



Tenant Hotline

Phone: 612-728-5767

Online: [homelinemn.org/email](https://www.homelinemn.org/email)

2024 Legislative Recap

June 12, 2024 – 1:30-3:00pm

HOME Line Policy Director, Michael Dahl

HOME Line Policy Attorney, Larry McDonough

HOME Line Housing Attorney, Rachael Sterling



What is HOME Line?

- HOME Line is a statewide nonprofit organization providing free legal, educational, and advocacy services to Minnesota renters. We have advised over 315,000 renters since 1992.
- Our primary program is a free and confidential legal hotline any Minnesota renter can contact us to receive legal advice specific to their situation, in 4 languages.
- HOME Line has a staff of 24, including attorneys, tenant advocates, and tenant organizers. We also rely on volunteers and interns.



What is HOME Line?

HOME Line Tenant Hotline:

612-728-5767

Toll-free: 866-866-3546

- Para Español, llame al 612-255-8870
- Af- Soomaali wac 612-255-8860
- Hais lus Hmoob, Hu 612-255-7104
- Online: *homelinemn.org/email*



Upcoming Webinars

Eviction Filing Statistics Update
July 17, 2024

What to do with a Less Than Perfect Background
August 2024

Interested in scheduling your own training?

Contact us at <https://homelinemn.org/speeches-trainings/request-a-training/>



Housekeeping

- This session is being recorded and will be available on HOME Line's website in a few days
- Please ask questions through the Q&A function located at the bottom of the Zoom window
- 1.5 standard CLE credits will be applied for after this session



Another Banner Year for Tenants' Rights

- As with last legislative session, a significant number of improvements will be made to tenant-landlord law (e.g., we'll be covering roughly 20 areas of change).
- Also, a number of the changes are transformational in nature (e.g., mitigation of damages).
- Thank you to all the organizations that played a role in this year's successes!



But there was some bad news.

- Source of Income Protections did not get included in the omnibus bills which included tenant rights.
- Before the 2024 Session, HOME Line compiled a 70+ page bill, which would have revamped Minnesota's landlord-tenant law. Most of our proposals will have to wait for upcoming sessions.



Agenda

- Definition Changes and Additions
- Before the Tenancy
 - ITINs
 - Applicant Screening Fee
 - Tenant Screening Reports and Remedies
 - Deceptive Trade Practices
 - New construction Delays
- During the Tenancy
 - Late Fees
 - Service Animal Fees Prohibited
 - Early Lease Renewals Prohibited
 - Submetering Utilities
 - Habitability
 - Landlord Covenants
 - Condemned Premises
 - Tenant Right to Organize
 - Attorney General Enforcement
- End of the Tenancy
 - Right of Victims of Violence to Terminate Lease
 - Lease Termination for Infirmity
 - Tenant Abandonment
- Evictions and Expungements
 - Right to Counsel
 - Eviction Actions, Summons, Complaint, Judgment, and Execution
 - Rental Assistance

Notation Notes

Text that is crossed out is old/existing text that is being removed

- Ex. - A landlord ~~must wait until six months~~

Text that is underlined is new text being added

- Ex. - may not require a tenant

** Text that has no notation is existing text that is not changing**

Definitions

Changes and Additions

Definitions

Session Law Chapter 118 Changes to Minn. Stat. § 504B.001

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.

Definitions

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. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

Both definitions support Sec. 21. [504B.212] Tenant Right to Organize; Tenant Associations.
See Slides 31-45.

Definitions

Sec. 4. Minnesota Statutes 2022, section 504B.001, subdivision 14, is amended to read:

Subd. 14. Violation. "Violation" means:

- (1) a violation of any state, county or city health, safety, housing, building, fire prevention, or housing maintenance code applicable to the building;
- (2) a violation of ~~any of the covenants set forth in section 504B.161, subdivision 1, clause (1) or (2), or in section 504B.171, subdivision 1~~ this chapter; or
- (3) a violation of any federal, state, county, or city laws protecting tenants from discrimination;
- (4) a violation of any applicable tenant rights and landlord obligations for public and subsidized tenancies under local, state, or federal law; or
- ~~(3)~~ (5) a violation of an oral or written agreement, lease, or contract for the rental of a dwelling in a building.

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

Definitions

This expands claim that tenants can raise in rent escrow actions under [Minn. Stat. § 504B.385](#) and tenant remedies actions under [Minn. Stat. § 504B.395](#) from habitability claims to all violations of [Chapter 504B](#) and discrimination laws.

Because the law omitted proposals to reference changes in the clause numbers, these actions do not include claims of violations of public and subsidized housing laws and violations of leases.

Definitions

Sec. 5. Minnesota Statutes 2022, section 504B.001, is amended by adding a subdivision to read:

Subd. 16. Abandonment.

(a) "Abandonment of tenancy" means the intentional and voluntary absolute relinquishment of premises by the residential tenant.

(b) "Abandonment of personal property" means a residential tenant leaving some of the tenant's personal property on the premises after permanently vacating the property.

This supports Sec. 10. [504B.154] Tenant Abandonment of Dwelling. See Slides 45-46.

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

Before the Tenancy

NEW CONSTRUCTION DELAYS

New Law - 504B.153

Outlines tenant's choices if new construction isn't complete in time for pre-established lease start date and landlord cannot deliver occupancy.

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.9.0#laws.0.9.0>

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.

NEW CONSTRUCTION DELAYS

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.

NEW CONSTRUCTION DELAYS

(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

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.9.0#laws.0.9.0>

NEW CONSTRUCTION DELAYS

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

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

ITINs

New Law - 504B.117

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.

Effective On 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.7.0#laws.0.7.0>

Application Denials

Sec. 12. Minnesota Statutes 2022, section 504B.173, is amended by adding a subdivision to read:

Subd. 3a.

Denial based on pending cases.

No landlord may deny a rental application based on any of the following:

(1) a pending eviction action;

(2) any court file that is not public, has been expunged, or has been destroyed; or

(3) any eviction action that has not resulted in a writ of recovery of premises and order to vacate, as that term is defined in section 504B.001, subdivision 15.

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

Application Denials

This is a response to the decision of the Minnesota Supreme Court in *Order Regarding Minn. Stat. § 504B.321, Subd. 6 and the Rules of Public Access to Records of the Minnesota Judicial Branch, No. ADM10-8050 (Minn. Aug. 8, 2023)* that invalidated a 2023 law to make eviction action records private until entry of judgment.

Tenant Screening Agencies

Sec. 22. Minnesota Statutes 2022, section 504B.241, subdivision 4, is amended to read:

Subd. 4. Court file information.

(a) If a residential tenant screening service includes information from a court file on an individual in a residential tenant report, the report must provide the full name and date of birth of the individual in any case where the court file includes the individual's full name and date of birth, and the outcome of the court proceeding must be accurately recorded in the residential tenant report including the specific basis of the court's decision, when available. ~~If a tenant screening service knows that a court file has been expunged, the tenant screening service shall delete any reference to that file in any data maintained or disseminated by the screening service.~~

(b) Every residential tenant screening service has an affirmative duty to update and verify the current status of court files by accessing the Minnesota Court Records Online no more than 24 hours prior to issuing a residential tenant screening report.

Tenant Screening Agencies

(c) Whenever the court supplies information from a court file on an individual, in whatever form, the court shall include the full name and date of birth of the individual, if that is indicated on the court file or summary, and information on the outcome of the court proceeding, including the specific basis of the court's decision, coded as provided in subdivision 5 for the type of action, when it becomes available.

(d) The residential tenant screening service is not liable under section 504B.245 if the residential tenant screening service reports complete and accurate information as provided by the court, consistent with paragraph (b).

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

This might relieve tenants from having to notify tenant screening agencies of expungement orders.

Tenant Screening Agencies

Sec. 23. Minnesota Statutes 2022, section 504B.245, is amended to read:

504B.245 TENANT REPORT; REMEDIES

~~The remedies provided in section 8.31 apply to a violation of section 504B.241. In addition to the remedies otherwise provided by law, any person injured by a violation of section 504B.241 may bring a civil action against a residential tenant screening service or landlord in compliance with the provisions of the Fair Credit Reporting Act, United States Code, title 15, section 1681, et seq., is considered to be in compliance with section 504B.241, and recover the greater of \$1,000 or actual damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other equitable relief as determined by the court. The attorney general has the authority to investigate and prosecute violations of section 504B.241.~~

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

This replaces damages limitations with express damages and provides for Attorney General enforcement.

Deceptive Trade Practices

CHAPTER 111--H.F. No. 3438

Section 1. Minnesota Statutes 2022, section 325D.44, is amended by adding a subdivision to read:

Subd. 1a. Advertisements, displays, or offers.

(a) A person engages in a deceptive trade practice when, in the course of business, vocation, or occupation, the person advertises, displays, or offers a price for goods or services that does not include all mandatory fees or surcharges. If the person that disseminates an advertisement is independent of the advertiser, the person is not liable for the content of the advertisement.

(b) For purposes of this subdivision, "mandatory fee" includes but is not limited to a fee or surcharge that:

(1) must be paid in order to purchase the goods or services being advertised;

(2) is not reasonably avoidable by the consumer; or

(3) a reasonable person would expect to be included in the purchase of the goods or services being advertised.

For the purposes of this subdivision, mandatory fee does not include taxes imposed by a government entity on the sale, use, purchase, receipt, or delivery of the goods or services.

....

EFFECTIVE DATE. This section is effective January 1, 2025.

This is similar to [Minn. Stat. § 504B.120](#) that requires disclosure of all nonoptional fees in the lease agreement and advertisements, with remedies of treble damages and reasonable attorney fees. Remedies under [Minn. Stat. § 325D.45](#) include an injunction, damages, costs, and attorney's fees.

Deceptive Trade Practices

Sec. 2. Minnesota Statutes 2022, section 325D.44, is amended by adding a subdivision to read:

Subd. 1b. Exemptions.

Subdivision 1a does not apply to the following:

....

(2) any business or the business' affiliate where either the business or the affiliate is regulated by the Minnesota Public Utilities Commission; or

....

EFFECTIVE DATE. This section is effective January 1, 2025

It is not clear whether the changes in utilities law discussed at [slide 39](#) means that landlords are regulated by the Minnesota Public Utilities Commission and not subject to the Uniform Deceptive Trade Practices laws.

During the Tenancy

RESIDENTIAL TENANT'S RIGHT TO SEEK POLICE AND EMERGENCY ASSISTANCE

504B.205

Specifically says that emergency calls for “mental health or health crises” are protected emergency calls, including preempting any local ordinance or rule requiring eviction or other penalties for too many emergency calls.

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.15.0#laws.0.15.0>

TENANT RIGHT TO ORGANIZE

New Law - 504B.212

- Gives Tenants the right to establish and operate tenant associations;
- lists protected organizing activities (not limited);
- prohibits retaliation from Landlords;
- creates penalties for violations (\$1000)
- *See Definitions [Slides 11-12](#).*

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.21.0#laws.0.21.0>

TENANT RIGHT TO ORGANIZE

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 but not limited to:

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.

TENANT RIGHT TO ORGANIZE

Subdivision 1. **Cont.**

(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 organizing 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

TENANT RIGHT TO ORGANIZE

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, 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 exercised any right or remedy provided by law.

TENANT RIGHT TO ORGANIZE

Subd. 2. cont.

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

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

EARLY RENEWAL OF LEASE

504B.144

~~A landlord must wait until six months from the expiration of the current lease before requiring a tenant to renew the lease~~ may not require a tenant to renew a lease sooner than six months prior to the expiration of the current lease,

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.8.0#laws.0.8.0>

Late Fees

Sec. 13. Minnesota Statutes 2022, section 504B.177, is amended to read:

504B.177 LATE FEES.

....

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

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

This limits late fees in subsidized housing to 8% of the tenant's share of the rent.

SERVICE AND SUPPORT ANIMAL DOCUMENTATION

504B.113

- Requires disclosure by landlord that fees are prohibited for service/ESA animals in leases if there is normally a pet fee
- To enforce tenant must show
 - That landlord didn't provide disclosure AND
 - That the tenant would have requested, **and would likely have received**, a reasonable accommodation if the disclosure had been there

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.6.0#laws.0.6.0>

Utilities

S.F. No. 4579

This substantially revises the utilities law for landlords and tenants by repealing Minn. Stat. § 504B.215 and replaces it with a new Minn. Stat. § 504B.216 along with changes to public utilities chapter.

Highlights include:

New statute Minn. Stat. § 504B.216 allows for submetering in compliance with the public utilities chapter, limits fees, prohibits apportionment of bills for electricity and limits apportionment for other utilities, requires notice of rights, prohibits landlord disconnection of service to tenants, and provides remedies and Attorney General enforcement. It is effective January 1, 2025, for leases entered into or renewed on or after that date.

New statutes Minn. Stat. §§ 216B.022-216B.024 regulate submetering, including placing landlords who submeter under Minnesota Public Utilities Commission regulation, submeter accuracy, fee limits, billing requirements, and dispute resolution. They are effective January 1, 2025.

COVENANTS OF LANDLORD OR LICENSOR

504B.161

- Clarifies that statute requirements apply to all common areas including:
 - ETRA situations
 - extermination of insects, rodents, vermin, or other pests on the premises
- Landlord must meet maintenance requirements of applicable Health and Safety laws (US, state, and local government) including ordinances regulating rental licensing

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.11.0#laws.0.11.0>

ACTION FOR RENTAL OF CONDEMNED RESIDENTIAL PREMISES

504B.204

- A landlord may not accept rent or a security deposit for residential rental property from a tenant after the leased premises have been:
 1. condemned or declared unfit for human habitation,
 2. ordered to be vacated due to violations of a housing, health, or fire code or rental licensing ordinance by the applicable federal, state, or local authority, if the tenancy commenced after the premises were condemned or declared unfit for human habitation, or
 3. ordered to be vacated pursuant to a government taking
- Makes violation of the section a violation of 504B.161
- Section shall be liberally construed for the protection of tenants

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.14.0#laws.0.14.0>

Rent Escrow

504B.385

Removes reference to 504B.331 and replaces it with 504B.332 the new Summons and Complaint Statute

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.29.0#laws.0.29.0>

ATTORNEY GENERAL ENFORCEMENT

New law - 504B.501

The attorney general has authority under section 8.31 to investigate and prosecute violations of this chapter.

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.30.0#laws.0.30.0>

End of the Tenancy

TENANT ABANDONMENT OF DWELLING

New Law - 504B.154

If Tenant abandons the rental dwelling mid-lease Landlord must make reasonable efforts to re-rent the place to mitigate damage to the tenant

Statute includes a no waiver clause

See Definitions [Slide 15](#).

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.10.0#laws.0.10.0>

TENANT ABANDONMENT OF DWELLING

Subdivision 1. Abandonment. (a) If a residential tenant abandons a dwelling unit during the lease term, the landlord shall make reasonable efforts to rent it at a fair rental value. If the landlord rents the dwelling unit for a term beginning before the expiration of the rental agreement, the agreement is terminated on the date the new tenancy begins. The rental agreement is terminated by the landlord on the date the landlord has notice of the abandonment if the landlord fails to use reasonable efforts to rent the dwelling unit at a fair rental value or if the landlord accepts the abandonment as a surrender. The tenant shall not be liable for rent after the termination of the tenancy.

(b) If the rental agreement was for a periodic tenancy or tenancy at will, the maximum rent liability for the tenant is the notice period required to end the lease from the date the landlord has notice of the abandonment.

Subd. 2. Waiver prohibited. Any waiver of the rights provided by this section shall be void and unenforceable.

Domestic Violence

Sec. 17. Minnesota Statutes 2022, section 504B.206, subdivision 1, is amended to read:

Subdivision 1. Right to terminate; procedure.

....

(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.

Domestic Violence

(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.

....

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

EFFECTIVE DATE. This section is effective 30 days following the date of final enactment.

The law was signed by the governor May 24, 2024, 9:11 a.m. The effective date is June 23, 2024.

This replaces vacate date with termination date, expands methods of notice, and allows for a vacate date before the termination date.

Domestic Violence

Sec. 18. 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.

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

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

Domestic Violence

Sec. 19. Minnesota Statutes 2022, section 504B.206, subdivision 3, is amended to read:

Subd. 3. Liability for rent; termination of tenancy.

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

Domestic Violence

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

....

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

EFFECTIVE DATE. This section is effective 30 days following the date of final enactment.

The law was signed by the governor May 24, 2024, 9:11 a.m. The effective date is June 23, 2024.

Domestic Violence

Sec. 20. Minnesota Statutes 2022, section 504B.206, subdivision 6, is amended to read:

Subd. 6. Definitions.

For purposes of this section, the following terms have the meanings given:

....

(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);

....

Domestic Violence

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)).

....

EFFECTIVE DATE. This section is effective 30 days following the date of final enactment.

The law was signed by the governor May 24, 2024, 9:11 a.m. The effective date is June 23, 2024.

This allows the qualified third party to provide remote service.

Domestic Violence

Sec. 26. Minnesota Statutes 2022, section 504B.285, subdivision 1, is amended to read:

Subdivision 1. Grounds.

....

(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 30 days following the date of final enactment.

The law was signed by the governor May 24, 2024, 9:11 a.m. The effective date is June 23, 2024.

Lease Termination upon Infirmary

504B.266

Subd. 2. Termination of lease upon infirmity of tenant. (a) A tenant or the authorized representative of the tenant may terminate the lease prior to the expiration of the lease in the manner provided in subdivision 3 if the tenant has or, if there is more than one tenant, ~~all~~ one of the tenants have has, been found by a medical professional to need to move into a medical care facility...

Effective on 1/1/2025

<https://www.revisor.mn.gov/laws/2024/0/118/laws.0.24.0#laws.0.24.0>

Evictions and Expungements

Expungement

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

Subd. 3. Mandatory expungement.

(a) ~~Except for clause (6),~~ The court shall, without motion by any party except for clauses (6) and (7), 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:

(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

(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~~ is dismissed for any reason;

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

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

Expungement

(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.

....

EFFECTIVE DATE. This section is effective 30 days following the date of final enactment.

The law was signed by the governor May 24, 2024, 9:11 a.m. The effective date is June 23, 2024.

This clarifies mandatory expungement extends to dismissals by either or both of the parties, not just the court, and expands it to eviction actions violating the tenant's right to terminate the lease for domestic violence under Minn. Stat. § 504B.206. See slides 47-54.

Expungement

Chapter 127--H.F. No. 5247

Sec. 45. Laws 2023, chapter 52, article 19, section 120, is amended to read:

Sec. 120. EFFECTIVE DATE.

Sections 117 to and 119 are effective January 1, 2024. Section 118 is effective January 1, 2024, and applies to cases filed before, on, or after that date.

EFFECTIVE DATE.

This section is effective retroactively from January 1, 2024.

This clarifies that the expansion of mandatory expungement grounds in Minn. Stat. § 484.014 in 2023 applies to all eviction action regardless of when the cases were filed.

Eviction Actions Public Housing Tenant Right to Counsel

Sec. 25. Minnesota Statutes 2023 Supplement, section 504B.268, subdivision 1, is amended to read:

Subdivision 1. Right to counsel.

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

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

This clarifies that state-wide right to counsel in breach of lease eviction actions does not apply to all subsidized housing programs and applies only to public housing and the Rental Assistance Demonstration (RAD) Program.

Eviction Action Summons and Complaint

Sec. 27.

This replaces Minn. Stat. § 504B.331, that was repealed in [Section 31](#).

Changes from the former statute include clarification of additional use of electronic communication and the details of service types and adds the deadline for filing affidavits of service now in Minn. Gen. R. Prac. 605 for housing courts in Hennepin and Ramsey Counties.

[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.

Eviction Action Summons and Complaint

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.

Eviction Action Summons and Complaint

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:

- (1) leaving a copy of the summons and complaint 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 of the summons and complaint at the property described in the complaint with a person of suitable age and discretion occupying the premises.

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

Eviction Action Summons and Complaint

Subd. 4. Service by mail and posting.

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

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

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

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

Eviction Action Summons and Complaint

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

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

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

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

Eviction Action Summons and Complaint

(iii) compliance with subdivision 2, paragraph (b), by providing the date and manner by which the plaintiff attempted to communicate to the defendant in compliance with subdivision 2, paragraph (b), or stating that the plaintiff does not use electronic written communication to regularly communicate with the defendant and does not have an electronic address for the defendant;
(iv) if applicable, how the requirements of clause (2) were met, including the dates and times of the attempts at service; and
(v) the date and time the summons and complaint were posted on the entry to the defendant's individual unit.

Subd. 5. Failure to appear.

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

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

Eviction Action Judgments

Sec. 28. Minnesota Statutes 2023 Supplement, section 504B.345, subdivision 1, is amended to read:

Subdivision 1. General.

....

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

Sec. 32. EFFECTIVE DATE. Except as otherwise specified, this act is effective January 1, 2025.

This clarifies that a stay of the writ applies to nonpayment of rent cases.

Expediting Rental Assistance

462A.2096

Requirements that MHFA must implement to get emergency rental assistance applications processed faster and timelines for when they need to have adopted the changes by.

Effective 8/1/2024

<https://www.revisor.mn.gov/laws/2024/0/127/laws.16.1.0#laws.16.1.0>

Emergency Rental Assistance

The Family Homelessness Prevention and Assistance Program (FHPAP) received an increase of just over \$8 million in one-time resources.

- Emergency rental assistance is an eligible use of these funds, and was used as a major rationale for the appropriation.
- Emergency rental assistance is one of the most effective ways to prevent evictions.

Looking Back and Moving Forward







Questions?



Tenant Hotline:

Phone: 612-728-5767

Online: *[homelinemn.org/email](mailto:homelinemn.org)*

- HOME Line ofrece servicios en español. Para Español, llame al 612-255-8870.
- HOME Line waxay bixisaa adeeg ku baxa Afka-Soomaaliga. Af- Soomaali wac 612-255-8860.
- Peb lub koom haum HOME Line muaj neeg txhais lus Hmoob. Hais lus Hmoob, Hu 612-255-7104.



Thank You