

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1298

(SENATE AUTHORS: OUMOU VERBETEN, Boldon, Mohamed and Pha)

DATE	D-PG	OFFICIAL STATUS
02/06/2023	675	Introduction and first reading Referred to Housing and Homelessness Prevention
03/13/2023	1638a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
03/27/2023	1657	Rule 12.10: report of votes in committee Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to housing; providing for a right to counsel in certain public housing

1.3 eviction actions; prohibiting landlords from imposing certain fees; restricting entry

1.4 by a landlord; amending the covenants implied in residential lease; providing for

1.5 tenants remedies against landlords for repairs; allowing a tenant to request

1.6 emergency repairs from the court; modifying termination of tenancy at will;

1.7 requiring residential tenant notice of grounds for eviction before action may be

1.8 brought; prohibiting a landlord from taking certain actions that encourage or require

1.9 a tenant to declaw or devocalize an animal; authorizing civil penalties; expanding

1.10 eligibility for discretionary and mandatory expungements for eviction case court

1.11 files; limiting public access to pending eviction case court actions; limiting early

1.12 renewals on certain rental leases; requiring landlord to provide tenant with a notice

1.13 of the option to inspect the rental unit at the beginning and end of tenancy;

1.14 establishing damages; amending provisions relating to residential housing evictions;

1.15 amending summons and complaint provisions related to residential housing

1.16 eviction; amending Minnesota Statutes 2022, sections 484.014, subdivisions 2, 3;

1.17 504B.135; 504B.161, subdivision 1; 504B.171, subdivision 1, by adding a

1.18 subdivision; 504B.172; 504B.178, subdivision 4; 504B.211, subdivisions 2, 6;

1.19 504B.285, subdivision 5; 504B.291, subdivision 1; 504B.321; 504B.331; 504B.335;

1.20 504B.345, subdivision 1, by adding a subdivision; 504B.361, subdivision 1;

1.21 504B.371, subdivisions 3, 4, 5, 7; 504B.375, subdivision 1; 504B.381, subdivisions

1.22 1, 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes,

1.23 chapter 504B.

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

1.25 Section 1. Minnesota Statutes 2022, section 484.014, subdivision 2, is amended to read:

1.26 Subd. 2. **Discretionary expungement.** The court may order expungement of an eviction

1.27 case court file ~~only upon motion of a defendant and decision by the court, if the court finds~~

1.28 ~~that the plaintiff's case is sufficiently without basis in fact or law, which may include lack~~

1.29 ~~of jurisdiction over the case, that~~ if the court finds that the expungement is clearly in the

1.30 interests of justice and those interests are not outweighed by the public's interest in knowing

1.31 about the record.

2.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to eviction
 2.2 case court files created before, on, or after that date.

2.3 Sec. 2. Minnesota Statutes 2022, section 484.014, subdivision 3, is amended to read:

2.4 Subd. 3. **Mandatory expungement.** Except for clause (6), the court shall, without motion
 2.5 by any party, order expungement of an eviction case:

2.6 (1) commenced solely on the grounds provided in section 504B.285, subdivision 1,
 2.7 clause (1), if the court finds that the defendant occupied real property that was subject to
 2.8 contract for deed cancellation or mortgage foreclosure and:

2.9 (1) (i) the time for contract cancellation or foreclosure redemption has expired and the
 2.10 defendant vacated the property prior to commencement of the eviction action; or

2.11 (2) (ii) the defendant was a tenant during the contract cancellation or foreclosure
 2.12 redemption period and did not receive a notice under section 504B.285, subdivision 1a, 1b,
 2.13 or 1c, to vacate on a date prior to commencement of the eviction case;

2.14 (2) if the defendant prevailed on the merits;

2.15 (3) if the court dismissed the plaintiff's complaint for any reason;

2.16 (4) if the parties to the action have agreed to an expungement;

2.17 (5) three years after the eviction was ordered; or

2.18 (6) upon motion or declaration of compliance by either party, if the case is settled and
 2.19 the defendant fulfills the terms of the settlement.

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to eviction
 2.21 case court files created before, on, or after that date.

2.22 Sec. 3. **[504B.114] PET DECLAWING AND DEVOCALIZATION PROHIBITED.**

2.23 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
 2.24 the meanings given.

2.25 (b) "Animal" has the meaning given in section 343.20, subdivision 2.

2.26 (c) "Application for occupancy" means all phases of the process of applying for the right
 2.27 to occupy a real property, including but not limited to filling out applications, interviewing,
 2.28 and submitting references.

3.1 (d) "Claw" means a hardened keratinized modification of the epidermis or a hardened
3.2 keratinized growth that extends from the end of the digits of certain mammals, birds, reptiles,
3.3 and amphibians that is commonly referred to as a claw, talon, or nail.

3.4 (e) "Declawing" means performing, procuring, or arranging for any procedure, such as
3.5 an onychectomy, tendonectomy, or phalangectomy, to remove or prevent the normal function
3.6 of an animal's claw or claws.

3.7 (f) "Devocalizing" means performing, procuring, or arranging for any surgical procedure,
3.8 such as a vocal cordectomy, to remove an animal's vocal cords or to prevent the normal
3.9 function of an animal's vocal cords.

3.10 Subd. 2. **Prohibitions.** A landlord who allows an animal on the premises shall not:

3.11 (1) advertise the availability of a real property for occupancy in a manner designed to
3.12 discourage application for occupancy of that real property because an applicant's animal
3.13 has not been declawed or devocalized;

3.14 (2) refuse to allow the occupancy of a real property, refuse to negotiate the occupancy
3.15 of a real property, or otherwise make unavailable or deny to another person the occupancy
3.16 of a real property because of that person's refusal to declaw or devocalize an animal; or

3.17 (3) require a tenant or occupant of real property to declaw or devocalize an animal
3.18 allowed on the premises.

3.19 Subd. 3. **Penalties.** (a) A city attorney, a county attorney, or the attorney general may
3.20 bring an action in district court to obtain injunctive relief for a violation of this section and
3.21 to enforce the civil penalties provided in this subdivision.

3.22 (b) In addition to any other penalty allowed by law, a violation of subdivision 2, clause
3.23 (1), shall result in a civil penalty of not more than \$1,000 per advertisement, to be paid to
3.24 the entity that is authorized to bring the action under this section.

3.25 (c) In addition to any other penalty allowed by law, a violation of subdivision 2, clause
3.26 (2) or (3), shall result in a civil penalty of not more than \$1,000 per animal, to be paid to
3.27 the entity that is authorized to bring the action under this section.

3.28 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to leases
3.29 entered into or renewed on or after that date.

4.1 Sec. 4. **[504B.120] PROHIBITED FEES.**

4.2 Subdivision 1. **Prohibited fees.** Except for actual services rendered for an optional
4.3 service offered by the landlord, a landlord shall not charge a tenant any nonrefundable fee
4.4 in relation to a residential tenancy.

4.5 Subd. 2. **Penalties.** A landlord who violates this section is liable to the residential tenant
4.6 for each unenforceable fee for three times the amount of each fee imposed, and the court
4.7 may award the tenant reasonable attorney's fees.

4.8 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to leases
4.9 entered into or renewed on or after that date.

4.10 Sec. 5. Minnesota Statutes 2022, section 504B.135, is amended to read:

4.11 **504B.135 TERMINATING TENANCY AT WILL.**

4.12 ~~(a)~~ A tenancy at will may be terminated by either party by giving notice in writing. The
4.13 time of the notice must be at least as long as the interval between the time rent is due or
4.14 three months, whichever is less.

4.15 ~~(b) If a tenant neglects or refuses to pay rent due on a tenancy at will, the landlord may~~
4.16 ~~terminate the tenancy by giving the tenant 14 days notice to quit in writing.~~

4.17 **EFFECTIVE DATE.** This section is effective August 1, 2023.

4.18 Sec. 6. **[504B.144] EARLY RENEWAL.**

4.19 When a landlord and a tenant sign a residential lease for a term that is at least ten months,
4.20 the landlord must not require the tenant to renew the lease until at least four months have
4.21 passed since the tenant occupied the unit. Any provision, whether oral or written, of any
4.22 lease or other agreement, whereby any provision of this section is waived by a tenant, is
4.23 contrary to public policy and void.

4.24 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to leases
4.25 entered into or renewed on or after that date.

4.26 Sec. 7. Minnesota Statutes 2022, section 504B.161, subdivision 1, is amended to read:

4.27 Subdivision 1. **Requirements.** (a) In every lease or license of residential premises, the
4.28 landlord or licensor covenants:

4.29 (1) that the premises and all common areas are fit for the use intended by the parties;

5.1 (2) to keep the premises in reasonable repair during the term of the lease or license,
 5.2 except when the disrepair has been caused by the willful, malicious, or irresponsible conduct
 5.3 of the tenant or licensee or a person under the direction or control of the tenant or licensee;

5.4 (3) to make the premises reasonably energy efficient by installing weatherstripping,
 5.5 caulking, storm windows, and storm doors when any such measure will result in energy
 5.6 procurement cost savings, based on current and projected average residential energy costs
 5.7 in Minnesota, that will exceed the cost of implementing that measure, including interest,
 5.8 amortized over the ten-year period following the incurring of the cost; ~~and~~

5.9 (4) to maintain the premises in compliance with the applicable health and safety laws
 5.10 of the state, and of the local units of government where the premises are located during the
 5.11 term of the lease or license, except when violation of the health and safety laws has been
 5.12 caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a
 5.13 person under the direction or control of the tenant or licensee; and

5.14 (5) to supply or furnish heat at a minimum temperature of at least 68 degrees Fahrenheit,
 5.15 measured at a distance of 36 inches above floor level, and not closer than 36 inches from
 5.16 an interior wall of a residential unit, from October 1 through April 30.

5.17 (b) The parties to a lease or license of residential premises may not waive or modify the
 5.18 covenants imposed by this section.

5.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

5.20 Sec. 8. Minnesota Statutes 2022, section 504B.171, subdivision 1, is amended to read:

5.21 Subdivision 1. **Terms of covenant.** (a) In every lease or license of residential premises,
 5.22 whether in writing or parol, the landlord or licensor and the tenant or licensee covenant that:

5.23 (1) neither will:

5.24 (i) unlawfully allow controlled substances in those premises or in the common area and
 5.25 curtilage of the premises in violation of any criminal provision of chapter 152;

5.26 (ii) allow prostitution or prostitution-related activity as defined in section 617.80,
 5.27 subdivision 4, to occur on the premises or in the common area and curtilage of the premises;

5.28 (iii) allow the unlawful use or possession of a firearm in violation of section 609.66,
 5.29 subdivision 1a, 609.67, or 624.713, on the premises or in the common area and curtilage of
 5.30 the premises; or

5.31 (iv) allow stolen property or property obtained by robbery in those premises or in the
 5.32 common area and curtilage of the premises; ~~and~~

6.1 (2) the common area and curtilage of the premises will not be used by either the landlord
 6.2 or licensor or the tenant or licensee or others acting under the control of either to manufacture,
 6.3 sell, give away, barter, deliver, exchange, distribute, purchase, or possess a controlled
 6.4 substance in violation of any criminal provision of chapter 152; and

6.5 (3) the covenant is not violated by the landlord or licensor or the tenant or licensee when
 6.6 a person other than the landlord or licensor or the tenant or licensee violates this subdivision
 6.7 or possesses or allows controlled substances in the premises, common area, or curtilage,
 6.8 unless the landlord or licensor or the tenant or licensee knew or had reason to know of that
 6.9 activity.

6.10 (b) In every lease or license of residential premises, whether in writing or parol, the
 6.11 tenant or licensee covenant that the tenant or licensee will not commit an act enumerated
 6.12 under section 504B.206, subdivision 1, paragraph (a), against a tenant or licensee or any
 6.13 authorized occupant.

6.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

6.15 Sec. 9. Minnesota Statutes 2022, section 504B.171, is amended by adding a subdivision
 6.16 to read:

6.17 **Subd. 2a. Limitation on crime free lease provisions.** A residential landlord may not
 6.18 impose a penalty on a residential tenant or terminate the lease of a residential tenant for the
 6.19 conduct of the residential tenant, household member, or guest occurring off of the premises
 6.20 or the common area and curtilage of the premises, unless the conduct would constitute a
 6.21 violent crime against another tenant, the landlord, or the landlord's employees, regardless
 6.22 of whether a charge was brought or a conviction obtained.

6.23 **EFFECTIVE DATE.** This section is effective August 1, 2023.

6.24 Sec. 10. Minnesota Statutes 2022, section 504B.172, is amended to read:

6.25 **504B.172 RECOVERY OF ATTORNEY FEES.**

6.26 If a residential lease specifies an action, circumstances, or an extent to which a landlord,
 6.27 directly, or through additional rent, may recover attorney fees in an action between the
 6.28 landlord and tenant, the tenant is entitled to attorney fees if the tenant prevails in the same
 6.29 type of action, under the same circumstances, or is entitled to costs under section 549.02,
 6.30 and to the same extent as specified in the lease for the landlord.

6.31 **EFFECTIVE DATE.** This section is effective August 1, 2023.

7.1 Sec. 11. Minnesota Statutes 2022, section 504B.178, subdivision 4, is amended to read:

7.2 Subd. 4. **Damages.** Any landlord who fails to:

7.3 (1) provide a written statement within three weeks of termination of the tenancy;

7.4 (2) provide a written statement within five days of the date when the tenant leaves the
7.5 building or dwelling due to the legal condemnation of the building or dwelling in which the
7.6 tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant;
7.7 ~~or~~

7.8 (3) transfer or return a deposit as required by subdivision 5; or

7.9 (4) provide the tenant with notice for an initial inspection and move-out inspection as
7.10 required by section 504B.182, and complete an initial inspection and move-out inspection
7.11 when requested by the tenant,

7.12 after receipt of the tenant's mailing address or delivery instructions, as required in subdivision
7.13 3, is liable to the tenant for damages in an amount equal to the portion of the deposit withheld
7.14 by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition
7.15 to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

7.16 **EFFECTIVE DATE.** This section is effective August 1, 2023.

7.17 Sec. 12. **[504B.182] INITIAL AND FINAL INSPECTION REQUIRED.**

7.18 Subdivision 1. **Initial inspection.** At the commencement of a residential tenancy, or
7.19 within 14 days of a residential tenant occupying a unit, the landlord must notify the tenant
7.20 of their option to request an initial inspection of the residential unit for the purposes of
7.21 identifying existing deficiencies in the rental unit to avoid deductions for the security deposit
7.22 of the tenant at a future date. If the tenant requests an inspection, the landlord and tenant
7.23 shall schedule the inspection at a mutually acceptable date and time.

7.24 Subd. 2. **Move-out inspection.** Within a reasonable time after notification of either a
7.25 landlord or residential tenant's intention to terminate the tenancy, or before the end of the
7.26 lease term, the landlord shall notify the tenant in writing of the tenant's option to request an
7.27 initial inspection and of the tenant's right to be present at the inspection. At a reasonable
7.28 time, but no earlier than five days before the termination or the end of the lease date, or day
7.29 the tenant plans to vacate the unit, the landlord, or an agent of the landlord, shall, upon the
7.30 request of the tenant, make a move-out inspection of the premises. The purpose of the
7.31 move-out inspection shall be to allow the tenant an opportunity to remedy identified
7.32 deficiencies, in a manner consistent with the rights and obligations of the parties under the

8.1 rental agreement, in order to avoid deductions from the security deposit. If a tenant chooses
 8.2 not to request an initial inspection, the duties of the landlord under this subdivision are
 8.3 discharged. If an inspection is requested, the parties shall attempt to schedule the inspection
 8.4 at a mutually acceptable date and time.

8.5 Subd. 3. **Other requirements under law.** Nothing in this section changes the
 8.6 requirements or obligations under any other section of law, including but not limited to
 8.7 sections 504B.178, 504B.185, 504B.195, or 504B.271, 504B.375, and 504B.381.

8.8 Subd. 4. **Waiver.** Any provision, whether oral or written, of any lease or other agreement,
 8.9 whereby any provision of this section is waived by a tenant, is contrary to public policy and
 8.10 void.

8.11 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to leases
 8.12 entered into or renewed on or after that date.

8.13 Sec. 13. Minnesota Statutes 2022, section 504B.211, subdivision 2, is amended to read:

8.14 Subd. 2. **Entry by landlord.** Except as provided in subdivision 4, a landlord may enter
 8.15 the premises rented by a residential tenant only for a reasonable business purpose and after
 8.16 making a good faith effort to give the residential tenant reasonable notice under the
 8.17 circumstances of not less than 24 hours in advance of the intent to enter. A residential tenant
 8.18 may permit a landlord to enter the rented premises with less than 24 hours notice if desired.
 8.19 The notice must specify a time or anticipated time of entry and the landlord may only enter
 8.20 between the hours of 8:00 a.m. and 8:00 p.m. unless the tenant and landlord agree to an
 8.21 earlier or later time. A residential tenant may not waive and the landlord may not require
 8.22 the residential tenant to waive the residential tenant's right to prior notice of entry under
 8.23 this section as a condition of entering into or maintaining the lease.

8.24 **EFFECTIVE DATE.** This section is effective August 1, 2023.

8.25 Sec. 14. Minnesota Statutes 2022, section 504B.211, subdivision 6, is amended to read:

8.26 Subd. 6. **Penalty.** If a landlord substantially violates subdivision 2, the residential tenant
 8.27 is entitled to a penalty which may include a rent reduction up to full rescission of the lease,
 8.28 recovery of any damage deposit less any amount retained under section 504B.178, and ~~up~~
 8.29 ~~to~~ a ~~\$100~~ \$500 civil penalty for each violation. If a landlord violates subdivision 5, the
 8.30 residential tenant is entitled to up to a ~~\$100~~ \$500 civil penalty for each violation. A residential
 8.31 tenant ~~shall~~ may follow the procedures in sections 504B.381, 504B.385, and 504B.395 to

9.1 504B.471 to enforce the provisions of this section. A violation of this section by the landlord
 9.2 is a violation of section 504B.161.

9.3 **EFFECTIVE DATE.** This section is effective August 1, 2023.

9.4 Sec. 15. **[504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF**
 9.5 **LEASE EVICTION ACTIONS.**

9.6 Subdivision 1. **Right to counsel.** A defendant in public housing subject to an eviction
 9.7 action under sections 504B.281 to 504B.371 alleging breach of lease under section 504B.171
 9.8 or 504B.285 who is financially unable to obtain counsel has the right to counsel appointed
 9.9 by the court. The complaint required by section 504B.321 shall include the notice on the
 9.10 first page of the complaint in bold 12-point type: "If financially unable to obtain counsel,
 9.11 the defendant has the right to a court-appointed attorney." At the initial hearing, the court
 9.12 shall ask the defendant if the defendant wants court-appointed counsel and shall explain
 9.13 what such appointed counsel can accomplish for the defendant.

9.14 Subd. 2. **Qualifications.** Counsel appointed by the court must: (1) have a minimum of
 9.15 two years' experience handling public housing evictions; (2) have training in handling public
 9.16 housing evictions; or (3) be supervised by an attorney who meets the minimum qualifications
 9.17 under clause (1) or (2).

9.18 Subd. 3. **Compensation.** By January 15, 2024, and every year thereafter, the chief judge
 9.19 of the judicial district, after consultation with public housing attorneys, legal aid attorneys,
 9.20 and members of the private bar in the district, shall establish a compensation rate for attorney
 9.21 fees and costs associated with representation under subdivision 1. The compensation to be
 9.22 paid to an attorney for such service rendered to a defendant under this subdivision may not
 9.23 exceed \$5,000, exclusive of reimbursement for expenses reasonably incurred, unless payment
 9.24 in excess of that limit is certified by the chief judge of the district as necessary to provide
 9.25 fair compensation for services of an unusual character or duration.

9.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

9.27 Sec. 16. Minnesota Statutes 2022, section 504B.285, subdivision 5, is amended to read:

9.28 Subd. 5. **Combining allegations.** (a) An action for recovery of the premises may combine
 9.29 the allegation of nonpayment of rent and the allegation of material violation of the lease,
 9.30 which shall be heard as alternative grounds.

9.31 (b) ~~In cases where rent is outstanding, a tenant is not required to pay into court the~~
 9.32 ~~amount of rent in arrears, interest, and costs as required under section 504B.291 to defend~~

10.1 ~~against an allegation by the landlord that the tenant has committed a material violation of~~
 10.2 ~~the lease.~~

10.3 (c) If the landlord does not prevail in proving material violation of the lease, and the
 10.4 landlord has also alleged that rent is due, the tenant shall be permitted to present defenses
 10.5 to the court that the rent is not owing. The tenant shall be given up to seven days of additional
 10.6 time to pay any rent determined by the court to be due. ~~The court may order the tenant to~~
 10.7 ~~pay rent and any costs determined to be due directly to the landlord or to be deposited with~~
 10.8 ~~the court.~~

10.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

10.10 Sec. 17. Minnesota Statutes 2022, section 504B.291, subdivision 1, is amended to read:

10.11 Subdivision 1. **Action to recover.** (a) A landlord may bring an eviction action for
 10.12 nonpayment of rent irrespective of whether the lease contains a right of reentry clause. Such
 10.13 an eviction action is equivalent to a demand for the rent. There is a rebuttable presumption
 10.14 that the rent has been paid if the tenant produces a copy or copies of one or more money
 10.15 orders or produces one or more original receipt stubs evidencing the purchase of a money
 10.16 order, if the documents: (i) total the amount of the rent; (ii) include a date or dates
 10.17 approximately corresponding with the date rent was due; and (iii) in the case of copies of
 10.18 money orders, are made payable to the landlord. This presumption is rebutted if the landlord
 10.19 produces a business record that shows that the tenant has not paid the rent. The landlord is
 10.20 not precluded from introducing other evidence that rebuts this presumption. In such an
 10.21 action, unless the landlord has also sought to evict the tenant by alleging a material violation
 10.22 of the lease under section 504B.285, subdivision 5, the tenant may, ~~at any time before~~
 10.23 ~~possession has been delivered,~~ redeem the tenancy and be restored to possession by paying
 10.24 to the landlord or bringing to court the amount of the rent that is in arrears, with interest,
 10.25 costs of the action, and an attorney's fee not to exceed \$5, and by performing any other
 10.26 covenants of the lease. Redemption may be made by written guarantee from a federal agency,
 10.27 state agency, local unit of government, or any other organization that qualifies for tax exempt
 10.28 status under United States Code, title 26, section 501(c)(3).

10.29 (b) ~~If the tenant has paid to the landlord or brought into court the amount of rent in~~
 10.30 ~~arrears but is unable to pay the interest, costs of the action, and attorney's fees required by~~
 10.31 ~~paragraph (a), the court may permit the tenant to pay these amounts into court and be restored~~
 10.32 ~~to possession within the same period of time, if any, for which the court stays the issuance~~
 10.33 ~~of the order to vacate under section 504B.345.~~

11.1 (c) Prior to or after commencement of an action to recover possession for nonpayment
 11.2 of rent, the parties may agree only in writing that partial payment of rent in arrears which
 11.3 is accepted by the landlord prior to issuance of the order granting restitution of the premises
 11.4 pursuant to section 504B.345 may be applied to the balance due and does not waive the
 11.5 landlord's action to recover possession of the premises for nonpayment of rent.

11.6 ~~(d)~~ (c) Rental payments under this subdivision must first be applied to rent claimed as
 11.7 due in the complaint from prior rental periods before applying any payment toward rent
 11.8 claimed in the complaint for the current rental period, unless the court finds that under the
 11.9 circumstances the claim for rent from prior rental periods has been waived.

11.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

11.11 Sec. 18. Minnesota Statutes 2022, section 504B.321, is amended to read:

11.12 **504B.321 COMPLAINT AND SUMMONS.**

11.13 Subdivision 1. **Procedure.** (a) To bring an eviction action, the person complaining shall
 11.14 file a complaint with the court, stating the full name and date of birth of the person against
 11.15 whom the complaint is made, unless it is not known, describing the premises of which
 11.16 possession is claimed, stating the facts which authorize the recovery of possession, and
 11.17 asking for recovery thereof.

11.18 (b) The lack of the full name and date of birth of the person against whom the complaint
 11.19 is made does not deprive the court of jurisdiction or make the complaint invalid.

11.20 ~~(c) The court shall issue a summons, commanding the person against whom the complaint
 11.21 is made to appear before the court on a day and at a place stated in the summons.~~

11.22 ~~(d)~~ The appearance shall be not less than seven nor more than 14 days from the day of
 11.23 issuing the summons, except as provided by subdivision 2.

11.24 ~~(e) A copy of the complaint shall be attached to the summons, which shall state that the
 11.25 copy is attached and that the original has been filed.~~

11.26 (d) If applicable, the person filing a complaint must attach a copy of the written notice
 11.27 described in subdivision 1a. The court shall:

11.28 (1) dismiss an action without prejudice for failure to provide a notice as described in
 11.29 subdivision 1a; and

11.30 (2) grant an expungement of the eviction case court file.

12.1 Subd. 1a. **Written notice.** (a) Before bringing an eviction action alleging nonpayment
 12.2 of rent or other unpaid financial obligation in violation of the lease, a landlord must provide
 12.3 written notice to the residential tenant specifying the basis for a future eviction action. The
 12.4 notice must include:

12.5 (1) the total amount due;

12.6 (2) a specific accounting of the amount of the total due that is comprised of unpaid rents,
 12.7 late fees, or other charges under the lease;

12.8 (3) the name and address of the person authorized to receive rent and fees on behalf of
 12.9 the landlord;

12.10 (4) the following statement: "You have the right to seek legal help. If you can't afford
 12.11 a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org
 12.12 to know your rights and find your local Legal Aid office.";

12.13 (5) the following statement: "To apply for financial help, contact your local county or
 12.14 Tribal social services office, apply online at MNBenefits.mn.gov, or call the United Way
 12.15 toll-free information line by dialing 2-1-1 or 800-543-7709."; and

12.16 (6) the following statement: "Your landlord can file an eviction case if you do not pay
 12.17 the total amount due or move out within 14 days from the date of this notice."

12.18 (d) The landlord or an agent of the landlord must deliver the notice personally or by first
 12.19 class mail to the residential tenant at the address of the leased premises.

12.20 (e) Only if the residential tenant fails to correct the rent delinquency within 14 days of
 12.21 the delivery or mailing of the notice, or fails to vacate, the landlord may bring an eviction
 12.22 action under subdivision 1 based on the nonpayment of rent.

12.23 Subd. 1b. **Notice constitutes verification of emergency.** (a) Receipt of the notice under
 12.24 subdivision 1a shall be deemed by a county agency to be sufficient demonstration of an
 12.25 emergency situation under section 256D.06, subdivision 2, and Minnesota Rules, chapter
 12.26 9500. For purposes of chapter 256J and Minnesota Rules, chapter 9500, a county agency
 12.27 verifies an emergency situation by receiving and reviewing a notice under this section.

12.28 (b) When it receives a copy of the notice required by this section, the county must not:

12.29 (1) require the tenant to provide additional verification of the emergency; or

12.30 (2) require additional verification that the landlord will accept the funds demanded in
 12.31 the notice required by this section to resolve the emergency.

13.1 Subd. 2. **Expedited procedure.** (a) In an eviction action brought under section 504B.171
 13.2 or on the basis that the residential tenant is causing a nuisance or other illegal behavior that
 13.3 seriously endangers the safety of other residents, their property, or the landlord's property,
 13.4 has engaged in illegal behavior that seriously endangers the safety of other residents or has
 13.5 destroyed or maliciously and seriously damaged the property of the landlord or tenant, the
 13.6 person filing the complaint shall file an affidavit stating specific facts and instances in
 13.7 support of why an expedited hearing is required.

13.8 (b) The complaint and affidavit shall be reviewed by a referee or judge and scheduled
 13.9 for an expedited hearing only if sufficient supporting facts are stated and they meet the
 13.10 requirements of this paragraph.

13.11 (c) The appearance in an expedited hearing shall be not less than five days nor more
 13.12 than seven days from the date the summons is issued. The summons, in an expedited hearing,
 13.13 shall be served upon the residential tenant within 24 hours of issuance unless the court
 13.14 orders otherwise for good cause shown.

13.15 (d) If the court determines that the person seeking an expedited hearing did so without
 13.16 sufficient basis under the requirements of this subdivision, the court shall impose a civil
 13.17 penalty of up to \$500 for abuse of the expedited hearing process.

13.18 (e) The court may only consider allegations under section 504B.171 during an expedited
 13.19 hearing. The court may not consolidate claims heard under the expedited procedure with
 13.20 any additional claims, including but not limited to breach of lease, holding over under section
 13.21 504B.285, or nonpayment of rent under section 504B.291.

13.22 Subd. 3. **Contents of complaint.** The person bringing a complaint under this section
 13.23 must:

13.24 (1) attach the current written lease, or most recent written lease in existence, and any
 13.25 relevant lease addenda;

13.26 (2) if alleging nonpayment of rent, attach a detailed ledger or accounting of the amount
 13.27 owed at the time of filing;

13.28 (3) if alleging a breach of lease, identify the clause of the lease which is the basis of the
 13.29 allegation, the nature of the conduct constituting the alleged breach of lease, the dates on
 13.30 which the alleged conduct took place, and the clause granting the right to evict based on
 13.31 the alleged conduct;

13.32 (4) if alleging a violation of section 504B.171, specify the nature of the conduct
 13.33 constituting the alleged violation and the dates on which the alleged conduct took place;

14.1 (5) if alleging a violation of section 504B.285, subdivision 1, attach a copy of any notice
14.2 to vacate or notice to quit; and

14.3 (6) state in the complaint whether the tenancy is affected by a federal or state housing
14.4 subsidy program through project-based federal assistance payments; the Section 8 program
14.5 as defined in section 469.002, subdivision 24; the low-income housing tax credit program;
14.6 or any other similar program, and include the name of the agency that administers the
14.7 housing subsidy program.

14.8 Subd. 4. **Summons.** The court shall issue a summons, commanding the person against
14.9 whom the complaint is made to appear before the court on the day and at the place stated
14.10 in the summons. A copy of the complaint must be attached to the summons. The summons
14.11 must include, at a minimum:

14.12 (1) the full name of the person against whom the complaint is brought;

14.13 (2) the date, time, and location of the hearing;

14.14 (3) information about the methods for participating in the court appearance, including,
14.15 if applicable, information for appearing by telephone or computer and contact information
14.16 for the court regarding remote participation;

14.17 (4) the following statement: "You have the right to seek legal help or request a reasonable
14.18 accommodation from the court for your hearing. Contact the court as soon as possible if
14.19 you need an accommodation. If you can't afford a lawyer, free legal help may be available.
14.20 Contact Legal Aid or visit www.LawHelpMN.org to know your rights and find your local
14.21 Legal Aid office.";

14.22 (5) the following statement: "To apply for financial help, contact your local county or
14.23 Tribal social services office, apply online at MNBenefits.mn.gov, or call the United Way
14.24 toll-free information line by dialing 2-1-1 or 800-543-7709."; and

14.25 (6) notification that a copy of the complaint is attached and has been filed with the court.

14.26 Subd. 5. **Defective filing or service.** The court must dismiss and expunge the record of
14.27 any action if the person bringing the action fails to comply with this section.

14.28 Subd. 6. **Nonpublic record.** An eviction action is not accessible to the public until the
14.29 court enters a final judgment.

14.30 **EFFECTIVE DATE.** This section is effective August 1, 2023.

15.1 Sec. 19. Minnesota Statutes 2022, section 504B.331, is amended to read:

15.2 **504B.331 SUMMONS; HOW SERVED.**

15.3 (a) The summons and complaint must be served at least seven days before the date of
15.4 the court appearance specified in section 504B.321, in the manner provided for service of
15.5 a summons in a civil action in district court. ~~It may be served by any person not named a~~
15.6 ~~party to the action.~~

15.7 (b) If the defendant cannot be found in the county, the summons and complaint may be
15.8 served at least seven days before the date of the court appearance by:

15.9 (1) leaving a copy at the defendant's last usual place of abode with a person of suitable
15.10 age and discretion residing there; or

15.11 (2) if the defendant had no place of abode, by leaving a copy at the property described
15.12 in the complaint with a person of suitable age and discretion occupying the premises.

15.13 (c) Failure of the sheriff to serve the defendant is prima facie proof that the defendant
15.14 cannot be found in the county.

15.15 (d) Where the defendant cannot be found in the county, service of the summons and
15.16 complaint may be made upon the defendant by posting the summons in a conspicuous place
15.17 on the property for not less than one week if:

15.18 (1) the property described in the complaint is:

15.19 (i) nonresidential and no person actually occupies the property; or

15.20 (ii) residential and service has been attempted at least twice on different days, with at
15.21 least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m.;
15.22 and

15.23 (2) the plaintiff or the plaintiff's attorney has signed and filed with the court an affidavit
15.24 stating that:

15.25 (i) the defendant cannot be found, or that the plaintiff or the plaintiff's attorney believes
15.26 that the defendant is not in the state; ~~and~~

15.27 (ii) a copy of the summons has been mailed to the defendant at the defendant's last known
15.28 address if any is known to the plaintiff; or

15.29 (iii) the plaintiff or plaintiff's attorney has communicated to the defendant that an eviction
15.30 hearing has been scheduled, including the date, time, and place of the hearing specified in

16.1 the summons, by all forms of written communication the plaintiff regularly uses to
 16.2 communicate with the defendant.

16.3 (e) If the defendant or the defendant's attorney does not appear in court on the date of
 16.4 the appearance, the trial shall proceed.

16.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

16.6 Sec. 20. Minnesota Statutes 2022, section 504B.335, is amended to read:

16.7 **504B.335 ANSWER; TRIAL.**

16.8 (a) At the court appearance specified in the summons, the defendant may answer the
 16.9 complaint, and the court shall hear and decide the action, unless it grants a continuance of
 16.10 the trial as provided in section 504B.341.

16.11 (b) Either party may demand a trial by jury.

16.12 (c) The proceedings in the action are the same as in other civil actions, except as provided
 16.13 in sections 504B.281 to 504B.371.

16.14 (d) The court, in scheduling appearances and hearings under this section, shall give
 16.15 priority to any eviction brought under section 504B.171, or on the basis that the ~~defendant~~
 16.16 ~~is a tenant and is causing a nuisance or seriously endangers the safety of other residents,~~
 16.17 ~~their property, or the landlord's property~~ residential tenant has engaged in illegal behavior
 16.18 that seriously endangers the safety of other residents or has destroyed or maliciously and
 16.19 seriously damaged the property of the landlord or tenant.

16.20 (e) The court may not require the defendant to pay any amount of money into court, post
 16.21 a bond, make a payment directly to a landlord, or by any other means post security for any
 16.22 purpose prior to final disposition of an action, except for appeals as provided in section
 16.23 504B.371.

16.24 **EFFECTIVE DATE.** This section is effective August 1, 2023.

16.25 Sec. 21. Minnesota Statutes 2022, section 504B.345, subdivision 1, is amended to read:

16.26 Subdivision 1. **General.** (a) If the court or jury finds for the plaintiff, the court shall
 16.27 immediately enter judgment that the plaintiff shall have recovery of the premises, and shall
 16.28 tax the costs against the defendant. The court shall issue execution in favor of the plaintiff
 16.29 for the costs and also immediately issue a writ of recovery of premises and order to vacate.

16.30 (b) The court shall give priority in issuing a writ of recovery of premises and order to
 16.31 vacate for an eviction action brought under section 504B.171 or on the basis that the tenant

17.1 is causing a nuisance or seriously endangers the safety of other residents, their property, or
 17.2 the landlord's property.

17.3 (c) If the court or jury finds for the defendant, then the court:

17.4 (1) ~~the court~~ shall enter judgment for the defendant, tax the costs against the plaintiff,
 17.5 and issue execution in favor of the defendant; and

17.6 (2) ~~the court may~~ shall expunge the records relating to the action under the provisions
 17.7 of section 484.014 or under the court's inherent authority at the time judgment is entered
 17.8 or after that time upon motion of the defendant.

17.9 (d) Except in actions brought: (1) under section 504B.291 ~~as required by section~~
 17.10 ~~609.5317, subdivision 1~~; (2) under section 504B.171; or (3) on the basis that the tenant is
 17.11 causing a nuisance or seriously endangers the safety of other residents, their property, or
 17.12 the landlord's property, upon a showing by the defendant that immediate restitution of the
 17.13 premises would work a substantial hardship upon the defendant or the defendant's family,
 17.14 the court shall stay the writ of recovery of premises and order to vacate for a reasonable
 17.15 period, not to exceed seven days.

17.16 **EFFECTIVE DATE.** This section is effective August 1, 2023.

17.17 Sec. 22. Minnesota Statutes 2022, section 504B.345, is amended by adding a subdivision
 17.18 to read:

17.19 Subd. 3. **Motion to vacate judgment.** Any party may bring a motion to vacate a judgment
 17.20 in an eviction action. An order denying a motion to vacate a judgment is considered a
 17.21 judgment for purposes of appeal under section 504B.371.

17.22 **EFFECTIVE DATE.** This section is effective August 1, 2023.

17.23 Sec. 23. Minnesota Statutes 2022, section 504B.361, subdivision 1, is amended to read:

17.24 Subdivision 1. **Summons and writ.** The state court administrator shall develop a uniform
 17.25 form for the summons and writ of recovery of premises and order to vacate. The summons
 17.26 shall conform to the requirements enumerated under section 504B.321, subdivision 3. The
 17.27 writ for recovery of premises and order to vacate must include:

17.28 (1) the following statement: "You have the right to seek legal help. If you can't afford
 17.29 a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org
 17.30 to know your rights and find your local Legal Aid office."; and

18.1 (2) the following statement: "To apply for financial help, contact your local county or
 18.2 Tribal social services office, apply online at MNBenefits.mn.gov, or call the United Way
 18.3 toll-free information line by dialing 2-1-1 or 800-543-7709."

18.4 **EFFECTIVE DATE.** This section is effective August 1, 2023.

18.5 Sec. 24. Minnesota Statutes 2022, section 504B.371, subdivision 3, is amended to read:

18.6 Subd. 3. **Appeal bond.** If the party appealing remains in possession of the property, that
 18.7 party must give a bond that provides that:

18.8 (1) all costs of the appeal will be paid;

18.9 (2) the party will comply with the court's order; and

18.10 (3) ~~all the regular rent and other damages~~ due to the party excluded from possession
 18.11 during the pendency of the appeal will be paid as that rent accrues. The court may not require
 18.12 a bond including bank rent, late fees, disputed charges, or any other amount in excess of
 18.13 the regular rent as it accrues each month.

18.14 **EFFECTIVE DATE.** This section is effective August 1, 2023.

18.15 Sec. 25. Minnesota Statutes 2022, section 504B.371, subdivision 4, is amended to read:

18.16 Subd. 4. **Stay pending appeal.** After the appeal is taken, all further proceedings in the
 18.17 case are stayed, ~~except as provided in subdivision 7.~~

18.18 **EFFECTIVE DATE.** This section is effective August 1, 2023.

18.19 Sec. 26. Minnesota Statutes 2022, section 504B.371, subdivision 5, is amended to read:

18.20 Subd. 5. **Stay of writ issued before appeal.** (a) ~~Except as provided in subdivision 7,~~ If
 18.21 the court issues a writ for recovery of premises and order to vacate before an appeal is taken,
 18.22 the appealing party may request that the court stay further proceedings and execution of the
 18.23 writ for possession of premises and order to vacate, and the court shall grant a stay.

18.24 (b) If the party appealing remains in possession of the premises, that party must give a
 18.25 bond under subdivision 3.

18.26 (c) When the officer who has the writ for possession of premises and order to vacate is
 18.27 served with the order granting the stay, the officer shall cease all further proceedings. If the
 18.28 writ for possession of premises and order to vacate has not been completely executed, the
 18.29 defendant shall remain in possession of the premises until the appeal is decided.

18.30 **EFFECTIVE DATE.** This section is effective August 1, 2023.

19.1 Sec. 27. Minnesota Statutes 2022, section 504B.371, subdivision 7, is amended to read:

19.2 Subd. 7. **Exception.** Subdivisions 1, 4, and 6 do not apply in an action ~~on a lease, against~~
19.3 ~~a tenant holding over after the expiration of the term of the lease, or a termination of the~~
19.4 ~~lease by a notice to quit, where the plaintiff has prevailed on a claim pursuant to section~~
19.5 504B.171, subdivision 2, if the plaintiff gives a bond conditioned to pay all costs and damages
19.6 if on the appeal the judgment of restitution is reversed and a new trial ordered. In such a
19.7 case, the court shall issue a writ for recovery of premises and order to vacate notwithstanding
19.8 the notice of appeal, as if no appeal had been taken, and the appellate court shall issue all
19.9 needful writs and processes to carry out any judgment which may be rendered in the court.

19.10 **EFFECTIVE DATE.** This section is effective August 1, 2023.

19.11 Sec. 28. Minnesota Statutes 2022, section 504B.375, subdivision 1, is amended to read:

19.12 Subdivision 1. **Unlawful exclusion or removal.** (a) This section applies to actual or
19.13 constructive removal or exclusion of a residential tenant which may include the termination
19.14 of utilities or the removal of doors, windows, or locks. A residential tenant to whom this
19.15 section applies may recover possession of the premises as described in paragraphs (b) to
19.16 (e).

19.17 (b) The residential tenant shall present a verified petition to the district court of the
19.18 judicial district of the county in which the premises are located that:

19.19 (1) describes the premises and the landlord;

19.20 (2) specifically states the facts and grounds that demonstrate that the exclusion or removal
19.21 was unlawful, including a statement that no writ of recovery of the premises and order to
19.22 vacate has been issued under section 504B.345 in favor of the landlord and against the
19.23 residential tenant and executed in accordance with section 504B.365; and

19.24 (3) asks for possession.

19.25 (c) If it clearly appears from the specific grounds and facts stated in the verified petition
19.26 or by separate affidavit of the residential tenant or the residential tenant's attorney or agent
19.27 that the exclusion or removal was unlawful, the court shall immediately order that the
19.28 residential tenant have possession of the premises.

19.29 (d) The residential tenant shall furnish security, if any, that the court finds is appropriate
19.30 under the circumstances for payment of all costs and damages the landlord may sustain if
19.31 the order is subsequently found to have been obtained wrongfully. In determining the

20.1 appropriateness of security, the court shall consider the residential tenant's ability to afford
 20.2 monetary security.

20.3 (e) The court shall direct the order to the sheriff of the county in which the premises are
 20.4 located and the sheriff shall execute the order immediately by making a demand for
 20.5 possession on the landlord, if found, or the landlord's agent or other person in charge of the
 20.6 premises. If the landlord fails to comply with the demand, the officer shall take whatever
 20.7 assistance may be necessary and immediately place the residential tenant in possession of
 20.8 the premises. If the landlord, the landlord's agent, or other person in control of the premises
 20.9 cannot be found and if there is no person in charge, the officer shall immediately enter into
 20.10 and place the residential tenant in possession of the premises. The officer shall also serve
 20.11 the order and verified petition or affidavit immediately upon the landlord or agent, in the
 20.12 same manner as a summons is required to be served in a civil action in district court.

20.13 (f) The court administrator may charge a filing fee in the amount set for complaints and
 20.14 counterclaims in conciliation court, subject to the filing of an inability to pay affidavit.

20.15 **EFFECTIVE DATE.** This section is effective August 1, 2023.

20.16 Sec. 29. Minnesota Statutes 2022, section 504B.381, subdivision 1, is amended to read:

20.17 Subdivision 1. **Petition.** A person authorized to bring an action under section 504B.395,
 20.18 subdivision 1, may petition the court for relief ~~in cases of emergency involving the loss of~~
 20.19 ~~running water, hot water, heat, electricity, sanitary facilities, or other essential services or~~
 20.20 ~~facilities that the landlord is responsible for providing.:~~

20.21 (1) when a unit of government has issued a condemnation order or a notice of intent to
 20.22 condemn; or

20.23 (2) in cases of emergency involving the following services and facilities when the landlord
 20.24 is responsible for providing them:

20.25 (i) a serious infestation;

20.26 (ii) the loss of running water;

20.27 (iii) the loss of hot water;

20.28 (iv) the loss of heat;

20.29 (v) the loss of electricity;

20.30 (vi) the loss of sanitary facilities;

20.31 (vii) a nonfunctioning refrigerator;

21.1 (viii) if included in the lease, a nonfunctioning air conditioner;

21.2 (iv) if included in the lease, no functioning elevator;

21.3 (x) any conditions, services, or facilities that pose a serious and negative impact on
21.4 health or safety; or

21.5 (xi) other essential services or facilities.

21.6 **EFFECTIVE DATE.** This section is effective August 1, 2023.

21.7 Sec. 30. Minnesota Statutes 2022, section 504B.381, subdivision 5, is amended to read:

21.8 Subd. 5. **Relief; service of petition and order.** Provided proof that the petitioner has
21.9 given the notice required in subdivision 4 to the landlord, if the court finds based on the
21.10 petitioner's emergency ex parte motion for relief, affidavit, and other evidence presented
21.11 that the landlord violated subdivision 1, then the court shall order that the landlord
21.12 immediately begin to remedy the violation and may order relief as provided in section
21.13 504B.425. The court and petitioner shall serve the petition and order on the landlord
21.14 personally or by mail as soon as practicable. The court shall include notice of a hearing and,
21.15 at the hearing, shall consider evidence of alleged violations, defenses, compliance with the
21.16 order, and any additional relief available under section 504B.425. The court and petitioner
21.17 shall serve the notice of hearing on the ex parte petition and emergency order personally or
21.18 by mail as soon as practicable.

21.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

21.20 Sec. 31. Minnesota Statutes 2022, section 504B.381, is amended by adding a subdivision
21.21 to read:

21.22 Subd. 8. **Filing fee.** The court administrator may charge a filing fee in the amount set
21.23 for complaints and counterclaims in conciliation court, subject to the filing of an inability
21.24 to pay affidavit.

21.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.