

Subject Residential Landlord and Tenant Law

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Overview

This bill makes changes to various tenant's rights provisions, amends the existing chapter on landlord and tenant's rights related to lease terminations, evictions, and eviction expungements (Chapter 504B), and amends discrimination provisions related to housing discrimination.

Article 1: Tenant's Rights

Section Description – Article 1: Tenant's Rights

1 Rental assistance discrimination prohibited.

Prohibits a landlord from refusing federal, state, or local housing assistance including rental assistance, rent supplements, and housing choice vouchers like Section 8 from a tenant or prospective tenant, or from advertising that they will not accept housing assistance from a tenant. This section provides that a violation is a violation of the Minnesota Human Rights Act, and provides exceptions for situations where accepting the housing assistance would create an undue hardship for the landlord.

2 Pet declawing and devocalization prohibited.

Provides that when an any kind of animal is allowed on the rental property, a landlord cannot advertise in a way that would discourage a potential renter from renting the unit who has not declawed or devocalized their pets. The landlord also cannot refuse to rent a rental unit or require a current renter, to declaw or devocalize their animal.

This section allows a local government prosecutor or the attorney general to bring an action to prevent a violation of this section and to collect up to \$1,000 per advertisement that violates this section and a \$1,000 fine for each animal related to the violation of this section, to be paid to the local government or attorney general who brought the civil action.

Section Description – Article 1: Tenant’s Rights

- 3 Prohibited fees.**
Prohibits landlords from imposing ongoing fees that do not relate to a service provided by the landlord and imposes a penalty for violating this section.
- 4 Early renewal.**
For leases longer than ten months, a landlord must wait four months after the tenant moves in before they can ask them if they want to renew the tenancy. This section is effective August 1, 2023, and applies to leases enter into or renewed on or after that date, so that it would not apply to leases that have been signed before that date.
- 5 Damages.**
Provides that along with other provisions related to the return of a damage deposit on a residential rental unit, the landlord can be liable for monetary damages to a tenant if they do not do an initial or final inspection as required in section 3.
- 6 Entry by landlord.**
Restricts landlords entry into a residential unit to between the hours of 8:00 a.m. and 8:00 p.m. and clarifies that notice must be at least 24 hours before entry.
- 7 Penalty.**
Changes the penalty for a landlord who enters an apartment without proper notice or in violation of the section to damages not less than one month’s rent and reasonable attorney’s fees instead of a civil penalty of \$100. Provides that a violation of the section on unlawful entry by a landlord is a violation of the lease.
- 8 Right to counsel in public housing; breach of lease eviction actions.**
Subd. 1. Right to counsel. Requires the court to appoint counsel to represent a defendant in a housing eviction case when the defendant is a resident of public housing and the eviction is filed for holding over the property or certain illegal activities on the premises, when the defendant cannot afford an attorney on their own. This section requires the complaint to include notice to the tenant that they are entitled to counsel if they cannot afford an attorney and requires the court to explain this to the defendant at the initial eviction hearing. For the purposes of this section, public housing means project based federally funded public housing.
Subd. 2. Qualifications. Requires counsel appointed in these cases to have two years or more of experience handling housing eviction cases involving public housing and having training on handling public housing eviction cases, or to be supervised by attorney who has this experience.

Section Description – Article 1: Tenant’s Rights

Subd. 3. Compensation. Requires the chief judge of a district court to work with public housing attorneys, legal aid attorneys, and members of the private bar to establish a compensation rate for attorney’s fees and costs to provide representation in the public housing eviction cases. This section also sets a bar for compensation on an individual eviction case unless the chief judge of a district certifies an amount in excess of the limit.

Article 2: Lease Covenants and Repairs in Residential Tenancy

Section Description - Article 2: Lease Covenants and Repairs in Residential Tenancy

1 Requirements.

Requires a landlord to provide heat in a residential tenancy at a minimum temperature of 68 degrees from October 1 to April 30.

2 Unlawful exclusion or removal.

Allows unlawful exclusion cases, when a tenant has been locked out, to be brought for the same filing fee as conciliation court.

3 Petition.

Specifies the type of incidents that allow a tenant to petition for emergency repair in a residential rental unit.

4 Relief; service of order.

Allows the tenant to petition for emergency relief to fix an emergency repair and allows the court to order that a landlord immediately remedy the violation. Requires the court to provide notice of a hearing on the ex parte petition and order as soon as practicable.

Article 3: Lease Terminations

Section Description - Article 3: Lease Terminations

1 Terminating tenancy at will.

Removes the provision that allows a landlord to terminate a tenancy without a written lease with 14 days’ notice. The existing law that requires notice to be as long as the interval between the time rent is due would apply.

Section Description - Article 3: Lease Terminations

2 Early renewal; cities of the first class.

Requires landlords in Minneapolis, St. Paul, Rochester, and Duluth to wait until six months before the end of the lease, and not sooner, to ask the tenant if they would like to renew the lease and stay in the unit when the lease is for more than ten months.

3 Termination of lease upon infirmity of tenant.

Allows a tenant to terminate a lease if the tenant requires assistance with daily living, meets the nursing facility care criteria, or has a disability related to mental illness, and the tenant enters a nursing home, hospice, care, a licensed boarding care facility, assisted living, adult foster care, intensive mental health residential program, or an accessible unit. This section requires the tenant to provide notice to the landlord two months in advance along with medical documentation and proof the tenant is moving. When a tenant needs an accessible unit and one can be provided in the same complex, this section would not apply.

This section is effective on January 1, 2024, and applies to leases entered into or renewed on or after that date.

Article 4: Residential Evictions

Section Description – Article 4: Residential Evictions

1 Combining allegations.

Changes the procedure when an eviction alleges material lease violations and rent owed in an eviction.

2 Action to recover.

Alters existing procedure in eviction actions for nonpayment of rent including allowing a government agency to assist with redemption of the unit.

3 Complaint and summons.

Provides a new procedure for the summons in an eviction action, including a notice for how to get legal and financial assistance, and provides the contents for notice to tenant that is included in a summons for eviction.

This section also provides that expedited evictions should only proceed as expedited matters if there is a threat of an ongoing violation of section 504B.171 (unlawful and dangerous activities).

Section Description – Article 4: Residential Evictions

- This section states the court must dismiss and expunge an eviction that doesn't follow the procedure for a summons and complaint under this section.
- 4 **Summons; how served.**
Expands options for notifying a tenant of an eviction action when the tenant cannot be found, including phone calls, texts, and emails.
- 5 **Answer; trial.**
Prevents a bond from being posted by a tenant, except when the case is being appealed.
- 6 **General.**
Allows the court to issue an expungement when the tenant prevails in an eviction action.
- 7 **Motion to vacate judgment.**
Allows a party to bring a motion to vacate a judgment in an eviction action for situations such as where the judgment was entered as a result of mistake, inadvertence, surprise, or excusable neglect, fraud, misconduct, or new evidence was discovered that could not have been reasonably discovered previously.
- 8 **Summons and writ.**
Provides new requirements for the summons on a writ of recovery and order to vacate a rental unit including notice on how to seek assistance with legal or financial help.
- 9 **Appeal bond.**
Clarifies what the court can require in an appeal case for the bond.
- 10 **Stay pending appeal.**
Requires a stay for all appeals.
- 11 **Stay of writ issued before appeal.**
Technical and conforming changes.
- 12 **Exception.**
Amends an exception for certain actions in an appeal proceeding, and provides the exceptions apply in claims where a plaintiff prevailed on an action related to breach of the lease by unlawful activity.

Section Description – Article 4: Residential Evictions

13 Effective date.

Provides the sections of this bill are effective on August 1, 2023, and apply to eviction court actions filed with the court on or after that date.

Article 5: Eviction Records

Section Description - Article 5: Eviction Records

1 Discretionary expungement.

Amends the procedure and review required in a case for a discretionary expungement.

2 Mandatory expungement.

Adds additional situations where an eviction action must be expunged by the court to include when:

- the tenant prevails on the merits of the case;
- the court dismisses the landlord’s complaint for any reason;
- the parties have agreed to an expungement;
- when the eviction was ordered three years prior to the date the expungement was filed; or
- if the case settles and the defendant fulfills the terms of the settlement.

3 Nonpublic record.

This section requires the courts to keep eviction case filings confidential until after the case has been decided.



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