

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 429

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DATE 01/19/2023 D-PG OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety

1.1 A bill for an act
1.2 relating to real property; modifying termination of tenancy at will; requiring
1.3 residential tenant notice of grounds for eviction before action may be brought;
1.4 amending Minnesota Statutes 2022, sections 504B.135; 504B.321.

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

1.6 Section 1. Minnesota Statutes 2022, section 504B.135, is amended to read:

1.7 **504B.135 TERMINATING TENANCY AT WILL.**

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

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

1.13 Sec. 2. Minnesota Statutes 2022, section 504B.321, is amended to read:

1.14 **504B.321 COMPLAINT AND SUMMONS.**

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

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

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

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

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

2.7 (f) If applicable, the person filing a complaint must attach a copy of the written notice
2.8 described in subdivision 1a. The court shall dismiss an action without prejudice for failure
2.9 to provide a notice as described in subdivision 1a and grant an expungement of the eviction
2.10 case court file.

2.11 Subd. 1a. **Written notice.** (a) Before bringing an eviction action alleging nonpayment
2.12 of rent or other unpaid financial obligation in violation of the lease, a landlord must provide
2.13 written notice to the residential tenant specifying the basis for a future eviction action.

2.14 (b) For an allegation of nonpayment of rent or other unpaid financial obligations in
2.15 violation of the lease, the landlord must include the following in a written notice:

2.16 (1) the total amount due;

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

2.19 (3) the name and address of the person authorized to receive rent and fees on behalf of
2.20 the landlord.

2.21 (c) A notice provided under this section must:

2.22 (1) provide a statement that a low-income residential tenant may be eligible for financial
2.23 assistance from the county;

2.24 (2) provide a description on how to access legal and financial assistance through the
2.25 "Law Help" website at www.lawhelpmn.org and "Minnesota 211" through its website at
2.26 www.211unitedway.org or by calling 211; and

2.27 (3) state that the landlord may bring an eviction action following expiration of the 14-day
2.28 notice period if the residential tenant fails to pay the total amount due or fails to vacate.

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

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

3.4 (f) Receipt of a notice under this section is an emergency situation under section 256D.06,
3.5 subdivision 2, and Minnesota Rules, chapter 9500. For purposes of chapter 256J and
3.6 Minnesota Rules, chapter 9500, a county agency verifies an emergency situation by receiving
3.7 and reviewing a notice under this section. If a residential tenant applies for financial
3.8 assistance from the county, the landlord must cooperate with the application process by:

3.9 (1) supplying all information and documentation requested by the residential tenant or
3.10 the county; and

3.11 (2) accepting or placing into escrow partial rent payments where necessary to establish
3.12 a residential tenant's eligibility for assistance.

3.13 **Subd. 2. Expedited procedure.** (a) In an eviction action brought under section 504B.171
3.14 or on the basis that the residential tenant is causing a nuisance or other illegal behavior that
3.15 seriously endangers the safety of other residents, their property, or the landlord's property,
3.16 the person filing the complaint shall file an affidavit stating specific facts and instances in
3.17 support of why an expedited hearing is required.

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

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

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