

1.1 A bill for an act

1.2 relating to landlord and tenant; modifying provisions governing expungement  
1.3 of eviction records; requiring landlords to provide receipt for rent paid with  
1.4 cash; modifying tenant rights to possession; amending Minnesota Statutes 2008,  
1.5 sections 484.014, subdivision 2, by adding subdivisions; 504B.285, subdivision  
1.6 1; proposing coding for new law in Minnesota Statutes, chapter 504B.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 484.014, subdivision 2, is amended to read:

1.9 Subd. 2. **Discretionary expungement.** The court may order expungement of an  
1.10 eviction case court file ~~only upon motion of a defendant and decision by the court~~, if the  
1.11 court finds that the plaintiff's case is sufficiently without basis in fact or law, which may  
1.12 include lack of jurisdiction over the case, that expungement is clearly in the interests of  
1.13 justice and those interests are not outweighed by the public's interest in knowing about  
1.14 the record; or that the defendant prevailed in the action; or that the parties have agreed to  
1.15 expungement; or that there is a change in circumstances for the defendant which indicates  
1.16 that the eviction case is not a reasonable predictor of future tenant behavior.

1.17 Sec. 2. Minnesota Statutes 2008, section 484.014, is amended by adding a subdivision  
1.18 to read:

1.19 Subd. 4. **Destroyed court files.** If the court has destroyed the court file of an  
1.20 eviction case, there is a rebuttable presumption in favor of expungement.

1.21 Sec. 3. Minnesota Statutes 2008, section 484.014, is amended by adding a subdivision  
1.22 to read:

2.1            Subd. 5. **Hearing on motion.** If the defendant requests expungement when the  
2.2 eviction case is pending, the court shall rule on the request at the hearing on the eviction  
2.3 following the ruling on the eviction, unless there is good cause to hear it at a later time. A  
2.4 motion to expunge under this subdivision is available exclusively for the eviction case  
2.5 that is pending.

2.6            Sec. 4. **[504B.118] RECEIPT FOR RENT.**

2.7            A landlord receiving rent or other payment from a tenant by cash or money order  
2.8 shall:

2.9            (1) provide a written receipt for payment immediately upon receipt if the payment is  
2.10 made in person; or

2.11            (2) provide a written receipt by mail or personal delivery within five business days  
2.12 of receipt if the payment is made by mail.

2.13            For the purposes of this section, payment left in a designated drop box is considered  
2.14 to be payment made by mail.

2.15            Sec. 5. Minnesota Statutes 2008, section 504B.285, subdivision 1, is amended to read:

2.16            Subdivision 1. **Grounds.** The person entitled to the premises may recover  
2.17 possession by eviction when:

2.18            (1) any person holds over real property:

2.19            (i) after a sale of the property on an execution or judgment; or

2.20            (ii) after the expiration of the time for redemption on foreclosure of a mortgage, or  
2.21 after termination of contract to convey the property, provided that if the person holding the  
2.22 real property after the expiration of the time for redemption or termination was a tenant  
2.23 during the redemption or termination period, ~~the person entered into the~~ under a lease of  
2.24 any duration and the lease began after the date of the notice of the mortgage foreclosure or  
2.25 contract for deed cancellation and was executed but prior to the expiration of the time for  
2.26 redemption or termination, and the person has received:

2.27            (A) at least two months' written notice to vacate no sooner than one month after the  
2.28 expiration of the time for redemption or termination, provided that the tenant pays the  
2.29 rent and abides by all terms of the lease; or

2.30            (B) at least two months' written notice to vacate no later than the date of the  
2.31 expiration of the time for redemption or termination, which notice shall also state that the  
2.32 sender will hold the tenant harmless for breaching the lease by vacating the premises if the  
2.33 mortgage is redeemed or the contract is reinstated;

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3.1           (2) any person holds over real property after termination of the time for which  
3.2 it is demised or leased to that person or to the persons under whom that person holds  
3.3 possession, contrary to the conditions or covenants of the lease or agreement under which  
3.4 that person holds, or after any rent becomes due according to the terms of such lease or  
3.5 agreement; or

3.6           (3) any tenant at will holds over after the termination of the tenancy by notice to quit.