

Housing Policy Solutions

Briefing Book

Minnesota Gubernatorial Race 2010

Contributing Organizations:

Corporation for Supportive Housing
Heading Home Minnesota
Hearth Connection
HOME Line, Inc.
Lutheran Social Service of Minnesota
Metropolitan Consortium of Community Developers
Minnesota Coalition for the Homeless
Minnesota Community Land Trust Coalition
Minnesota Housing Partnership
Twin Cities Habitat for Humanity

Created November 2009

Bringing Minnesota Back Home

The Big Picture: Problems Facing a New Governor

The economy is in a recession. The state budget shortfall continues to be in the billions of dollars. Foreclosure rates have tripled, breaking the lives of people and leaving behind vacant homes in broken neighborhoods. Many have lost jobs and are without healthcare. A new governor faces hard decisions amid a slow recovery and a divided constituency. But the time has never been more urgent.

Minnesota's unemployment rate swelled to its highest in 26 years (8.9%) during the first quarter of 2009. In addition, reports show more households falling behind with no place to go. Unemployment and economic uncertainty are taking their toll:

1. Even as rents stabilize and foreclosure rates decline, both renters and homeowners are unable to keep up with their housing payments.
2. In 2006, the Wilder Foundation estimated approximately 9,200 adult, youth and children are homeless in Minnesota on any given night; nearly half are under the age of 22. Since then, Hennepin County has reported a dramatic rise in family homelessness at shelters.
3. The housing industry continues to suffer declines in residential construction employment, while 28% of Twin Cities homes on the market at the end of 2009's first quarter were foreclosed or near foreclosure.

All levels of government are working hard to respond to the housing crisis. Policy makers are focused on rehabilitating neighborhoods, reducing foreclosures, and providing services to address increasing homelessness. A likely solution to our housing problems lies in a more comprehensive approach that includes both the current housing crisis response and the creation of more housing options through strategic investment.

Federal Funding Helps, But Problems Remain

In July of 2008, President Bush signed the Housing Economic and Recovery Act (HERA), the first of two of the most significant housing bills passed in decades to address housing market problems. HERA included:

- The Neighborhood Stabilization Program (NSP) which distributed \$58 million to local governments to address vacant, foreclosed homes in Minnesota.
- Government Subsidized Entity (GSE) reform
- A federal buyout of at-risk mortgages and foreclosure fixes like increased housing counseling support

In February of 2009, President Obama signed the American Recovery and Reinvestment Act (ARRA), intended to stimulate the U.S. economy in the wake of the recession. The Act pumps billions into the economy and into housing. A large portion of the housing money funds green initiatives, including weatherizing homes. The act also funds public housing preservation and certain homelessness prevention activities. Minnesota will receive an estimated \$300 million, pending approval of applications. However, the scope of the housing crisis continues to stress local government budgets and fails to address many community needs such as affordable rent and homeownership, increasing homelessness, foreclosure prevention and neighborhood recovery.

Inside: Housing Policy Solutions

This briefing book contains legislative recommendations provided by housing experts to help new leadership to solve a variety of housing problems. Inside are housing issue sections that provide brief descriptions of current problems followed by new policy and funding solutions that complement existing efforts. Most recommendations can be implemented within 3-6 months. Also included are sections that cover what other levels of government are doing.

The Housing Issue Sections include:

- Affordable Homeownership
- Community Recovery
- Ending Homelessness
- Foreclosure Prevention
- Rent Affordability

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Affordable Homeownership

BACKGROUND/SCOPE OF NEED

In 2008, the median price for a home in the Twin Cities was \$233,000. The annual household income needed to afford that house was \$76,116. According to the Center for Housing Policy's Paycheck to Paycheck 2008 Fourth Quarter findings—people in careers such as a police officer, school teacher, nurse (LPN), fire fighter, bank teller, janitor, and telemarketer do not have enough annual income to purchase that home.

In 2007, more than 250,000 Minnesotans were spending more than 50% of their income on housing. The federal department of Housing and Urban Development (HUD) considers households that spend more than 30 percent of household income on housing to be “cost burdened.”

Many people, including legislators, believe that the federal stimulus is going to fill funding voids in the production of affordable housing and address the impact of the recession and foreclosures. While it is true that stimulus funds have been helpful in generating additional housing production, it is similarly true that, for example, the Neighborhood Stabilization Program (NSP) dollars received in Minnesota will address less than 10 percent of foreclosures statewide. It is just a drop in the bucket.

ISSUES

Accessibility

- The gap between the homeownership rate for white households and households of color remains one of the highest in the nation (Wilder, 2008).
- Minnesota relative to the nation in 2007 (An Update on Minnesota's Homeownership Gap EMHI Summit Grover* and Patterson November 18, 2008):
 - Highest overall homeownership rate (75.2 percent)
 - Fourth highest homeownership rate for White, not Hispanic or Latino, households (78.8 percent)
 - 37th highest Emerging Market homeownership rate (46.2 percent)

Affordability

- Homeownership and the housing sector help to fuel the national economy through direct spending on housing, taxation and consumer spending by homeowners.
- The lack of affordable housing is a significant hardship for low-income households, preventing them from meeting their other basic needs or saving for their household's future. By providing affordable housing to low- and moderate-income workers, Minnesota's workforce, which is the backbone of the state's economic growth and vitality, can focus their energies on their jobs, their communities and their families.

Foreclosures

- The high overall homeownership rate (74%) in the Twin Cities 13-county area is at risk from the impact of the recession and foreclosures.
- Nationally, community land trust homeowners have one-thirtieth the risk of foreclosure compared to traditional homeowners.
- Nonprofit organizations such as Habitat for Humanity and Community Land Trusts are working hard to stabilize neighborhoods through rehabilitation of foreclosed properties. Investors are snapping up foreclosed homes reducing opportunities for this stabilization.

Stability

- Adding additional permanently affordable housing units to our communities is increasingly important to the overall long term stability of the community. The Metropolitan Council predicts that the gross demand for additional affordable housing by 2020 is 38,200 units subtracting out those provided by the private market. (Determining Affordable Housing Need in the Twin Cities 2011-2020: A Report by an Advisory Panel to Metropolitan Council Staff , January 2006)
- Children who live in inadequate housing have lower educational attainment and a greater likelihood of being impoverished and unemployed as adults (Harker, 2006)

POLICY & BUDGET NEEDS

- Policies that support and protect investment in permanent affordable homeownership in our communities.
- Access to foreclosed properties through land banking.
- Nonprofit housing bonds to secure land for future affordable housing units.
- CRV (Challenge) funds and other local funding tools to continue to generate new and rejuvenate existing housing stock.
- Targeted funding of capacity dollars for nonprofits are essential to advance affordable homeownership.

Community Recovery

The housing crisis in Minnesota has resulted in a huge increase in the number of foreclosures in the state, reaching almost 27,000 during 2008 alone.¹ These foreclosures are having harmful impacts on communities and the individuals and families that make up those communities.

- Foreclosures have a negative impact on surrounding property values. According to a recent study, a foreclosure can depress surrounding property values within .6 miles and 5 years from liquidation by as much as 8.7% at its most severe point, gradually dropping to between 1.7-4.7%.²
- The foreclosure crisis strains local governments and displaces thousands of families and children. These vacant and abandoned properties are overwhelming existing resources, lengthening recovery efforts, and contributing to a number of other problems such as increased crime rates and a shrinking local tax base.
- The foreclosure crisis has contributed to a loss of jobs in the state's economy. From December 2004 to December 2008, roughly 25,000 construction jobs and 23,000 manufacturing jobs were lost in Minnesota.³ Skilled workers now left idle could be building or renovating homes, thus providing stability to communities and employment security to neighborhood residents.
- Minneapolis-St. Paul is in the bottom 10 of the 100 largest metropolitan areas in the country, in terms of Real Estate-Owned (REO) properties per 1,000 mortgageable properties.⁴

What recovery efforts are working?

Community recovery efforts are underway throughout the State. Here is a sample of these great efforts:

- Minnesota received \$58 million in the first round of federal Neighborhood Stabilization Program (NSP1) funds. Several local governments and non-profits applied for the second round of competitive NSP funds, which should be announced in late 2009. These funds spur new efforts and leverage existing efforts. NSP1 dollars will assist local governments in Minnesota to treat over 1800 properties.⁵ If the second round of applications is successful, approximately 2200 additional units will be treated.
- Through the programs developed by the National Community Stabilization Trust, including the First Look program which allows local partners to acquire REO properties before they are put on the market, local partners have acquired 172 properties throughout the state of Minnesota in order to return them to productive use.
- The Family Housing Fund launched the Home Prosperity Fund in 2008 with commitments of \$25 million for strategic acquisition and rehabilitation and programs to assist affordable, sustainable homeownership throughout the Twin Cities. As of June 30, 2009, Home Prosperity Funds have allowed local governments and CDCs to acquire 229 properties, provided direct homebuyer mortgage assistance to 33 households, and funded 4 predevelopment projects.

¹ "Minnesota Foreclosure Information," HousingLink (as found at <http://www.housinglink.org/Foreclosure.htm>), September 2009.

² Lin, Zhenguo, Eric Rosenblatt, and Vincent M. Yao. "Spillover Effects of Foreclosures on Neighborhood Property Values." October 17, 2007.

³ U.S. Department of Labor, Bureau of Labor Statistics - workforce statistics for construction (NAICS code 23), as cited in "Housing as a Lever for Economic Recovery," prepared by Donjek, Inc., February 17, 2009.

⁴ "MetroMonitor: Tracking Economic Recession and Recovery in America's 100 Largest Metro Areas," Brookings Institution, March 2009.

⁵ These numbers are based on NSP1 applications submitted by recipient communities. In some cases, duplications in the number of units treated exist between the various uses of the NSP funds, which include financing mechanisms, acquisition & rehab, demolition, land banking and redevelopment.

- Community land trusts in the metro area have been able to provide sustainable, affordable home ownership for about 150 families, stabilizing neighborhoods hard hit by foreclosure.
- Minnesota Housing, the state's housing finance agency, has actively assisted in the financing of several recovery efforts. Among the activities supported are: \$12.3 million for prevention counseling, loans and capacity building; \$20 million in loans to the Family Housing Fund for strategic acquisition activities in North Minneapolis and throughout the metro area⁶; a \$6 million line of credit to My Home Source LLC for the acquisition and rehab of foreclosed properties; \$2.9 million from the Community Revitalization Fund for foreclosure-related activities; and \$3.5 million from the HOME HELP Program for down-payment assistance to persons purchasing foreclosed homes. The Agency is also starting the Homeownership Opportunity Program, which will provide a bridge loan to enable homeowners to acquire and rehabilitate either foreclosed homes or homes in danger of foreclosure.
- Twin Cities Community Land Bank was created and raised \$30 million in funds to acquire foreclosed and vacant properties throughout the metropolitan area.

The ability to raise significant amounts of money means the hard work of our local organizations and governments has been successful. Funders want to participate in the solutions. While these efforts will make an important impact on stemming the foreclosure crisis, the scope of our state's recovery challenges remains formidable. For example, it is estimated that NSP1 funds will address 1800 of the approximate 50,000 vacant and foreclosed properties in the state⁷, or less than 4% of the problem.

⁶ This \$20 million in loan funds supports efforts such as the Home Prosperity Fund and Twin Cities Community Land Bank.

⁷ "Foreclosure Needs Scores within States by CDBG Jurisdiction" LISC Foreclosure Response Project, October 28, 2008.

Foreclosure Prevention

The number of Minnesota families affected by mortgage foreclosure continues to increase.

- Between 2005 and 2008, the number of foreclosures more than quadrupled, with one in every 32 households in Minnesota experiencing foreclosure. Foreclosures are expected to continue to impact all parts of Minnesota with a peak in 2011.
- The rate of foreclosure in seven greater Minnesota counties now exceeds the rates of foreclosure in all metro counties except Scott County.
- The foreclosure crisis strains local government, service providers, and displaces thousands of families and children.
- Demand for foreclosure counseling services was highest not only in the metro counties, but in sixteen greater Minnesota counties as measured by counseled households compared to total number of households.

Who is seeking counseling assistance from the Minnesota Home Ownership Center's network of providers?

- Half of home owners seeking counseling through the Center in 2008 reported facing either a decline in income (35%) or job loss (15%) as a primary driver in their mortgage struggles.
- The majority of home owners (59%) who turned to the Center's network for support held prime mortgages not subprime (aka "exotic") mortgages.
- People of color represent about 6% of all Minnesota homeowners, yet they comprised 29% of the homeowners seeking counseling from the Center during 2008.

Counseling prevents foreclosures and saves Minnesotans money.

- Over 1,700 Minnesota renter households living in foreclosed properties received direct assistance through the Tenants in Foreclosure counseling and legal assistance collaborative (term 4/08-3/09).
- Over 11,000 Minnesota families benefited directly from the Center's counseling in 2008.
- During the first eight months of 2009, the Center had already served 10,000 families.
- Foreclosure prevention counseling through the Center prevented 5,000 foreclosures in 2008.
- These prevented foreclosures saved Minnesota up to \$300 million in 2008 alone including saving local governments approximately \$90 million.

Ending Homelessness

BACKGROUND – In 2006, the Wilder Foundation estimated that approximately 9,200 adult, youth and children are homeless in Minnesota on any given night; nearly half are under the age of 22. For those seeking shelter, roughly 1,000 individuals are turned away each night due to inadequate resources. No region of the state is immune to homelessness - at least 30% of homeless Minnesotans are living in Greater Minnesota. The population encompasses individuals and families facing a short-term crisis to people with multiple and severe barriers to housing:

- 44% of homeless adults report at least one chronic health condition including diabetes, asthma, high blood pressure, and chronic heart or circulatory issues.
- 33% of homeless adults (and 45% of homeless women) reported they had stayed in an abusive relationship because they had nowhere else to live.
- 35%, including approximately 500 children, are experiencing long-term homelessness, meaning lacking a permanent place to live continuously for one or more years or at least four times in the past three years. The individuals are likely to report a recent diagnosis or treatment for a serious mental illness (60%); over one-third have symptoms of brain injury.
- 25% percent are military veterans, most of whom have service-related health problems.

In 2004, the governor and legislature convened a working group charged with reforming the way the long-term homeless – the most expensive and hardest to serve population - are assisted. The result was the creation of the state's Business Plan to End Long-Term Homelessness - a plan to create 4,000 housing opportunities combined with supportive services to eradicate long-term homelessness in Minnesota. This approach shifts resources from expensive crisis and institutional services such as detox, jails, and emergency rooms to stable housing which provides positive outcomes and results. It also frees resources so that emergency shelters are transformed from long-term experiences to what they were intended – short-term safety nets. Since enactment of the plan, the state has invested over \$100 million in housing and created 2,400 of the 4,000 supportive housing opportunities. However, funding of the supportive services has lagged behind the housing investments.

In 2006, the legislature recognized that with 1,800 youth experiencing homelessness on any given night in Minnesota, homeless youth face unique challenges as they are experiencing crisis at a critical moment of their development, and in response, Minnesota's Runaway and Homeless Youth Act was enacted. This policy outlines a continuum of services necessary to identify youth in need, provide timely supports, and create a housing plan for those youth who are unable to return to their family of origin. Current resources fall far short of meeting the need.

POLICY & BUDGET NEEDS - Based on the wide spectrum of needs amongst people experiencing homelessness, a range of responses is needed to move individuals back into housing and to prevent people from becoming homeless in the first place. This "continuum" of housing includes:

Outreach – To get people experiencing homelessness into housing, they need to be linked with the appropriate level of services and supports. Outreach workers do a yeoman's job of intervening and directing the homeless to responses that will best suit them. Outreach may come in the form of street workers – or in partnership with local law enforcement – as successfully demonstrated in a program conducted in Hennepin, Ramsey and St. Louis Counties. Connecting with unaccompanied youth is also a critical part of stemming youth homelessness.

Emergency Shelter – Shelters are a safety net so that people in crisis can have a roof over their head if they have lost their housing. Shelters can then help individuals / households access the most appropriate assistance.

- Minnesota funds shelters at \$350,000/year through DHS' Office of Economic Opportunity

Supportive Housing – Just providing shelter may not be enough to make housing “stick” for the previously homeless. The obstacles that prevented them from being housed may require additional oversight and care. Supportive housing combines services with housing to ensure that housing stability endures.

Transitional Housing – This is time-limited supportive housing (45 days to 24 months). The goal is to re-integrate families and individuals into mainstream housing that they can afford and maintain. Services usually require working with a case manager to set and make progress on goals for family and housing stability. Participating households contribute 25%-30% of their income for housing.

- Minnesota funds transitional housing at \$5.5 million/biennium through DHS' Office of Economic Opportunity

Permanent Supportive Housing – This is for households experiencing long-term homelessness who have significant barriers to mainstream housing.

- Through a combination of base and one-time dollars, Minnesota funds \$13 million of supportive services a biennium through DHS. Today, five Regional Long-Term Homeless Projects covering 37 counties and 6 reservations support 823 single adults, 937 families with 1,648 children, and 33 unaccompanied youth.
- In order to provide the level of service necessary to make sure that the 2400 units of housing created through the state's plan are truly “supportive housing,” an additional \$42 million is needed in the next biennium to preserve these existing units.
- Currently, “doing nothing” to support the state's long-term homeless costs \$72 million per biennium in corrections, health, and human services for long-term homeless populations. This is based on the Wilder estimate of the 500 children and 2,800 adults who have been homeless long-term and annual cost of homelessness of \$3,691 per child, \$4,582 per parent and \$13,954 per single adult from the Supportive Housing and Managed Care Pilot evaluation.

Beyond providing adequate funding to support the continuum, the state must continue to invest in preventing homelessness.

Prevention - The 1993 Minnesota Legislature established the Family Homelessness Prevention and Assistance Program (FHPAP) to assist families with children, youth/unaccompanied youth, and single adults who are homeless or are at imminent risk of homelessness. Funds are used for a broad range of activities aimed at homelessness prevention, minimizing episodes of homelessness, and eliminating repeat episodes of homelessness. Each project designs its own service delivery system to achieve these goals, using approaches that make sense at the local community level. The program supports continuing innovation and development of a comprehensive system to address homelessness, with an emphasis on prevention.

- \$14,930,000 are provided through the MN Housing Finance Agency for FHPAP

Homeless Youth - Current statewide capacity for the continuum includes:

- **Street Outreach** in the Twin Cities Metro, Bemidji, Brainerd, Duluth and Mankato
- **Drop-in Centers** in Minneapolis, St. Paul, and Duluth
- **119 Emergency shelter beds statewide**
- **436 Youth housing opportunities statewide**

The minimal capacity that exists is threatened due to lack of stable funding. \$1 million in one time funding was appropriated by the legislature in 2007 to support the Runaway and Homeless Youth Act and \$218,000 in 2009.

Rent Affordability and Tenant/Landlord Issues

BACKGROUND/SCOPE OF NEED

There are more than 510,000 renter households in Minnesota. Of those:

- More than 230,000 cannot afford their housing – housing is defined as affordable when it costs no more than 30% of your income;
- Approximately 21.7% pay at least half of their income on housing;
- Most receive little to no help – only 18% of renter households receive any form of federal housing assistance.

Renters face a series of challenges to accessing housing and maintaining housing stability. They include:

ISSUES, POLICY & BUDGET NEEDS

Accessibility of Housing

- The mere filing of an eviction case, regardless of the merits of the claim, remains as a demerit on a tenant's record. This creates difficulties for many prospective renters to find landlords willing to rent to them. Several states provide opportunities favorable for both tenants and landlords to correct a tenant – landlord dispute prior to an eviction being filed and / or expunge an improper eviction.
- A low-income tenant seeking rental housing is often forced to pay for multiple tenant screening background checks, making the cost of seeking housing prohibitive. Several options exist to reduce the expenses related to a housing search:
 - Require property owners to disclose the criteria on which a rental application will be judged;
 - If an applicant has been charged an application fee and the property owner rejects the applicant, require the owner to notify the tenant of the reasons for rejection;
 - Only allow property owners to hold to an application fee if they have actually screened the prospective tenant;
 - Establish a clearinghouse for property owners to access background information regarding prospective tenants so the number of application fees charged can be greatly reduced.
- Unfortunately, a significant minority of residential landlords withhold security deposits from their former tenants in bad faith – giving a bogus reason not to return the deposit. Minnesota law does provide a penalty for this, but the penalty is capped at "not to exceed \$200". The \$200 figure was established when the current security deposit law was enacted in 1973. It has never been adjusted upward, even though the Consumer Price Index has grown substantially; \$200 in 1973 dollars equals \$960 in 2009 dollars. What was originally a serious penalty motivating landlords to do the right thing has been eroded to a minor penalty that has a seriously depleted motivational value.

Affordability of Housing

- Nearly half (45%) of Minnesota renters cannot afford where they live.
- Nearly 274,000 Minnesota households received the Renters Credit in tax year 2006 (tax relief to low- and moderate-income households whose property taxes are high in relation to their income). Governor Pawlenty has proposed through unallotment reducing the average Renters' Credit by over \$100 beginning in 2010.
- Since 2001, rents have risen much faster in Greater Minnesota than in the Twin Cities. Rents in the metro area rose by 18% during this time, other areas showed substantially higher increases.

Maintenance of Housing Stability

- Thousands are in jeopardy of losing the affordable housing they have. Minnesota's federally-subsidized housing stock – both public housing and privately-owned – is aging and in dire need of repair. Less than one-third of the stock is public housing; and yet, this housing alone requires between \$400 million and \$500 million to address the backlog of repairs and needed improvements.
- Privately-owned, federally-subsidized housing is home to over 42,000 low-income households in Minnesota (11,000 units in rural areas through USDA's Rural Development 515 Program; 31,000 units primarily in urban and suburban areas through the project-based Section 8 program). Today, communities are faced with the challenge of ensuring their affordable homes are not permanently lost through deterioration or when the contracts with private landlords expire. These challenges are made worse because many of the existing tenants waited years to receive assistance. Feeling fortunate to have even gotten help, these residents are often scared to even ask their landlords about needed repairs and / or if the housing they are living in will stay affordable for the long-term.
- Current Minnesota law contains an inherent and unfair asymmetry between the rights of landlords and tenants with respect to the ability to cure a breach of the lease. A landlord seeking to evict for a breach may do so without giving the tenant the opportunity to cure, but a tenant seeking a remedial action from a landlord for a breach must give the landlord an opportunity to cure before filing suit. There needs to be a change in law to provide more equality in this area.

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