

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 917

01/26/2023

03/16/2023

03/30/2023

04/19/2023

Authored by Agbaje, Howard, Noor and Gomez

The bill was read for the first time and referred to the Committee on Housing Finance and Policy

Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

Adoption of Report: Placed on the General Register as Amended

Read for the Second Time

Calendar for the Day, Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1

A bill for an act

1.2

relating to housing; prohibiting discrimination based on participation in public

1.3

assistance; prohibiting pet declawing and devocalization; prohibiting certain fees;

1.4

requiring certain inspections; providing for certain notice; providing for certain

1.5

penalties; providing right to counsel in certain cases; providing for lease covenants

1.6

and repairs in residential tenancy; providing for renewal and termination of lease

1.7

in certain cases; providing for residential evictions; providing for expungement

1.8

of certain eviction cases; amending Minnesota Statutes 2022, sections 363A.09,

1.9

subdivisions 1, 2, by adding a subdivision; 363A.21, subdivision 1; 484.014,

1.10

subdivisions 2, 3; 504B.135; 504B.161, subdivision 1; 504B.178, subdivision 4;

1.11

504B.211, subdivisions 2, 6; 504B.285, subdivision 5; 504B.291, subdivision 1;

1.12

504B.321; 504B.331; 504B.335; 504B.345, subdivision 1, by adding a subdivision;

1.13

504B.361, subdivision 1; 504B.371, subdivisions 3, 4, 5, 7; 504B.375, subdivision

1.14

1; 504B.381, subdivisions 1, 5, by adding a subdivision; proposing coding for new

1.15

law in Minnesota Statutes, chapter 504B.

1.16

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

1.17

ARTICLE 1

1.18

TENANT'S RIGHT

1.19

Section 1. Minnesota Statutes 2022, section 363A.09, subdivision 1, is amended to read:

1.20

Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an

1.21

unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent

1.22

of, or other person having the right to sell, rent or lease any real property, or any agent of

1.23

any of these:

1.24

(1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or

1.25

group of persons any real property because of race, color, creed, religion, national origin,

1.26

sex, marital status, status with regard to public assistance, participation in or requirements

1.27

of a public assistance program, disability, sexual orientation, or familial status; or

(2) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a public assistance program, disability, sexual orientation, or familial status in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished in connection therewith; or

(3) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a public assistance program, disability, sexual orientation, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 2. Minnesota Statutes 2022, section 363A.09, subdivision 2, is amended to read:

Subd. 2. **Real property interest; action by brokers, agents, and others.** It is an unfair discriminatory practice for a real estate broker, real estate salesperson, or employee, or agent thereof:

(1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in or requirements of a public assistance program, disability, sexual orientation, or familial status or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, participation in

3.1 or requirements of a public assistance program, disability, sexual orientation, or familial
3.2 status; or

3.3 (2) to discriminate against any person because of race, color, creed, religion, national
3.4 origin, sex, marital status, status with regard to public assistance, participation in or
3.5 requirements of a public assistance program, disability, sexual orientation, or familial status
3.6 in the terms, conditions or privileges of the sale, rental or lease of real property or in the
3.7 furnishing of facilities or services in connection therewith; or

3.8 (3) to print, circulate, or post or cause to be printed, circulated, or posted any
3.9 advertisement or sign, or use any form of application for the purchase, rental, or lease of
3.10 any real property or make any record or inquiry in connection with the prospective purchase,
3.11 rental or lease of any real property, which expresses directly or indirectly, any limitation,
3.12 specification or discrimination as to race, color, creed, religion, national origin, sex, marital
3.13 status, status with regard to public assistance, participation in or requirements of a public
3.14 assistance program, disability, sexual orientation, or familial status or any intent to make
3.15 any such limitation, specification, or discrimination except that nothing in this clause shall
3.16 be construed to prohibit the advertisement of a dwelling unit as available to adults-only if
3.17 the person placing the advertisement reasonably believes that the provisions of this section
3.18 prohibiting discrimination because of familial status do not apply to the dwelling unit.

3.19 Sec. 3. Minnesota Statutes 2022, section 363A.09, is amended by adding a subdivision to
3.20 read:

3.21 Subd. 2a. **Definition; public assistance program.** For the purposes of this section,
3.22 "public assistance program" means federal, state, or local assistance, including but not
3.23 limited to rental assistance, rent supplements, and housing choice vouchers.

3.24 Sec. 4. Minnesota Statutes 2022, section 363A.21, subdivision 1, is amended to read:

3.25 Subdivision 1. **Housing.** (a) The provisions of section 363A.09 shall not apply to:

3.26 (1) rooms in a temporary or permanent residence home run by a nonprofit organization,
3.27 if the discrimination is by sex;

3.28 (2) the rental by a resident owner or occupier of a one-family accommodation of a room
3.29 or rooms in the accommodation to another person or persons if the discrimination is by sex,
3.30 marital status, status with regard to public assistance, participation in or requirements of a
3.31 public assistance program, sexual orientation, or disability. Except as provided elsewhere
3.32 in this chapter or other state or federal law, no person or group of persons selling, renting,

or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract; or

(3) the rental by a resident owner of a unit in a dwelling containing not more than two units, if the discrimination is on the basis of sexual orientation.

(b) The provisions of section 363A.09 that prohibit discrimination on the basis of participation in or requirements of a public assistance program shall not apply when:

(1) renting or leasing a room in a single-family unit;

(2) an individual owner of a single dwelling unit does not lease more than one dwelling unit; or

(3) an individual owner of a single dwelling unit is renting that unit and when the owner is on active military duty.

Sec. 5. **[504B.114] PET DECLAWING AND DEVOCALIZATION PROHIBITED.**

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

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

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

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

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

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

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

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

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

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

Any requirement or lease provision that violates this subdivision is void and unenforceable.

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

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

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

Sec. 6. **[504B.120] PROHIBITED FEES.**

Subdivision 1. **Disclosure of fees.** A landlord must disclose all nonoptional fees in the lease agreement. The sum total of rent and all nonoptional fees must be described as the Total Monthly Payment and be listed on the first page of the lease. A unit advertised for a residential tenancy must disclose the nonoptional fees included with the total amount for rent in any advertisement or posting. For purposes of this subdivision, charges billed to the tenant including utility charges, related utility fees, and charges under section 504B.215, are not considered rent or nonoptional fees.

Subd. 2. **Penalties.** A landlord who violates this section is liable to the residential tenant for treble damages and the court may award the tenant reasonable attorney fees.

Sec. 7. Minnesota Statutes 2022, section 504B.178, subdivision 4, is amended to read:

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

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

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

~~or~~

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

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

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

Sec. 8. [504B.182] INITIAL AND FINAL INSPECTION REQUIRED.

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

(b) In lieu of an initial inspection, when a tenant agrees, a landlord may provide written acknowledgment to the tenant of photos or videos of a rental unit and agree to the condition of the rental unit at the start of the tenancy.

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

7.1 not to request an initial inspection, the duties of the landlord under this subdivision are
7.2 discharged. If an inspection is requested, the parties shall attempt to schedule the inspection
7.3 at a mutually acceptable date and time.

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

7.7 Subd. 4. **Waiver.** Except as allowed under subdivisions 1 and 2, when a tenant chooses
7.8 not to request an initial or move-out inspection, or alternate inspection under subdivision
7.9 1, paragraph (b), any provision, whether oral or written, of any lease or other agreement,
7.10 whereby any provision of this section is waived by a tenant, is contrary to public policy and
7.11 void.

7.12 Sec. 9. Minnesota Statutes 2022, section 504B.211, subdivision 2, is amended to read:

7.13 Subd. 2. **Entry by landlord.** Except as provided in subdivision 4, a landlord may enter
7.14 the premises rented by a residential tenant only for a reasonable business purpose and after
7.15 making a good faith effort to give the residential tenant reasonable notice under the
7.16 circumstances of not less than 24 hours in advance of the intent to enter. The notice must
7.17 specify a time or anticipated window of time of entry and the landlord may only enter
7.18 between the hours of 8:00 a.m. and 8:00 p.m. unless the landlord and tenant agree to an
7.19 earlier or later time. A residential tenant may not waive and the landlord may not require
7.20 the residential tenant to waive the residential tenant's right to prior notice of entry under
7.21 this section as a condition of entering into or maintaining the lease.

7.22 Sec. 10. Minnesota Statutes 2022, section 504B.211, subdivision 6, is amended to read:

7.23 Subd. 6. **Penalty.** If a landlord ~~substantially violates subdivision 2~~ this section, the
7.24 residential tenant is entitled to a penalty which may include a rent reduction up to full
7.25 rescission of the lease, recovery of any damage deposit less any amount retained under
7.26 section 504B.178, and up to a ~~\$100~~ \$500 civil penalty for each violation. ~~If a landlord~~
7.27 ~~violates subdivision 5, the residential tenant is entitled to up to a \$100 civil penalty for each~~
7.28 ~~violation and reasonable attorney fees.~~ A residential tenant ~~shall~~ may follow the procedures
7.29 in sections 504B.381, 504B.385, and 504B.395 to 504B.471 to enforce the provisions of
7.30 this section. A violation of this section by the landlord is a violation of section 504B.161.

8.1 Sec. 11. **[504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF**
8.2 **LEASE EVICTION ACTIONS.**

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

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

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

8.23 Sec. 12. **EFFECTIVE DATE.**

8.24 Sections 1 to 11 are effective January 1, 2024.

8.25 **ARTICLE 2**

8.26 **LEASE COVENANTS AND REPAIRS IN RESIDENTIAL TENANCY**

8.27 Section 1. Minnesota Statutes 2022, section 504B.161, subdivision 1, is amended to read:

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

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

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

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

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

(5) to supply or furnish heat at a minimum temperature of 68 degrees Fahrenheit when the temperature is below 60 degrees Fahrenheit between October 1 through April 30, unless a utility company requires and instructs the heat to be reduced.

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

Sec. 2. Minnesota Statutes 2022, section 504B.375, subdivision 1, is amended to read:

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

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

(1) describes the premises and the landlord;

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

(3) asks for possession.

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

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

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

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

Sec. 3. Minnesota Statutes 2022, section 504B.381, subdivision 1, is amended to read:

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

(1) when a unit of government has revoked a rental license, issued a condemnation order, issued a notice of intent to condemn, or otherwise deemed the property uninhabitable; or

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

(i) a serious infestation;

(ii) the loss of running water;

- 11.1 (iii) the loss of hot water;
- 11.2 (iv) the loss of heat;
- 11.3 (v) the loss of electricity;
- 11.4 (vi) the loss of sanitary facilities;
- 11.5 (vii) a nonfunctioning refrigerator;
- 11.6 (viii) if included in the lease, a nonfunctioning air conditioner;
- 11.7 (iv) if included in the lease, no functioning elevator;
- 11.8 (x) any conditions, services, or facilities that pose a serious and negative impact on
- 11.9 health or safety; or
- 11.10 (xi) other essential services or facilities.

11.11 Sec. 4. Minnesota Statutes 2022, section 504B.381, subdivision 5, is amended to read:

11.12 Subd. 5. **Relief; service of petition and order.** Provided proof that the petitioner has

11.13 given the notice required in subdivision 4 to the landlord, if the court finds based on the

11.14 petitioner's emergency ex parte motion for relief, affidavit, and other evidence presented

11.15 that the landlord violated subdivision 1, then the court shall order that the landlord

11.16 immediately begin to remedy the violation and may order relief as provided in section

11.17 504B.425. The court and petitioner shall serve the petition and order on the landlord

11.18 personally or by mail as soon as practicable. The court shall include notice of a hearing and,

11.19 at the hearing, shall consider evidence of alleged violations, defenses, compliance with the

11.20 order, and any additional relief available under section 504B.425. The court and petitioner

11.21 shall serve the notice of hearing on the ex parte petition and emergency order personally or

11.22 by mail as soon as practicable.

11.23 Sec. 5. Minnesota Statutes 2022, section 504B.381, is amended by adding a subdivision

11.24 to read:

11.25 Subd. 8. **Filing fee.** The court administrator may charge a filing fee in the amount set

11.26 for complaints and counterclaims in conciliation court, subject to the filing of an inability

11.27 to pay affidavit.

11.28 Sec. 6. **EFFECTIVE DATE.**

11.29 Sections 1 to 5 are effective January 1, 2024.

ARTICLE 3**LEASE TERMINATION**

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

504B.135 TERMINATING TENANCY AT WILL.

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

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

Sec. 2. [504B.144] EARLY RENEWAL OF LEASE; CITIES OF THE FIRST CLASS.

In a city of the first class, a landlord must wait until six months from the expiration of the current lease before requiring a tenant to renew the lease, if the lease is for a period of time longer than ten months. Nothing prevents a landlord from waiting until closer to the expiration of a lease to ask a tenant to renew the lease. Any provision, whether oral or written, of any lease or other agreement whereby any provision of this section is waived by a tenant is contrary to public policy and void.

Sec. 3. [504B.266] TERMINATION OF LEASE UPON INFIRMITY OF TENANT.

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

(b) "Authorized representative" means a person acting as an attorney-in-fact under a power of attorney under section 523.24 or a court-appointed conservator or guardian under chapter 524.

(c) "Disability" means any condition or characteristic that is a physical, sensory, or mental impairment that materially limits at least one major life activity.

(d) "Medical care facility" means:

(1) a nursing home, as defined in section 144A.01, subdivision 5;

(2) hospice care, as defined in section 144A.75, subdivision 8;

(3) residential hospice facility, as defined in section 144A.75, subdivision 13;

(4) boarding care home, as licensed under chapter 144 and regulated by the Department of Health under Minnesota Rules, chapter 4655;

- 13.1 (5) supervised living facility, as licensed under chapter 144;
- 13.2 (6) a facility providing assisted living, as defined in section 144G.08, subdivision 7;
- 13.3 (7) an accessible unit, as defined in section 363A.40, subdivision 1, paragraph (b);
- 13.4 (8) a state facility as defined in section 246.50, subdivision 3;
- 13.5 (9) a facility providing a foster care for adults program as defined in section 245A.02,
- 13.6 subdivision 6c; or
- 13.7 (10) a facility providing intensive residential treatment services as defined in section
- 13.8 245I.23.
- 13.9 (e) "Medical professional" means:
- 13.10 (1) a physician who is currently licensed to practice medicine under section 147.02,
- 13.11 subdivision 1;
- 13.12 (2) an advanced practice registered nurse, as defined in section 148.171, subdivision 3;
- 13.13 or
- 13.14 (3) a mental health professional as defined in section 245I.04, subdivision 2.
- 13.15 **Subd. 2. Termination of lease upon infirmity of tenant.** (a) A tenant or the authorized
- 13.16 representative of the tenant may terminate the lease prior to the expiration of the lease in
- 13.17 the manner provided in subdivision 3 if the tenant has or, if there is more than one tenant,
- 13.18 all the tenants have, been found by a medical professional to need to move into a medical
- 13.19 care facility and:
- 13.20 (1) require assistance with instrumental activities of daily living or personal activities
- 13.21 of daily living due to medical reasons or a disability;
- 13.22 (2) meet one of the nursing facility level of care criteria under section 144.0724,
- 13.23 subdivision 11; or
- 13.24 (3) have a disability or functional impairment in three or more of the areas listed in
- 13.25 section 245.462, subdivision 11a, so that self-sufficiency is markedly reduced because of
- 13.26 a mental illness.
- 13.27 (b) When a tenant requires an accessible unit as defined in section 363A.40, subdivision
- 13.28 1, and the landlord can provide an accessible unit in the same complex where the tenant
- 13.29 currently resides that is available within two months of the request, then the provisions of
- 13.30 this section do not apply and the tenant may not terminate the lease.

14.1 Subd. 3. **Notice.** When the conditions in subdivision 2 have been met, the tenant or the
14.2 tenant's authorized representative may terminate the lease by providing at least two months'
14.3 written notice to be effective on the last day of a calendar month. The notice must be either
14.4 hand-delivered or mailed by postage prepaid, first class United States mail. The notice must
14.5 include: (1) a copy of the medical professional's written documentation of the infirmity;
14.6 and (2) documentation showing that the tenant has been accepted as a resident or has a
14.7 pending application at a location where the medical professional has indicated that the tenant
14.8 needs to move. The termination of a lease under this section shall not relieve the eligible
14.9 tenant from liability either for the payment of rent or other sums owed prior to or during
14.10 the notice period, or for the payment of amounts necessary to restore the premises to their
14.11 condition at the commencement of the tenancy, ordinary wear and tear excepted.

14.12 Subd. 4. **Waiver prohibited.** Any waiver of the rights of termination provided by this
14.13 section, including lease provisions or other agreements that require a longer notice period
14.14 than those provided for in this section, shall be void and unenforceable.

14.15 Subd. 5. **Other laws.** Nothing in this section affects the rights or remedies available in
14.16 this chapter or other law, including but not limited to chapter 363A.

14.17 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to leases
14.18 entered into or renewed on or after January 1, 2024. For the purposes of this section, estates
14.19 at will shall be deemed to be renewed at the commencement of each rental period.

14.20 Sec. 4. **EFFECTIVE DATE.**

14.21 Sections 1 and 2 are effective January 1, 2024.

14.22 **ARTICLE 4**

14.23 **RESIDENTIAL EVICTIONS**

14.24 Section 1. Minnesota Statutes 2022, section 504B.285, subdivision 5, is amended to read:

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

14.28 ~~(b) In cases where rent is outstanding, a tenant is not required to pay into court the~~
14.29 ~~amount of rent in arrears, interest, and costs as required under section 504B.291 to defend~~
14.30 ~~against an allegation by the landlord that the tenant has committed a material violation of~~
14.31 ~~the lease.~~

15.1 ~~(e)~~ (b) If the landlord does not prevail in proving material violation of the lease, and the
15.2 landlord has also alleged that rent is due, the tenant shall be permitted to present defenses
15.3 to the court that the rent is not owing. The tenant shall be given up to seven days of additional
15.4 time to pay any rent determined by the court to be due. ~~The court may order the tenant to~~
15.5 ~~pay rent and any costs determined to be due directly to the landlord or to be deposited with~~
15.6 ~~the court.~~

15.7 Sec. 2. Minnesota Statutes 2022, section 504B.291, subdivision 1, is amended to read:

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

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

15.31 (c) Prior to or after commencement of an action to recover possession for nonpayment
15.32 of rent, the parties may agree only in writing that partial payment of rent in arrears which
15.33 is accepted by the landlord prior to issuance of the order granting restitution of the premises

16.1 pursuant to section 504B.345 may be applied to the balance due and does not waive the
16.2 landlord's action to recover possession of the premises for nonpayment of rent.

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

16.7 Sec. 3. Minnesota Statutes 2022, section 504B.321, is amended to read:

16.8 **504B.321 COMPLAINT AND SUMMONS.**

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

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

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

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

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

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

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

16.30 (1) the total amount due;

16.31 (2) a specific accounting of the amount of the total due from unpaid rent, late fees, and
16.32 other charges under the lease;

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

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

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

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

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

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

17.16 Subd. 1b. **Notice constitutes verification of emergency.** (a) Receipt of the notice under
17.17 subdivision 1a shall be deemed by a county or other agency requiring verification of
17.18 emergency to qualify a tenant for assistance to be sufficient demonstration of an emergency
17.19 situation under section 256D.06, subdivision 2, and Minnesota Rules, chapter 9500. For
17.20 purposes of chapter 256J and Minnesota Rules, chapter 9500, a county agency verifies an
17.21 emergency situation by receiving and reviewing a notice under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19.21 Sec. 4. Minnesota Statutes 2022, section 504B.331, is amended to read:

19.22 **504B.331 SUMMONS; HOW SERVED.**

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

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

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

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

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

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

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

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

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

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

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

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

20.19 (iii) the plaintiff or plaintiff's attorney has communicated to the defendant that an eviction
20.20 hearing has been scheduled, including the date, time, and place of the hearing specified in
20.21 the summons, by all forms of written communication the plaintiff regularly uses to
20.22 communicate with the defendant that have a date and time stamp.

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

20.25 Sec. 5. Minnesota Statutes 2022, section 504B.335, is amended to read:

20.26 **504B.335 ANSWER; TRIAL.**

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

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

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

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

21.9 (e) The court may not require the defendant to pay any amount of money into court, post
21.10 a bond, make a payment directly to a landlord, or by any other means post security for any
21.11 purpose prior to final disposition of an action, except for appeals as provided in section
21.12 504B.371.

21.13 Sec. 6. Minnesota Statutes 2022, section 504B.345, subdivision 1, is amended to read:

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

21.18 (b) The court shall give priority in issuing a writ of recovery of premises and order to
21.19 vacate for an eviction action brought under section 504B.171 or on the basis that the tenant
21.20 is causing a nuisance or seriously endangers the safety of other residents, their property, or
21.21 the landlord's property.

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

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

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

21.28 (d) Except in actions brought: (1) under section 504B.291 ~~as required by section~~
21.29 ~~609.5317, subdivision 1;~~ (2) under section 504B.171; or (3) on the basis that the residential
21.30 ~~tenant is causing a nuisance or seriously endangers the safety of other residents, their~~
21.31 ~~property, or the landlord's property, upon a showing by the defendant that immediate~~
21.32 ~~restitution of the premises would work a substantial hardship upon the defendant or the~~
21.33 ~~defendant's family,~~ has engaged in illegal behavior that seriously endangers the safety of

22.1 other residents, or has destroyed or maliciously and seriously damaged the property of the
22.2 landlord or a tenant, the court shall stay the writ of recovery of premises and order to vacate
22.3 for a reasonable period, not to exceed seven days.

22.4 Sec. 7. Minnesota Statutes 2022, section 504B.345, is amended by adding a subdivision
22.5 to read:

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

22.9 Sec. 8. Minnesota Statutes 2022, section 504B.361, subdivision 1, is amended to read:

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

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

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

22.20 Sec. 9. Minnesota Statutes 2022, section 504B.371, subdivision 3, is amended to read:

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

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

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

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

23.1 Sec. 10. Minnesota Statutes 2022, section 504B.371, subdivision 4, is amended to read:

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

23.4 Sec. 11. Minnesota Statutes 2022, section 504B.371, subdivision 5, is amended to read:

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

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

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

23.15 Sec. 12. Minnesota Statutes 2022, section 504B.371, subdivision 7, is amended to read:

23.16 Subd. 7. **Exception.** Subdivisions 1, 4, and 6 do not apply in an action ~~on a lease, against~~
23.17 ~~a tenant holding over after the expiration of the term of the lease, or a termination of the~~
23.18 ~~lease by a notice to quit, where the plaintiff has prevailed on a claim pursuant to section~~
23.19 504B.171, subdivision 2, if the plaintiff gives a bond conditioned to pay all costs and damages
23.20 if on the appeal the judgment of restitution is reversed and a new trial ordered. In such a
23.21 case, the court shall issue a writ for recovery of premises and order to vacate notwithstanding
23.22 the notice of appeal, as if no appeal had been taken, and the appellate court shall issue all
23.23 needful writs and processes to carry out any judgment which may be rendered in the court.

23.24 Sec. 13. **EFFECTIVE DATE.**

23.25 Sections 1 to 12 are effective January 1, 2024, and apply to actions filed on or after that
23.26 date.

ARTICLE 5

EVICTION RECORDS

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

Subd. 2. **Discretionary expungement.** The court may order expungement of an eviction case court file ~~only upon motion of a defendant and decision by the court, if the court finds that the plaintiff's case is sufficiently without basis in fact or law, which may include lack of jurisdiction over the case, that~~ if the court finds the expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record.

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

Subd. 3. **Mandatory expungement.** Except for clause (6), the court shall sua sponte order expungement of an eviction case:

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

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

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

(2) if the defendant prevailed on the merits;

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

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

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

(6) upon motion of a defendant, if the case is settled and the defendant fulfills the terms of the settlement.

Sec. 3. Minnesota Statutes 2022, section 504B.321, is amended by adding a subdivision to read:

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

25.1 Sec. 4. **EFFECTIVE DATE.**

25.2 Sections 1 to 3 are effective January 1, 2024.