

# Remedies for Homeowners When a Friend or Relative Refuses to Leave



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**Anne W. Grande Hennepin County Law Library**  
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# Presenter



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Housing Law in Minnesota

<http://povertylaw.homestead.com/HousingLawinMinnesota.html>

Biography

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# Topics



- Housing Law Materials
- Summary
- Excluding Non-tenants
- Excluding Tenants
- Mediation Programs
- Legal Assistance
- Questions

# Housing Law Materials



[Housing Law in Minnesota - http://povertylaw.homestead.com/HousingLawinMinnesota.html](http://povertylaw.homestead.com/HousingLawinMinnesota.html)

- Residential Eviction Defense and Tenant Claims in Minnesota
- Answers Forms
- Tenants of Landlords in Foreclosure
- Public and Subsidized Housing
- Criminal Activity Cases
- Personal Property Disputes after an Eviction Judgment
- Expungement of Eviction Court Records
- Motions to Vacate Judgments
- Habitability and Lockout Cases
- Security Deposits

HOME Line - <https://homelinemn.org/> - Training slide shows and recordings

Law Help - <http://www.lawhelpmn.org/> Answers to legal questions, finding legal aid offices, and court information.

Minnesota State Law Library - <https://mncourts.libguides.com/covid19/housing#s-lg-box-wrapper-27963214>  
General information and resources for landlords and tenants.

# Excluding Relatives, Guests, and Tenants



- Adult members of the same family in the same dwelling might or might not be in a landlord and tenant relationship.
- The issue is whether the person residing on the property pays rent or provides services in lieu of rent under Minn. Stat. § 504B.001 -  
<https://www.revisor.mn.gov/statutes/?id=504B.001>
- If one member owns the property and the other does not pay rent or provide services in lieu of rent, the other is not a tenant.
- If the other person pays rent or provides services in lieu of rent, the other is a tenant.

# Excluding Non-tenants



File an eviction action to evict the other person as one unlawful detainer of the property under Minn. Stat. § 504B.301. *See DePetro v. DePetro*, No. A03-727, 2004 WL 885552 (Minn. Ct. App. April 27, 2004) (unpublished) (affirmed eviction by owner of her adult daughter who was not a rent-paying tenant).

# Excluding Non-tenants



## Trespass

- Under [Minn. Stat. § 609.605, Subdivision 1\(b\)](#), “... (b) A person is guilty of a misdemeanor if the person intentionally: ... (3) trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor; [or] (4) occupies or enters the dwelling or locked or posted building of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation ....”
- Tell the non-tenant to leave.
- Call the police.

# Excluding Non-tenants



## Lockout

- It is illegal to lockout a tenant. *See* [Residential Eviction Defense and Tenant Claims in Minnesota at XII.B.1.](#)
- It is not illegal to lockout a guest.
- It is risky to lockout a person when it is unclear whether or not the person is a tenant.



# Excluding Non-tenants



## Harassment and Abuse:

- Tenants, non-tenants, landlords, and managers can be excluded through harassment and domestic abuse restraining orders.
- [Minn. Stat. § 609.748 Harassment; Restraining Order](#): for “a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.”
- [Minn. Stat. § 518B.01 Domestic Abuse Act](#): A vulnerable adult victim of financial exploitation can recover damages equal to three times the amount of compensatory damages or \$10,000, whichever is greater.
- [Minn. Stat. § 626.557, Subd. 20](#) Reporting of Maltreatment Of Vulnerable Adults
- [Minn. Stat. § 626.5572](#) Definitions
- *See* [Residential Eviction Defense and Tenant Claims in Minnesota at XII.B.5.](#)

# Excluding Tenants



- File eviction action for nonpayment of rent or failure to provided services as agreed, or breach of other conditions of occupancy
- If tenant is compliant, give notice to terminate tenancy. The period of notice can range from one to three months. If the tenant does not comply, file an eviction action.
- *See [Residential Eviction Defense and Tenant Claims in Minnesota at I.B.](#)*
- Harassment restraining order and domestic abuse orders for protection
- Options not available: trespass and lockout

# Looking for Housing



Housing Link

International Market Square

Suite 509

275 Market Street

Minneapolis, MN 55405

612-522-2500

[info@housinglink.org](mailto:info@housinglink.org)

<http://www.housinglink.org>

# Mediation Programs



Community Mediation Minnesota consists of several member organizations across the state with staff and volunteers to help resolve disputes. Community Mediation Minnesota has a centralized intake and referral system so anyone in Minnesota can call a single phone number and be connected to a mediator who can provide services via video conferencing.

## Community Mediation Member Organizations:

- Community Mediation & Restorative Services, Inc.
- Conflict Resolution Center
- Dispute Resolution Center
- Mediation & Conflict Solutions
- Mediation and Restorative Services
- Restorative and Mediation Practices

## Contact:

<https://communitymediationmn.org>

1-833-266-2663

[info@CommunityMediationMN.org](mailto:info@CommunityMediationMN.org)

# Free Legal Assistance



## Free Legal Aid Programs Representing Tenants:

- Anishinabe Legal Services - <https://alslegal.org/>
- Central Minnesota Legal Services - Hennepin County and Central Minnesota - <https://www.centramnlegal.org/>
- Justice North - Duluth and Northeast Minnesota - <http://lasnem.org/>
- Legal Assistance of Dakota County - <http://www.dakotalegal.org/>
- Legal Assistance of Olmsted County - <http://laocmn.org/>
- Legal Services of Northwest Minnesota - Moorhead and Northwest Minnesota - <https://lsnmlaw.org/>
- Mid-Minnesota Legal Aid - Hennepin County and Central Minnesota - <https://mylegalaid.org/>

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# Free Legal Assistance



## Free Legal Aid Programs Representing Tenants:

- Southern Minnesota Regional Legal Services - Ramsey County, Southeast Twin Cities, and Southern Minnesota - <https://www.smrls.org/>
- Volunteer Lawyers Network - <https://www.vlnmn.org/>

## Free Advice Only

- Online Advice: Minnesota Legal Advice Online (MLAO) - <https://www.mnlegaladvice.org/>
- HOME Line Housing Hotline Advice - <https://homelinemn.org/>

# Low Fee Legal Assistance



To be eligible for pro bono service, your income can be up to 125% of the Poverty Guidelines for legal aid and up to 300% for Volunteer Lawyers Network.

<http://www.projusticemn.org/fedpovertyguidelines/>

<http://vlncommunityclinics.wikispaces.com/VLN's+Legal+Services>

For those over 300%, here are some options.

The Minnesota Lawyer Referral and Information Service  
(MNLIRIS)

<https://www.mnlawyerreferral.org/>

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# Low Fee Legal Assistance



## Minnesota Unbundled Law Project

<https://mnunbundled.org/>

(800) 882-6722

[mnunbundled@mnbar.org](mailto:mnunbundled@mnbar.org)

Unbundled legal services (also known as limited scope legal services) are customizable for your needs and budget. Participating attorneys will assess your legal issue and work with you to design a plan that works for you. Because you remain in control, you can work with your lawyer for as much or as little time as needed. This saves you money and makes it possible for you to get only the legal assistance you need.

## LegalWise: Collaborative Community Law Initiative

<https://www.legalwisemn.org/>

<https://www.facebook.com/LegalWiseMN/>

LegalWise is an educational nonprofit supporting new lawyers who agree to provide lower-cost legal services through their solo and small practices. LegalWise does not employ and lawyers and does not provide any legal services directly to clients. LegalWise lawyers run their own law firms, which provide services to clients.



# Questions



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