

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3492

(SENATE AUTHORS: MOHAMED, Port and Pha)

DATE	D-PG	OFFICIAL STATUS
02/12/2024	11546	Introduction and first reading Referred to Housing and Homelessness Prevention
02/15/2024	11619	Authors added Port; Pha
02/26/2024	11742a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
04/02/2024	12901a	Comm report: To pass as amended
	13329	Second reading
04/08/2024	13545a	Special Order: Amended
	13557	Third reading Passed

1.1

A bill for an act

1.2

relating to housing; amending provisions relating to residential housing leases;

1.3

amending landlord and tenant rights and obligations; providing for tenant

1.4

associations; amending provisions relating to residential housing evictions; making

1.5

clarifying, technical, and conforming changes to landlord and tenant provisions;

1.6

amending Minnesota Statutes 2022, sections 504B.001, by adding subdivisions;

1.7

504B.113, subdivision 3; 504B.177; 504B.205, subdivisions 2, 3; 504B.206,

1.8

subdivisions 1, 2, 3, 6; 504B.285, subdivision 1; 504B.385, subdivision 2;

1.9

Minnesota Statutes 2023 Supplement, sections 484.014, subdivision 3; 504B.144;

1.10

504B.268, subdivision 1; 504B.345, subdivision 1; proposing coding for new law

1.11

in Minnesota Statutes, chapter 504B; repealing Minnesota Statutes 2023

1.12

Supplement, section 504B.331.

1.13

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

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Section 1. Minnesota Statutes 2023 Supplement, section 484.014, subdivision 3, is amended

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to read:

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Subd. 3. **Mandatory expungement.** (a) ~~Except for clause (6),~~ The court shall, without

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motion by any party except for clauses (6) and (7), order expungement of an eviction case:

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(1) commenced solely on the grounds provided in section 504B.285, subdivision 1,

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clause (1), if the court finds that the defendant occupied real property that was subject to

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contract for deed cancellation or mortgage foreclosure and:

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(i) the time for contract cancellation or foreclosure redemption has expired and the

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defendant vacated the property prior to commencement of the eviction action; or

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(ii) the defendant was a tenant during the contract cancellation or foreclosure redemption

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period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to

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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 an eviction action has been filed in violation of section 504B.285, subdivision 1, paragraph (b); or

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

(b) If a tenant brings a motion for the expungement of an eviction, the court shall order the expungement of an eviction case that was commenced on the grounds of a violation of section 504B.171 or any other claim of breach regardless of when the original eviction was ordered, if the tenant could receive an automatic expungement under section 609A.055, or if the breach was based solely on the possession of marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2022, section 504B.001, is amended by adding a subdivision to read:

Subd. 13a. Tenant association. "Tenant association" means a group of tenants from two or more rental units that are owned or operated by the same landlord who form or maintain an organization, whether incorporated or unincorporated, to improve housing conditions, amenities, community life, or the contractual position of the member tenants.

Sec. 3. Minnesota Statutes 2022, section 504B.001, is amended by adding a subdivision to read:

Subd. 13b. Tenant organizer. "Tenant organizer" means a tenant or another who assists residential tenants in establishing and operating a tenant association and is not an employee or representative of the current or prospective landlord, property owner, manager, or agent of the landlord.

Sec. 4. Minnesota Statutes 2022, section 504B.113, subdivision 3, is amended to read:

Subd. 3. Additional fees or deposits prohibited; disclosure required. (a) A landlord must not require a tenant with a reasonable accommodation under this section to pay an

additional fee, charge, or deposit for the service or support animal. A tenant is liable to the landlord for any damage to the premises caused by the service or support animal.

(b) If a landlord requires an additional fee, charge, or deposit pursuant to a pet policy, the landlord must disclose in the lease the prohibition on additional fees, charges, or deposits for service or support animals under this section.

(c) A tenant may bring an action to recover any fees, charges, or deposits paid to a landlord pursuant to a pet policy if:

(1) the landlord fails to provide the disclosure required in paragraph (b); and

(2) the tenant demonstrates that the tenant would have requested a reasonable accommodation and would likely have received a reasonable accommodation had the landlord provided the disclosure under paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to leases entered into on or after that date.

Sec. 5. [504B.117] INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER.

A landlord must provide on a rental application the option for a prospective tenant to submit an individual taxpayer identification number or a Social Security number as follows:

"SSN or ITIN:"

A landlord must not deny a rental application solely because the prospective tenant provided an individual taxpayer identification number. Nothing in this section prevents a landlord from denying an application if the consumer credit report attached to an individual taxpayer identification number is insufficient.

Sec. 6. Minnesota Statutes 2023 Supplement, section 504B.144, is amended to read:

504B.144 EARLY RENEWAL OF LEASE.

~~A landlord must wait until~~ may not require a tenant to renew a lease sooner than 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.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 7. **[504B.153] NEW CONSTRUCTION DELAYS; TENANT REMEDIES.**

Subdivision 1. Definition; new construction. For purposes of this section, "new construction" means a new building, rehabilitation, modification, reconstruction, any physical changes altering the use or occupancy of the dwelling units, or an addition to a building.

Subd. 2. Requirements if landlord cannot deliver occupancy. (a) If a landlord is informed by a builder or otherwise knows that a new construction for rental occupancy will not be available for occupancy by the move-in date established in the lease agreement, the landlord must, within seven days and prior to the move-in date, notify every tenant affected and offer the following choices to the tenant to be accepted at the tenant's option:

(1) alternative housing provided by the landlord that is reasonably equivalent in size, amenities, and location to the unit described in the lease agreement, unless otherwise agreed upon by the tenant, until the unit may be lawfully inhabited;

(2) payment from the landlord to the tenant, equivalent to the cost of rent established in the lease agreement, to mitigate the costs of alternative housing secured by the tenant until the unit described in the lease agreement may be lawfully inhabited; or

(3) termination of the lease agreement and a return to the tenant of all amounts paid to the landlord, including any rent, deposit, and other payments incurred in entering the lease agreement.

(b) If a tenant exercises options under paragraph (a), clause (1) or (2), the landlord must provide the tenant with reimbursements related to security deposits, application fees, parking fees, pet fees, and any other fees reasonably associated with securing alternative housing.

(c) Tenants exercising options under paragraph (a), clause (1) or (2), may terminate their lease agreement under paragraph (a), clause (3), if the new construction for rental occupancy is not available for tenant occupancy within 90 days of the move-in date established in the lease agreement.

Subd. 3. Waiver. 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.

Subd. 4. Remedies. (a) A violation by the landlord of subdivision 2 is a violation of section 504B.375. A tenant aggrieved by a violation by the landlord of subdivision 2 may elect the following remedy:

(1) recovery under section 504B.231; or

5.1 (2) recover the greater of one month's rent, \$1,000, or actual damages, plus reasonable
5.2 attorney fees and court costs.

5.3 (b) The remedies available under this section are in addition to any other remedies
5.4 available at equity or law.

5.5 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all leases
5.6 entered into on or after that date.

5.7 Sec. 8. Minnesota Statutes 2022, section 504B.177, is amended to read:

5.8 **504B.177 LATE FEES.**

5.9 (a) A landlord of a residential building may not charge a late fee if the rent is paid after
5.10 the due date, unless the tenant and landlord have agreed in writing that a late fee may be
5.11 imposed. The agreement must specify when the late fee will be imposed. In no case may
5.12 the late fee exceed eight percent of the overdue rent payment. Any late fee charged or
5.13 collected is not considered to be either interest or liquidated damages. For purposes of this
5.14 paragraph, the "due date" does not include a date, earlier than the date contained in the
5.15 written or oral lease by which, if the rent is paid, the tenant earns a discount.

5.16 (b) Notwithstanding paragraph (a), if a federal statute, regulation, or handbook permitting
5.17 late fees for a tenancy subsidized under a federal program conflicts with paragraph (a), then
5.18 the landlord may publish and implement a late payment fee schedule that complies with the
5.19 federal statute, regulation, or handbook.

5.20 (c) A late fee charged by a landlord who has entered into a housing assistance payments
5.21 contract with the federal, state, or local government must be calculated and assessed only
5.22 on the portion of rent payable by the tenant. For the purposes of this paragraph, "housing
5.23 assistance payments contract" means programs described in United States Code, title 42,
5.24 sections 1437f and 1485, as well as other programs under which the landlord contracts to
5.25 receive rent from the tenant and payment from the government.

5.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.27 Sec. 9. Minnesota Statutes 2022, section 504B.205, subdivision 2, is amended to read:

5.28 Subd. 2. **Emergency calls permitted.** (a) A landlord may not:

5.29 (1) bar or limit a residential tenant's right to call for police or emergency assistance in
5.30 response to domestic abuse or any other conduct, including but not limited to mental health
5.31 or health crises; or

(2) impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct, including but not limited to mental health or health crises.

(b) A residential tenant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

Sec. 10. Minnesota Statutes 2022, section 504B.205, subdivision 3, is amended to read:

Subd. 3. **Local preemption.** This section preempts any inconsistent local ordinance or rule including, without limitation, any ordinance or rule that:

(1) requires an eviction after a specified number of calls by a residential tenant for police or emergency assistance in response to domestic abuse or any other conduct, including but not limited to mental health or health crises; or

(2) provides that calls by a residential tenant for police or emergency assistance in response to domestic abuse or any other conduct, including but not limited to mental health or health crises, may be used to penalize or charge a fee to a landlord.

This subdivision shall not otherwise preempt any local ordinance or rule that penalizes a landlord for, or requires a landlord to abate, conduct on the premises that constitutes a nuisance or other disorderly conduct as defined by local ordinance or rule.

Sec. 11. Minnesota Statutes 2022, section 504B.206, subdivision 1, is amended to read:

Subdivision 1. **Right to terminate; procedure.** (a) A tenant to a residential lease may terminate a lease agreement in the manner provided in this section without penalty or liability, if the tenant or another authorized occupant fears imminent violence after being subjected to:

(1) domestic abuse, as that term is defined under section 518B.01, subdivision 2;

(2) criminal sexual conduct under sections 609.342 to 609.3451;

(3) sexual extortion under section 609.3458; or

(4) harassment under section 609.749.

(b) The tenant must provide signed and dated advance written notice to the landlord:

(1) stating the tenant fears imminent violence from a person as indicated in a qualifying document against the tenant or an authorized occupant if the tenant or authorized occupant remains in the leased premises;

(2) stating that the tenant needs to terminate the tenancy;

(3) providing the date ~~by~~ on which the ~~tenant will vacate~~ lease will terminate; and

(4) providing written instructions for the disposition of any remaining personal property in accordance with section 504B.271.

(c) The written notice must be delivered before the termination of the tenancy by mail, ~~fax, or in person, or by a form of written communication the plaintiff regularly uses to~~ communicate with the landlord, and be accompanied by a qualifying document. The tenancy terminates for the tenant who exercises the right granted under this subdivision, including the right of possession of the premises, on the date provided in the notice required under paragraph (b). Vacation of the premises under this section by the tenant prior to the date provided in the notice does not constitute termination of the tenancy for the purposes of this section.

(d) The landlord may request that the tenant disclose the name of the perpetrator and, if a request is made, inform the tenant that the landlord seeks disclosure to protect other tenants in the building. The tenant may decline to provide the name of the perpetrator for safety reasons. Disclosure shall not be a precondition of terminating the lease.

~~(e) The tenancy terminates, including the right of possession of the premises, as provided in subdivision 3.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 12. Minnesota Statutes 2022, section 504B.206, subdivision 2, is amended to read:

Subd. 2. **Treatment of information.** (a) A landlord must not disclose:

(1) any information provided to the landlord by a tenant in the written notice required under subdivision 1, paragraph (b);

(2) any information contained in the qualifying document;

(3) the address or location to which the tenant has relocated; or

(4) the status of the tenant as a victim of violence.

(b) The information referenced in paragraph (a) must not be entered into any shared database or provided to any person or entity but may be used when required as evidence in an eviction proceeding, action for unpaid rent or damages arising out of the tenancy, claims under section 504B.178, with the consent of the tenant, or as otherwise required by law.

8.1 (c) A landlord who violates this section is liable to the tenant for statutory damages of
8.2 \$2,000, plus reasonable attorney fees and costs.

8.3 Sec. 13. Minnesota Statutes 2022, section 504B.206, subdivision 3, is amended to read:

8.4 Subd. 3. **Liability for rent; termination of tenancy.** (a) A tenant who is a sole tenant
8.5 and is terminating a lease under subdivision 1 is responsible for the rent payment for the
8.6 full month in which the tenancy terminates. The tenant ~~forfeits~~ relinquishes all claims for
8.7 the return of the security deposit under section 504B.178 and is relieved of any other
8.8 contractual obligation for payment of rent or any other charges for the remaining term of
8.9 the lease, except as provided in this section. In a sole tenancy, the tenancy terminates on
8.10 the date specified in the notice provided to the landlord as required under subdivision 1.

8.11 (b) In a tenancy with multiple tenants, one of whom is terminating the lease under
8.12 subdivision 1, any lease governing all remaining tenants is terminated at the later of the end
8.13 of the month or the end of the rent interval in which one tenant terminates the lease under
8.14 subdivision 1. All tenants are responsible for the rent payment for the full month in which
8.15 the tenancy terminates. Upon termination, all tenants ~~forfeit~~ relinquish all claims for the
8.16 return of the security deposit under section 504B.178 and are relieved of any other contractual
8.17 obligation for payment of rent or any other charges for the remaining term of the lease,
8.18 except as provided in this section. Any tenant whose tenancy was terminated under this
8.19 paragraph may reapply to enter into a new lease with the landlord.

8.20 (c) This section does not affect a tenant's liability for delinquent, unpaid rent or other
8.21 amounts owed to the landlord before the lease was terminated by the tenant under this
8.22 section.

8.23 (d) Except as provided in section 504B.285, subdivision 1, paragraph (b), a landlord
8.24 may not commence an eviction action against a tenant who has terminated a lease as provided
8.25 in this section.

8.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

8.27 Sec. 14. Minnesota Statutes 2022, section 504B.206, subdivision 6, is amended to read:

8.28 Subd. 6. **Definitions.** For purposes of this section, the following terms have the meanings
8.29 given:

8.30 (1) "court official" means a judge, referee, court administrator, prosecutor, probation
8.31 officer, or victim's advocate, whether employed by or under contract with the court, who
8.32 is authorized to act on behalf of the court;

(2) "qualified third party" means a person, acting in an official capacity, who has ~~had~~
~~in-person contact with~~ provided professional services to the tenant and is:

(i) a licensed health care professional operating within the scope of the license;

(ii) a domestic abuse advocate, as that term is defined in section 595.02, subdivision 1,
 paragraph (l); or

(iii) a sexual assault counselor, as that term is defined in section 595.02, subdivision 1,
 paragraph (k);

(3) "qualifying document" means:

(i) a valid order for protection issued under chapter 518B;

(ii) a no contact order currently in effect, issued under section 629.75 or chapter 609;

(iii) a writing produced and signed by a court official, acting in an official capacity,
 documenting that the tenant or authorized occupant is a victim of domestic abuse, as that
 term is defined under section 518B.01, subdivision 2, criminal sexual conduct under sections
 609.342 to 609.3451, sexual extortion under section 609.3458, or harassment under section
 609.749, and naming the perpetrator, if known;

(iv) a writing produced and signed by a city, county, state, or tribal law enforcement
 official, acting in an official capacity, documenting that the tenant or authorized occupant
 is a victim of domestic abuse, as that term is defined under section 518B.01, subdivision 2,
 criminal sexual conduct under sections 609.342 to 609.3451, sexual extortion under section
 609.3458, or harassment under section 609.749, and naming the perpetrator, if known; or

(v) a statement by a qualified third party, in the following form:

STATEMENT BY QUALIFIED THIRD PARTY

I, (name of qualified third party), do hereby verify as follows:

1. I am a licensed health care professional, domestic abuse advocate, as that term is
 defined in section 595.02, subdivision 1, paragraph (l), or sexual assault counselor, as that
 term is defined in section 595.02, subdivision 1, paragraph (k), who has ~~had in-person~~
~~contact with~~ provided professional services to (name of victim(s)).

2. I have a reasonable basis to believe (name of victim(s)) is a victim/are
 victims of domestic abuse, criminal sexual conduct, sexual extortion, or harassment and
 fear(s) imminent violence against the individual or authorized occupant if the individual
 remains (the individuals remain) in the leased premises.

3. I understand that the person(s) listed above may use this document as a basis for gaining a release from the lease.

I attest that the foregoing is true and correct.

(Printed name of qualified third party)

(Signature of qualified third party)

(Business address and business telephone)

(Date)

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 15. **[504B.212] TENANT RIGHT TO ORGANIZE; TENANT ASSOCIATIONS.**

Subdivision 1. Tenant's right to organize. (a) Residential tenants of a residential building have the right to establish and operate a tenant association for the purpose of addressing issues related to their living environment, which includes the terms and conditions of their tenancy as well as activities related to housing and community development. Owners of residential rental units and their agents must allow residential tenants and tenant organizers to conduct activities related to the establishment or organization of a residential tenant organization, including:

(1) distributing information or leaflets in the common areas of the residential building, including bulletin or community boards;

(2) distributing information or leaflets to individual units in a residential building;

(3) initiating contact with tenants through mail, telephone, or electronically;

(4) initiating contact with tenant units to offer information on tenant organizations or survey tenants on interest in tenant associations;

(5) assisting tenants in participating in tenant association activities; and

(6) convening tenant association meetings in a space at the residential building.

(b) Nothing in this section requires a landlord to provide a tenant association or tenant organizer with information about a tenant, including the tenant's mailing address, telephone number, or electronic contact information.

(c) A tenant association using the rights provided in this chapter must adopt bylaws or an operating agreement related to the internal governance of the tenant association.

(d) A tenant association must be completely independent of owners, management, and their representatives. To preserve the independence of the tenant association, management representatives from the owner of a residential tenant building may not attend meetings unless invited by the tenant association to specific meetings to discuss a specific issue.

(e) A tenant organizer who is not a residential tenant of the landlord must be accompanied in the residential building by a tenant who resides in the building.

(f) No landlord shall prohibit or adopt any rule prohibiting residential tenants or nonresident tenant organizers from peacefully organizing, assembling, canvassing, leafleting, or otherwise exercising within the building their right of free expression for tenant organization purposes. A landlord may not require tenants and tenant organizers to obtain prior permission to engage in protected activities. A landlord may not adopt and enforce rules that set unreasonable limits as to time, place, and manner of the meetings or communication with tenants in the building.

Subd. 2. **Retaliation prohibited.** (a) A landlord may not increase rent, decrease services, alter an existing rental agreement, file a legal action against a tenant, contact federal or state law enforcement related to a tenant's immigration status, or seek to recover possession or threaten any such action in whole or in part in retaliation after a tenant:

(1) reports a code violation to a government agency, elected official, or other government official responsible for the enforcement of a building, housing, health, or safety code;

(2) reports a building, housing, health, or safety code violation, or a violation of this chapter, to a community organization or the news media;

(3) seeks the assistance of a community organization or others, including but not limited to a media or news organization, for assistance with a code violation or a violation of this chapter;

(4) makes a request that the landlord of a residential building make repairs to the premises as required by this chapter, or remedy a building or health code or other regulation, or uphold portions of the residential rental agreement;

(5) joins or attempts to join a tenant association or similar organization; or

(6) testifies in any court or administrative proceeding concerning the condition of the premises or exercises any right or remedy provided by law.

(b) In any proceeding in which retaliation is alleged, the burden of proof shall be on the landlord, if the landlord's alleged retaliatory action was within 90 days of the tenant engaging in any of the activities identified in this subdivision. If the challenged action began more

12.1 than 90 days after the resident engaged in the protected activity, the tenant claiming the
12.2 landlord is retaliating has the burden of proof.

12.3 Subd. 3. **Penalties.** If a landlord, an agent, or other person acting under the landlord's
12.4 direction or control unlawfully and in bad faith violates this section, the tenant may recover
12.5 from the landlord up to \$1,000 per occurrence and reasonable attorney fees.

12.6 Sec. 16. Minnesota Statutes 2023 Supplement, section 504B.268, subdivision 1, is amended
12.7 to read:

12.8 Subdivision 1. **Right to counsel.** A defendant in ~~public~~ housing subsidized by the United
12.9 States Department of Housing and Urban Development under Section 9 of the United States
12.10 Housing Act of 1937 or the Consolidated and Further Continuing Appropriations Act of
12.11 2012, Public Law 112-55, 125 Stat. 673, subject to an eviction action under sections
12.12 504B.281 to 504B.371 alleging breach of lease under section 504B.171 or 504B.285 who
12.13 is financially unable to obtain counsel has the right to counsel appointed by the court. The
12.14 complaint required by section 504B.321 shall include the notice on the first page of the
12.15 complaint in bold 12-point type: "If financially unable to obtain counsel, the defendant has
12.16 the right to a court-appointed attorney." At the initial hearing, the court shall ask the defendant
12.17 if the defendant wants court-appointed counsel and shall explain what such appointed counsel
12.18 can accomplish for the defendant.

12.19 Sec. 17. Minnesota Statutes 2022, section 504B.285, subdivision 1, is amended to read:

12.20 Subdivision 1. **Grounds.** (a) The person entitled to the premises may recover possession
12.21 by eviction when:

12.22 (1) any person holds over real property:

12.23 (i) after a sale of the property on an execution or judgment;

12.24 (ii) after the expiration of the time for redemption on foreclosure of a mortgage, or after
12.25 termination of contract to convey the property; or

12.26 (iii) after the expiration of the time for redemption on a real estate tax judgment sale;

12.27 (2) any person holds over real property after termination of the time for which it is
12.28 demised or leased to that person or to the persons under whom that person holds possession,
12.29 contrary to the conditions or covenants of the lease or agreement under which that person
12.30 holds, or after any rent becomes due according to the terms of such lease or agreement; or

12.31 (3) any tenant at will holds over after the termination of the tenancy by notice to quit.

(b) A landlord may not commence an eviction action against a tenant or authorized occupant solely on the basis that the tenant or authorized occupant has been the victim of any of the acts listed in section 504B.206, subdivision 1, paragraph (a). A landlord may not commence an eviction action against a residential tenant who has terminated a lease as provided in section 504B.206. Nothing in this paragraph should be construed to prohibit an eviction action based on a breach of the lease or where a tenant has provided the written notice under section 504B.206, subdivision 1, but failed to vacate on or before the date provided in that notice. A landlord violating this paragraph is liable to the tenant for reasonable attorney fees and costs incurred by the tenant for obtaining an expungement as provided under section 484.014, subdivision 3.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 18. **[504B.332] SUMMONS AND COMPLAINT; HOW SERVED.**

Subdivision 1. Definition. For purposes of this section, "plaintiff" includes the plaintiff's attorney, employees of the plaintiff's attorney, or any other agent of the plaintiff.

Subd. 2. Generally. (a) The summons and complaint must be served at least seven days before the date of the court appearance specified in section 504B.321, in the manner provided in subdivision 3 or 4.

(b) If the plaintiff regularly uses electronic written communication to communicate with the defendant, the plaintiff must make a good faith attempt to communicate to the defendant that an eviction hearing has been scheduled at least seven days before the date of the court appearance specified in section 504B.321. This requirement is in addition to completing service in the manner provided in subdivision 3 or 4. The communication must have a time and date stamp, and include the date, time, and place of the hearing specified in the summons. The communication must be delivered by means of electronic written communication that the plaintiff regularly uses to communicate with the defendant or to the last known electronic address the plaintiff has used to communicate with the defendant, unless the parties do not communicate via any form of electronic written communication. The plaintiff must substantially comply with this paragraph.

Subd. 3. Personal or substitute service. (a) If the defendant can be found in the county, the summons and complaint must be served in the manner provided for service of a civil action in district court.

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

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

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

14.6 (c) At least three days before the date of the court appearance specified in section
14.7 504B.321, the plaintiff must file with the court an affidavit of personal or substitute service.

14.8 Subd. 4. **Service by mail and posting.** (a) If attempts at personal or substitute service
14.9 are unsuccessful, service of the summons and complaint may be made by mail and posting.

14.10 (b) If service by mail and posting is used, the following steps must occur no later than
14.11 seven days before the date of the court appearance specified in section 504B.321:

14.12 (1) the plaintiff must mail a copy of the summons and complaint to the defendant at the
14.13 defendant's last known address;

14.14 (2) for residential evictions only, there must be at least two attempts at personal service.
14.15 The personal service attempts must occur on different days at the last known address of the
14.16 defendant and be done in the manner provided for service of a summons and complaint in
14.17 a civil action in district court. At least one of the attempts must be made between the hours
14.18 of 6:00 p.m. and 10:00 p.m. Failure to serve the defendant, after the plaintiff complies with
14.19 this paragraph, is prima facie proof that attempts at personal or substitute service were
14.20 unsuccessful and that the defendant cannot be found in the county;

14.21 (3) the summons and complaint must be posted on the entry to the defendant's individual
14.22 unit. If the defendant occupies a multiunit building, the summons and complaint must be
14.23 posted on the door of the defendant's individual unit; and

14.24 (4) at least three days before the date of the court appearance specified in section
14.25 504B.321, the plaintiff must file with the court affidavits stating:

14.26 (i) the defendant cannot be found in the county, or that the plaintiff believes that the
14.27 defendant is not in the state;

14.28 (ii) a copy of the summons and complaint has been mailed to the defendant at the
14.29 defendant's last known address at least seven days before the date of the court appearance
14.30 specified in section 504B.321;

14.31 (iii) compliance with subdivision 2, paragraph (b), by providing the date and manner by
14.32 which the plaintiff attempted to communicate to the defendant in compliance with subdivision

15.1 2, paragraph (b), or stating that the plaintiff does not use electronic written communication
15.2 to regularly communicate with the defendant and does not have an electronic address for
15.3 the defendant;

15.4 (iv) if applicable, how the requirements of clause (2) were met, including the dates and
15.5 times of the attempts at service; and

15.6 (v) the date and time the summons and complaint were posted on the entry to the
15.7 defendant's individual unit.

15.8 Subd. 5. **Failure to appear.** If the defendant or the defendant's attorney does not appear
15.9 in court on the date of the appearance, the trial shall proceed.

15.10 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to all
15.11 summons and complaints served on or after that date.

15.12 Sec. 19. Minnesota Statutes 2023 Supplement, section 504B.345, subdivision 1, is amended
15.13 to read:

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

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

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

15.23 (1) shall enter judgment for the defendant, tax the costs against the plaintiff, and issue
15.24 execution in favor of the defendant; and

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

15.28 (d) Except in actions brought: (1) ~~under section 504B.291;~~ (2) under section 504B.171;
15.29 or ~~(3)~~ (2) on the basis that the residential tenant engages in behavior that seriously endangers
15.30 the safety of other residents, or intentionally and seriously damages the property of the
15.31 landlord or a tenant, the court shall stay the writ of recovery of premises and order to vacate
15.32 for a reasonable period, not to exceed seven days.

16.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.2 Sec. 20. Minnesota Statutes 2022, section 504B.385, subdivision 2, is amended to read:

16.3 Subd. 2. **Counterclaim for possession.** (a) The landlord may file a counterclaim for
16.4 possession of the property in cases where the landlord alleges that the residential tenant did
16.5 not deposit the full amount of rent with the court administrator.

16.6 (b) The court must set the date for a hearing on the counterclaim not less than seven nor
16.7 more than 14 days from the day of filing the counterclaim. If the rent escrow hearing and
16.8 the hearing on the counterclaim for possession cannot be heard on the same day, the matters
16.9 must be consolidated and heard on the date scheduled for the hearing on the counterclaim.

16.10 (c) The contents of the counterclaim for possession must meet the requirements for a
16.11 complaint under section 504B.321.

16.12 (d) The landlord must serve the counterclaim as provided in section ~~504B.331~~ 504B.332,
16.13 except that the affidavit of service or mailing may be brought to the hearing rather than filed
16.14 with the court before the hearing.

16.15 (e) The court must provide a simplified form for use under this section.

16.16 Sec. 21. **REPEALER.**

16.17 Minnesota Statutes 2023 Supplement, section 504B.331, is repealed.

16.18 **EFFECTIVE DATE.** This section is effective August 1, 2024.

504B.331 SUMMONS; HOW SERVED.

(a) The summons and complaint must be served at least seven days before the date of the court appearance specified in section 504B.321, in the manner provided for service of a summons in a civil action in district court.

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

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

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

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

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

(1) the property described in the complaint is:

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

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

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

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

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

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

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