

TOWARD JUSTICE

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HOUSING LAW

Defending tenants' rights one household at a time

Stable housing has been critical for safety during the COVID-19 pandemic, yet Housing Court and services have been increasingly difficult for the general public to access. The Hennepin County housing market remains tight, and an eviction notice can put a family in serious jeopardy.

Legal Aid's housing unit represents families in Housing Court to defend clients' rights as they face illegal evictions or landlords who ignore their responsibility to keep

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housing in good repair. As with many injustices, housing problems have been particularly hard on Black, Native, and Latinx communities.

A 2017 study showed that of tenants receiving full representation in Hennepin County Housing Court, 79% self-identified as people of color or mixed-race families. Almost 70% were families led by women. The two clients described below are single women of color who stood for their rights and successfully defended themselves and their families.

Maria’s Story: Evicted During a Pandemic

When Maria* realized she couldn’t pay her rent, she went to Centro de Trabajadores Unidos en la Lucha for help writing a letter to her landlord.

“I, like hundreds of thousands of others across the state, will not be paying rent,” she wrote. “For my safety and the safety of my community, we will continue to live and reside in our home. If I pay rent now, I will not be able to meet my or my family’s basic needs.”

A few months later, Maria and her two sons came home to a new lock on their apartment door. The family had no access to their belongings. With nowhere to go that night, they sheltered with a friend. Maria learned about Legal Aid later that week at a community presentation on housing law. She called the intake line, and Staff Attorney Jeffer Ali took Maria’s case.

Loss of Personal Property

“Things changed quickly with a lawyer,” recalls Maria. “They let me back in the apartment and gave me a new key, but when I opened the door, I was surprised again. They had thrown away all of our things. Maybe 10% of all we had remained.”

Luckily, Maria had photos of the apartment before the lockout that showed most of her furniture and belongings. Using those photos, Maria and her teenage son created a detailed list of property and values.



The landlord claimed since Maria had not paid rent for three months, they thought she had abandoned the apartment. But Maria’s tenant file contained her letter showing timely notice of her inability to pay rent and her intention to stay in the apartment. When that letter came to light, the landlord started to bargain.

“Maria’s documentation of property was invaluable,” says Ali. “The landlord started with a \$3,000 offer. Maria and I talked about risk tolerance, and we declined the first few offers. I told her we were likely to win if it went to trial, but I couldn’t guarantee anything, and a trial could go on for months.”

A Favorable Settlement

The family needed money and stability. An hour before trial, Maria authorized Ali to make a demand of \$20,000 plus \$4,000 in rent forgiveness. The landlord immediately agreed. Ali suspects their lawyer told them they needed to avoid a trial.

“I learned that as tenants, we have rights,” Maria says. “We have rights and laws that protect us. We cannot let people violate those laws.”

The settlement was a good one, but Maria and her family suffered a terrible ordeal. In addition to being locked out of their home, they lost passports, birth certificates, and all of their

photos and belongings. The money can't replace what was lost or repair the trauma of the experience.

Larissa's Story: An Intractable Landlord

When Larissa* first moved into a rented house, she found a number of problems, including a malfunctioning stove, oven, washer, and dryer. In addition, cracked stairs, missing handrails, holes in the floor, and improper gutters presented alarming safety issues for Larissa and her three children.

The landlord refused to complete repairs or provide basic essential services. Eventually, he issued an illegal notice to vacate during Governor Tim Walz's eviction moratorium. Larissa then called Legal Aid.

"I feel protected knowing I can put my trust in Legal Aid if I need assistance," Larissa says. "They helped me feel secure that the situation would be handled."

"The repair issues were egregious," notes Staff Attorney Sam Manning. "Larissa and her family were not safe in the premises as it stood. Also, the landlord was dishonest and predatory. He represented himself as the owner of the premises even though he was not. There was no rental license. He made multiple attempts to coerce Larissa into vacating her home in the middle of the pandemic!"

Prevailing in Housing Court

Manning defended Larissa in Housing Court, which held the landlord accountable for the conditions of the building. He helped Larissa receive reimbursement for repairs and purchases for items like sockets, faucets, stairs, carpets, and a dishwasher.

"Sam was deeply knowledgeable of the law and responsive to my needs," Larissa says. "Legal Aid made sure the house had a proper cooking appliance so that I could make real meals for my kids. Previously, I had been forced to cook all our meals in a toaster oven."

The court decision gave Larissa four months with no rent. Meanwhile, the property was sold to a different owner who allowed the family to stay until the end of the term lease.

"I was touched by Larissa's grace in the face of tremendous pressure from her landlord," says Manning. "This case was unusual in just how much the landlord tried to scam Larissa. It was gratifying to see a kind person like Larissa assert her rights and maintain her home in the face of opposition from a crook like her former landlord."

A New Home

Larissa recently returned to work after nine months of unemployment due to COVID. She signed a lease for a new home for her and her kids.

"That housing situation was the most stressful, emotional situation I have ever experienced," states Larissa. "I don't know what I would've done without Legal Aid. I cannot thank them enough for all their hard work."

One Household at a Time

The primary mission of Legal Aid's housing unit is eviction defense, litigation to make homes healthy and safe, and protection of housing subsidies. This work is funded by grants based on the number of individuals served. Communities are empowered when individuals understand their rights and are able to defend themselves against exploitation and greed.

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Most of Legal Aid's work continues with smaller cases and quick hits against corrupt landlords and large property managers, serving individuals like Maria and Larissa. Although the unit has the infrastructure and access to information that lends itself to impact litigation, limited resources are a factor and larger cases must be carefully chosen. Meanwhile, the Legal Aid housing team halts injustice, helps families maintain their stability, and strengthens the community one household at a time.

**Names changed to protect client identity*

ST. CLOUD OFFICE SENIOR LAW PROJECT

Senior takes action for herself and her community

Bette* has a compromising spinal injury. Her apartment's exterior doors were too heavy to manage, and simple tasks like removing the trash were a dangerous undertaking. For the past year, Bette has been unable to safely exit her apartment building on her own.

Trapped Indoors

"I got hit by the door many times," Bette says. "I saw one of my neighbors lifted off her feet when the door hit her walker." The senior building where Bette lives had few accommodations to make things easier for older people with mobility challenges. The onset of COVID-19 and the loss of indoor communal spaces exacerbated Bette's sense of isolation.

Bette started thinking about alternatives, including a search for a new apartment. Shocked by how much rent had increased in recent years, she concluded that her only feasible option was to stay in her current building. After learning that some neighbors shared her safety concerns, she began looking for solutions to benefit everyone.

Doing Something About It

"I've been in this apartment for 16 years," she says. "This is my home. I decided that for me, it's personal. I live here, and I've been hit by the doors. I thought I could maybe do something."

Bette contacted the Minnesota Disability Law Center. She was referred to Karla Krueger, Supervising Attorney for the Senior Law Project in the St. Cloud office. Krueger quickly recognized that Bette's situation required a reasonable accommodation under the Fair Housing Act.

"Bette uses a walker for mobility," says Krueger. "She couldn't leave the building without someone there to help her open the doors."

Krueger wrote a letter to Bette's landlord that included the Department of Justice and the Department of Housing and Urban Development's joint statement on reasonable accommodations. She requested the installation of power-assisted doors.



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Request for Accommodations

"We always start with a request," Krueger explains. "We open with the goal of collaboration and brainstorming solutions with the landlord."

Bette's landlord responded immediately. She was willing to investigate her options but was concerned about the costs of installing power-assisted doors and the potential security risks.

Grateful client gives back

MMLA's services are free, but some clients choose to make a financial investment in Legal Aid's continued work. Legal Aid views these contributions as a generous reminder of the ways an empowered community can resource itself.

Cecilia Kparghai is from Liberia and was a client of Legal Aid's Immigration Law Project. She encountered a problem with a nursing home eviction and sought advice from Legal Aid's Senior Law Project. Legal Aid helped Kparghai access health care coverage and provided advice and support for her appeal of an involuntary discharge. The appeal prevailed and allowed Kparghai to remain in the nursing home while she awaited her next surgery.

"Legal Aid did a wonderful job helping me gain medical benefits when I could not afford it and got me back on track for my health," Kparghai explains.

Soon after, Kparghai's application for permanent residence was approved which provided immediate eligibility to apply for U.S. citizenship. Legal Aid's Low Income Taxpayer Clinic helped Kparghai obtain her economic impact payment under the CARES Act, and the Immigration Law Project continues to assist Kparghai with her pending citizenship application.

Kparghai recently made a donation to Legal Aid in appreciation for the work done on her behalf.

"I am proud of how we worked as a team here at Legal Aid to assist Cecilia, and I am grateful for her very generous donation," says Betsy Parrell, Staff Attorney with Legal Aid's Senior Law Project.

In addition to grant funding and support from the state, Legal Aid relies upon the support of individual donors. Some, like Kparghai, have personal experience with Legal Aid's work. Others partner in the work, standing for justice at both the individual and policy level. Legal Aid's donors play an important role in making competent legal representation available to the entire community.

"I am so glad that Legal Aid was able to provide holistic legal services to ensure that Cecilia received all the benefits available to her," says LITC Director Aisha Servaty. "I'm touched that she valued Legal Aid's mission and services so much as to make a contribution to help us continue to serve and advocate for our clients."

Krueger researched solutions for making the trash and entrance doors accessible while maintaining the building's security and sent the landlord some resources. Within three months, the landlord, who is committed to fair housing, reported to Krueger that she had found an affordable way to install the power-assisted doors. A week later, the power-assisted doors were installed at the building's main entrance.

Collaborative Approach

Although individuals like Bette may wish to advocate independently for themselves, landlords are often more cooperative when confronted by the authority of an attorney.

"I reported past issues, and there was a lack of understanding," Bette says. "Management did a number on me by talking down to me and yelling. That's part of the reason why I didn't think I'd get any results on my own."

With the new power-assisted doors, Bette and her neighbors can safely exit the building while maintaining independence and a sense of freedom. Bette is enjoying her renewed autonomy.

A Solution That Benefits Everyone

"This kind of accommodation is important for clients who have physical impairments but don't want to live in a long-term care facility," Krueger explains. "The landlord engaged in the negotiation, and we were able to work together for a solution that benefits everyone."

Bette's decision to take action improved life for everyone in her building. Legal Aid's collaborative approach resulted in a sustainable change that considers the needs and interests of all parties.

"I wholeheartedly believe this would not have happened without Karla's intervention," Bette says. "If they hadn't installed those doors, I wouldn't be able to go outside, ever. I see my neighbors going in and out of the doors easily now with their walkers and canes. At this stage of the game, the feeling of independence is great. It makes me feel good that I stuck my neck out."

**Name changed to protect client identity*

MINNESOTA DISABILITY LAW CENTER

Fighting racial disparities in education

Marcus* is eleven years old. He loves to cook and has an excellent sense of humor. He’s patient and kind with younger kids and has terrific attention to detail and symmetry. Like many Black children in Minnesota, especially those with disabilities, Marcus’s school experiences have been rough.

“Marcus is biracial, and he doesn’t look disabled,” says Carla, Marcus’s mother, who is white. “Because of his disability and the color of his skin, people make assumptions based on stereotypes of Black boys and men. They don’t see that his behaviors are secondary to underlying issues.”

Marcus has a primary diagnosis of Fetal Alcohol Syndrome Disorder and other disabilities and learning challenges. He functions socially and emotionally at about half his chronological age. He did reasonably well in kindergarten and first grade, but things began to fall apart in second grade.

“Why does everyone want to get me in trouble Mom?” Marcus asked. “I try to say something, but nobody ever listens to me.”

Education Denied

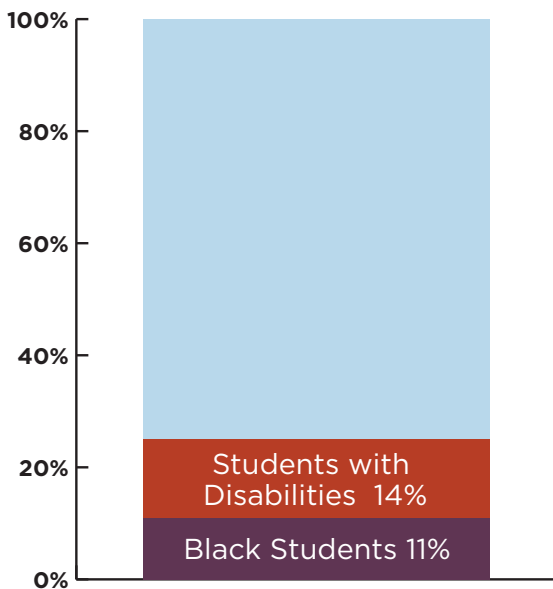
Unlike earlier teachers, Marcus’s second grade teacher didn’t have the skills or patience to work with him. The school changed special education managers three times, and the stability and consistency Marcus needed to make progress wasn’t there. In November, the school asked Carla to pick Marcus up at noon every day. November through April, he was on half-day school.

“It’s hard to dismiss the racial component,” Carla says. “I saw other kids, white kids, at school with even more challenges. I had to wonder, why is their kid welcome and mine isn’t?”

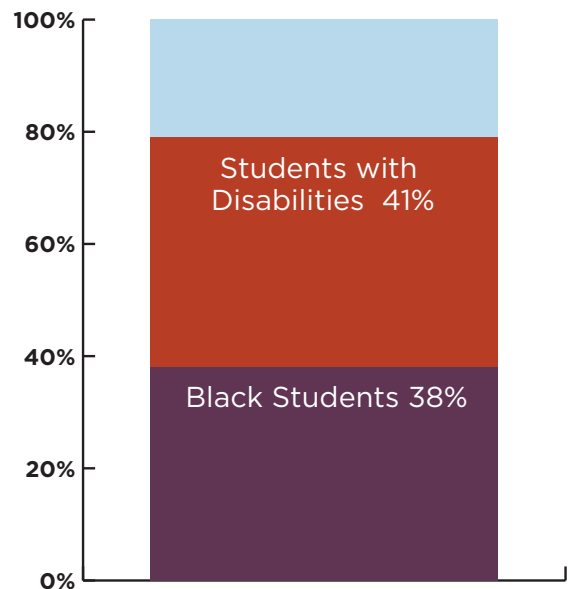
The school has an obligation to provide all students with a full day of appropriate educational services. Carla repeatedly asked the school about North Education Center (NEC), a more restrictive setting where Marcus could receive specialized services.

“They kept telling me they didn’t have the resources to serve him,” Carla recalls. “Every time I asked for a more supportive

OVERALL ENROLLMENT



TOTAL SUSPENSIONS





environment, the principal said it was too expensive. It was really frustrating.”

Third grade was worse with multiple suspensions directly related to Marcus’s disabilities. Carla spoke with the teacher, the principal, special education staff, and the district director of special education. Despite her best efforts, Marcus was out of school for over seven months with no services at all. Carla called the Minnesota Disability Law Center (MDLC) for help.

“Because of his disability and the color of his skin, people make assumptions based on stereotypes of Black boys and men. They don’t see that his behaviors are secondary to underlying issues.”

A Case of Racial Bias

“I was definitely concerned about race impacting this case,” says MDLC Staff Attorney Joshua Ladd. “I regularly see cases of increased incidents and suspensions involving Black students. But this was a rare case where the kid was just thrown away and forgotten by the school. It was very upsetting.”

Ladd called the school district’s director of special education, who immediately agreed to find a solution. Eventually, the district agreed to all the demands that Ladd and Carla set forth. They also agreed to provide compensatory educational services to make up for the school hours that Marcus had missed.

“If Joshua hadn’t been present to lay out the school’s legal obligation, I think the battle would still be going,” Carla says. “I’m grateful for the advocacy, but sad that it takes an attorney to get action taken.”

Making up for Lost Time

Marcus entered fourth grade at NEC, a setting where the staff is knowledgeable and understanding about differences in learning. They are trying to make up for time lost, but also repair the damage done by so many negative experiences in the school setting.

“The district sat on their obligations until we demanded them through legal actions,” says Ladd. “Cases like these are a huge deal for parents and in the life of the student. Individual cases are one way of changing system-wide problems.”

Pursuing Justice

In Minnesota, Black students make up 11% of the student population, but 38% of school suspensions. Students with disabilities (14% of the population) received 41% of all suspensions and expulsions. The numbers represent individual children like Marcus who are not receiving the educational services they are entitled to by law.

“I don’t think people realize how much racism and racial injustice there is, even in elementary schools,” Carla says. “Having a disability and not being white does not bode well for kids in suburban school districts. Josh understands that, and he was committed to ensuring the school was accountable and made changes to support my son.”

**Name changed to protect client identity*



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**THANK YOU FOR YOUR
INVESTMENT IN JUSTICE**



Legal Aid has received the Charities Review Seal, given to nonprofits exemplifying quality, ethics, accountability and transparency.

Dear friends —

In this newsletter, you'll read about several cases where Legal Aid stood with individual clients for their rights. These cases either settled before trial or never went to court at all. Whenever possible, we like to avoid the zero-sum game. Our goal is to work collaboratively and advocate for a fair resolution.

Most of our clients face systems or individuals in positions of power who don't fully understand their legal responsibility or won't fulfill those obligations on their own. Many of them will take action only when an attorney reminds them of their obligations. Black, Indigenous, Latinx, and Asian communities, immigrants, and people with disabilities face these situations at a much higher rate and often face more pushback when they seek justice. Our advocates take the time to research and understand the situation with a racial equity lens, educate all parties on the law, and back up our clients as they assert their rights.

Although these may seem like "small" cases, they can have a broad reach in the community. One individual and one family at a time, our neighbors see the law work in their favor. Those who hold power over others' housing, education, and safety are held accountable for their policies and actions. Empowerment in the legal system is a critical component in a truly equitable and just society.

Thank you for standing with us for justice, case by case.

Sincerely,

Drew P. Schaffer, Executive Director

