court complaint
3. Confirm any advice given during the interview
4. Cite all sources of authority on which you rely, such as statutes, rules, and court decisions, and attach them to the letter
5. Page limit 5 pages for letter, single spaced, with one inch margins, and 12 point Time New Roman font
6. No limit on the eviction court complaint
7. All students must consult with their mentor(s)

XII. April 7

A. Hand in Written Assignment #3 at the Beginning of Class

B. Eviction Defense

1. Minnesota

a. L. McDonough, Residential Eviction Defense in Minnesota Chapters I - VI, § G (skim only)

Posted at <http://hamlinetpc.homestead.com/> under Reading

b. Answer Form A1

Posted at <http://hamlinetpc.homestead.com/> under Reading

2. Research from your state

XIII. April 14

A. Eviction Defense

1. Minnesota

- a. L. McDonough, Residential Eviction Defense in Minnesota Chapters I - VI, § G (skim only)
Posted at <http://hamlinetpc.homestead.com/> under Reading
- b. Answer Form A1
Posted at <http://hamlinetpc.homestead.com/> under Reading

2. Research from your state

B. Written Assignment #4 Due April 21 at the Beginning of Class

1. Advice letter to Professor McDonough about his tenant rights and obligations concerning an eviction court case filed against him by his landlord
2. Draft an eviction court answer
3. Confirm any advice given during the interview
4. Cite all sources of authority on which you rely, such as statutes, rules, and court decisions, and attach them to the letter
5. Page limit 5 pages for letter, single spaced, with one inch margins, and 12 point Time New Roman font
6. No limit on the eviction court answer
7. All students must consult with their mentor(s)

XIV. April 21

A. Hand in Written Assignment #4 at the Beginning of Class

B. Eviction hearings

1. Minnesota

- a. L. McDonough, Residential Eviction Defense in Minnesota Chapter I.B and V
Posted at <http://hamlinetpc.homestead.com/> under Reading
- b. Minn. R. Gen. P. 600 *et. seq.*
<http://www.mncourts.gov/rules/general/GRtitleVII.htm>
- c. Motion Practice Handout
Posted at <http://hamlinetpc.homestead.com/> under Reading

C. Assignment #5: Eviction motion arguments, based on Assignment #4, presented on April 28

1. Prepare a 5 minute argument for dismissal
2. To be presented next week
3. Based on one of the defenses from your eviction case answer you drafted
4. Contact mentor(s) about any local court rules of practice concerning eviction hearings and arguing motions for dismissal.

XV. April 28

- A. Perform Assignment #5: Student eviction motion arguments
- B. Last class