

1.1 A bill for an act

1.2 relating to real property; providing for waiver of storage of abandoned property;
1.3 amending Minnesota Statutes 2008, section 504B.271, subdivisions 1, 2, by
1.4 adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2008, section 504B.271, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **Abandoned property.** If a tenant abandons rented premises, the
1.9 landlord may take possession of the tenant's personal property remaining on the premises,
1.10 and shall store and care for the property. The landlord has a claim against the tenant for
1.11 reasonable costs and expenses incurred in removing the tenant's property and in storing
1.12 and caring for the property.

1.13 The landlord may sell or otherwise dispose of the property 60 days after the landlord
1.14 receives actual notice of the abandonment, or 60 days after it reasonably appears to the
1.15 landlord that the tenant has abandoned the premises, whichever occurs last, and may apply
1.16 a reasonable amount of the proceeds of the sale to the removal, care, and storage costs
1.17 and expenses or to any claims authorized pursuant to section 504B.178, subdivision 3,
1.18 paragraphs (a) and (b). Any remaining proceeds of any sale shall be paid to the tenant
1.19 upon written demand.

1.20 Prior to the sale, the landlord shall make reasonable efforts to notify the tenant of the
1.21 sale ~~at least 14 days prior to the sale,~~ by personal service in writing or sending written
1.22 notification of the sale by certified mail, return receipt requested, to the tenant's last known
1.23 address or usual place of abode, if known by the landlord, and by posting notice of the sale
1.24 in a conspicuous place on the premises ~~for at least two weeks.~~

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2.1 Sec. 2. Minnesota Statutes 2008, section 504B.271, is amended by adding a
2.2 subdivision to read:

2.3 Subd. 1a. **Waiver of storage of abandoned property.** Prior to executing a lease
2.4 agreement, the landlord must provide, and the prospective tenant may sign, a waiver of
2.5 the tenant's right to 60 days' storage of their abandoned property by the landlord. This
2.6 waiver must be part of the lease agreement, written in conspicuous typeface, explaining
2.7 that the landlord will be under no obligation to store the tenant's abandoned property for
2.8 any amount of time following the end of the tenant's lease term, and may proceed with
2.9 a sale or other disposal of the property. Tenants acknowledge and agree to this waiver
2.10 provision by affixing their initials or signature to it. If the landlord decides to sell the
2.11 abandoned property, the landlord must provide notice of the sale in the same manner
2.12 provided in subdivision 1, and may apply a reasonable amount of the proceeds of the sale
2.13 to the removal, care, and storage costs and expenses, or to any claims authorized pursuant
2.14 to section 504B.178, subdivision 3, paragraphs (a) and (b).

2.15 Sec. 3. Minnesota Statutes 2008, section 504B.271, subdivision 2, is amended to read:

2.16 Subd. 2. **Landlord's punitive damages.** If a landlord, an agent, or other person
2.17 acting under the landlord's direction or control, in possession of a tenant's personal
2.18 property, fails to allow the tenant to retake possession of the property within 24 hours after
2.19 written demand by the tenant or the tenant's duly authorized representative or within
2.20 48 hours, exclusive of weekends and holidays, after written demand by the tenant or a
2.21 duly authorized representative when the landlord, the landlord's agent or person acting
2.22 under the landlord's direction or control has removed and stored the personal property
2.23 in accordance with subdivision 1 in a location other than the premises, the tenant shall
2.24 recover from the landlord punitive damages not to exceed \$300 in addition to actual
2.25 damages and reasonable attorney's fees.

2.26 In determining the amount of punitive damages the court shall consider (1) the
2.27 nature and value of the property; (2) the effect the deprivation of the property has had
2.28 on the tenant; (3) if the landlord, an agent, or other person acting under the landlord's
2.29 direction or control unlawfully took possession of the tenant's property; and (4) if the
2.30 landlord, an agent, or other person under the landlord's direction or control acted in bad
2.31 faith in failing to allow the tenant to retake possession of the property.

2.32 The provisions of this subdivision do not apply to personal property which has been
2.33 sold or otherwise disposed of by the landlord in accordance with subdivision 1 or 1a, or to
2.34 landlords who are housing authorities, created, or authorized to be created by sections
2.35 469.001 to 469.047, and their agents and employees, in possession of a tenant's personal

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- 3.1 property, except that housing authorities must allow the tenant to retake possession of the
- 3.2 property in accordance with this subdivision.