

1.1 **Senator Moua from the Committee on Judiciary, to which was re-referred**

1.2 **S.F. No. 2595:** A bill for an act relating to landlord and tenant; modifying certain  
 1.3 procedures related to expungement in eviction cases; specifying procedures for handling  
 1.4 applicant screening fees; providing certain rights to tenants of foreclosed properties;  
 1.5 amending Minnesota Statutes 2008, sections 484.014, subdivision 3, by adding a  
 1.6 subdivision; 504B.111; 504B.173; 504B.178, subdivision 7; 504B.215, subdivision 2;  
 1.7 504B.285, by adding subdivisions; 504B.291, subdivision 1; Minnesota Statutes 2009  
 1.8 Supplement, section 504B.285, subdivision 1; proposing coding for new law in Minnesota  
 1.9 Statutes, chapter 504B.

1.10 Reports the same back with the recommendation that the bill be amended as follows:

1.11 Page 1, line 14, delete "or" and insert a comma and after "1b" insert ", or 1c"

1.12 Page 1, delete section 2

1.13 Page 2, line 24, before "date" insert "due" and delete "it is due"

1.14 Page 2, line 25, before "In" insert "The agreement must specify when the late fee  
 1.15 will be imposed." and delete "a certain percentage" and insert "eight percent" and before "  
 1.16 rent" insert "overdue"

1.17 Page 2, line 26, delete everything after "collected" and insert "is not considered  
 1.18 interest"

1.19 Page 2, line 27, delete everything before the period

1.20 Page 3, delete section 5 and insert:

1.21 "Sec. 4. [504B.172] RECOVERY OF ATTORNEY FEES.

1.22 If a residential lease specifies an action, circumstances, or an extent to which a  
 1.23 landlord, directly or through additional rent, may recover attorney fees in an action  
 1.24 between the landlord and tenant, the tenant is entitled to attorney fees if the tenant prevails  
 1.25 in an action under the same circumstances and to the same extent as specified in the  
 1.26 lease for the landlord.

1.27 EFFECTIVE DATE. This section is effective August 1, 2011, for leases entered on  
 1.28 or after that date."

1.29 Page 3, delete lines 21 to 22

1.30 Page 3, line 31, delete the comma

1.31 Page 3, line 32, delete everything after "must" and insert "return any amount"

1.32 Page 3, line 33, delete "portion" and before the period, insert "that is not used for  
 1.33 those purposes"

1.34 Page 4, line 8, delete "perspective" and insert "prospective"

1.35 Page 6, line 4, before "successor" insert "immediate"

1.36 Page 6, line 6, delete "or termination"

2.1 Page 6, lines 17 and 34, delete "earlier" and insert "sooner"

2.2 Page 6, lines 19, 31, and 35, after "provided" insert "that"

2.3 Page 6, line 24, before the period, insert "or the unit's rent is reduced or subsidized  
2.4 by a federal, state, or local subsidy"

2.5 Page 6, line 33, after "successor" insert "in interest"

2.6 Page 7, line 9, delete "60 days" and insert "two months"

2.7 Page 7, line 10, delete "60 days" and insert "two months"

2.8 Page 7, line 23, delete the comma and insert "and"

2.9 Page 8, line 1, delete everything after "produces"

2.10 Page 8, delete line 2 and insert "a copy of a money order or an original receipt stub  
2.11 evidencing purchase of a money order,"

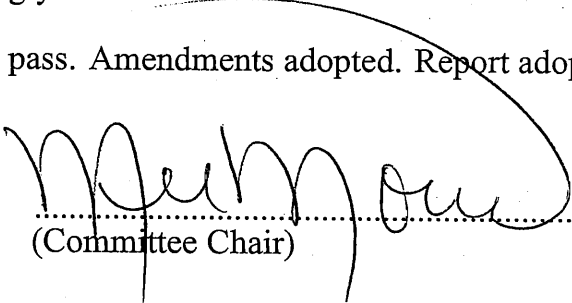
2.12 Page 8, line 3, delete everything before the first "or" and delete ", bank checks, or  
2.13 cashier's checks" and insert "made payable to the landlord and"

2.14 Page 8, line 5, after the period, insert "This presumption is rebutted if the landlord  
2.15 produces a business record that shows that the tenant has not paid the rent. The landlord is  
2.16 not precluded from introducing other evidence that rebuts this presumption."

2.17 Renumber the sections in sequence

2.18 Amend the title numbers accordingly

2.19 And when so amended the bill do pass. Amendments adopted. Report adopted.

2.20   
2.21 (Committee Chair)

2.22 March 16, 2010 .....  
2.23 (Date of Committee recommendation)

**Bill Summary****Senate**

Senate Counsel &amp; Research

State of Minnesota

**S.F. No. 2595 - Modifying Certain Procedures Related to Expungement in Eviction Cases (Delete-Everything Amendment SCS2595A-1)**

**Author:** Senator D. Scott Dibble  
**Prepared by:** Joan White, Senate Counsel (651/296-3814)  
**Date:** March 10, 2010

**Section 1 (484.014, subdivision 3)** inserts a cross-reference to new subdivisions 1a and 1b in sections 10 and 11 related to the grounds for eviction for a person holding over in a foreclosed property subject to a mortgage and contract for deed, respectively.

**Section 2 (484.014, subdivision 5)** adds a new subdivision 5 related to a hearing on a motion for expungement while an eviction case is pending.

**Section 3 (504B.111)** prohibits a landlord of a residential property from charging a late fee if the rent is paid after the due date, unless the tenant and landlord have agreed in writing that a fee may be imposed.

**Section 4 (504B.118)** requires the landlord to provide a receipt for rent paid in cash.

**Section 5 (504B.172)** specifies the recovery of costs and attorney fees for a tenant under certain circumstances.

**Section 6 (504B.173)** modifies the applicant screening section of law.

**Subdivision 1** prohibits the landlord from collecting or holding an applicant screening fee unless the applicant is given a receipt for the fee, and from using, cashing, or depositing the fee until all prior applicants have either been screened and rejected, or offered the unit and declined to rent.

**Subdivision 2** specifies when the landlord must return the applicant screening fee.

**Subdivision 3** provides the information the landlord must disclose prior to taking the applicant screening fee.

**Subdivision 4** provides that a prospective tenant who provides or omits materially false information on an application is liable for damages, civil penalties, court filing costs, and attorney fees to the landlord.

**Section 7 (504B.178, subdivision 7)** increases putative damages from \$200 to \$500 for the bad faith retention of a deposit by a landlord.

**Section 8 (504B.215, subdivision 2)** provides that a landlord who fails to comply with the conditions requiring a separate utility billing to a tenant in a single-metered building violates statutes related to

landlord covenants and the unlawful termination of utilities.

**Section 9 (504B.285, subdivision 1)** strikes obsolete language that is updated in the next few sections.

**Sections 10 and 11 (504B.285, subdivision 1a; 504B.285, subdivision 1b)** provide the grounds for eviction when a tenant is holding over in a foreclosed property subject to a mortgage and contract for deed, respectively. These sections apply to eviction actions on or before December 31, 2012. The changes in these sections correspond with federal law changes, which sunset December 31, 2010.

**Section 12 (504B.285, subdivision 1c)** reverts back to existing law the grounds for eviction actions after section 10 and 11 expire.

**Section 13 (504B.291, subdivision 1)** establishes a rebuttable presumption that rent has been paid if the tenant produces certain receipts or documents that total the amount of rent due with dates corresponding with the date the rent was due.

JW:rer

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*Last review or update: 03/11/2010*

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A bill for an act  
relating to landlord and tenant; modifying certain procedures related to  
expungement in eviction cases; specifying procedures for handling applicant  
screening fees; providing certain rights to tenants of foreclosed properties;  
amending Minnesota Statutes 2008, sections 484.014, subdivision 3, by adding  
a subdivision; 504B.111; 504B.173; 504B.178, subdivision 7; 504B.215,  
subdivision 2; 504B.285, by adding subdivisions; 504B.291, subdivision  
1; Minnesota Statutes 2009 Supplement, section 504B.285, subdivision 1;  
proposing coding for new law in Minnesota Statutes, chapter 504B.

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

Section 1. Minnesota Statutes 2008, section 484.014, subdivision 3, is amended to read:

Subd. 3. **Mandatory expungement.** The court shall order expungement of an  
eviction case commenced solely on the grounds provided in section 504B.285, subdivision  
~~1, clause (1)~~ 1a or 1b, if the court finds that the defendant occupied real property that was  
subject to contract for deed cancellation or mortgage foreclosure and:

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

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

Sec. 2. Minnesota Statutes 2008, section 484.014, is amended by adding a subdivision  
to read:

Subd. 4. **Hearing on motion.** (a) If the defendant moves for expungement when the  
eviction case is pending, the court shall rule on the motion at the hearing on the eviction

2.1 following the ruling on the eviction, unless there is good cause to hear the expungement  
2.2 motion at a later time.

2.3 (b) A motion to expunge under this subdivision is available only for the related  
2.4 eviction case that is pending.

2.5 (c) An expungement motion may be granted only if the tenant prevailed in the  
2.6 eviction case. Prevailing in the eviction case does not include a tenant's redeeming the  
2.7 tenancy by paying the amount due the landlord, or a settlement between the landlord  
2.8 and tenant.

2.9 (d) The landlord, the landlord's agent, and witnesses shall have the right to speak  
2.10 and offer evidence in opposition to or in support of the motion, and an agreement to the  
2.11 contrary is null and void.

2.12 (e) The court's ruling on the expungement motion must include written findings  
2.13 specifying the statutory requirements for expungement that were met, if the motion is  
2.14 granted, or the statutory requirements for expungement that were not met, if the motion  
2.15 is denied.

2.16 Sec. 3. Minnesota Statutes 2008, section 504B.111, is amended to read:

2.17 **504B.111 WRITTEN LEASE REQUIRED; PENALTY.**

2.18 (a) A landlord of a residential building with 12 or more residential units must have a  
2.19 written lease for each unit rented to a residential tenant. Notwithstanding any other state  
2.20 law or city ordinance to the contrary, a landlord may ask for the tenant's full name and  
2.21 date of birth on the lease and application. A landlord who fails to provide a lease, as  
2.22 required under this section, is guilty of a petty misdemeanor.

2.23 (b) A landlord of a residential building may not charge a late fee if the rent is paid  
2.24 after the date it is due, unless the tenant and landlord have agreed in writing that a fee may  
2.25 be imposed. In no case may the late fee exceed a certain percentage of the rent payment.  
2.26 Any late fee charged or collected must not be considered either interest or liquidated  
2.27 damages. For purposes of this paragraph, the "due date" does not include a date earlier  
2.28 than the date contained in the written or oral agreement to lease by which, if the rent is  
2.29 paid, the tenant earns a discount.

2.30 Sec. 4. **[504B.118] RECEIPT FOR RENT PAID IN CASH.**

2.31 A landlord receiving rent or other payments from a tenant in cash must provide a  
2.32 written receipt for payment immediately upon receipt if the payment is made in person, or  
2.33 within three business days if payment in cash is not made in person.

3.1 Sec. 5. [504B.172] RECOVERY OF COSTS IN ACTION FOR BREACH OF  
 3.2 COVENANTS.

3.3 When a residential lease specifies circumstances that entitle a landlord, directly or  
 3.4 through additional rent, to recover attorney fees and expenses in an action, it is implied in  
 3.5 law that a tenant is entitled to attorney fees and costs in an action initiated by the tenant,  
 3.6 or in a successful defense of an action commenced by the landlord against the tenant,  
 3.7 involving the same circumstances.

3.8 Sec. 6. Minnesota Statutes 2008, section 504B.173, is amended to read:

3.9 **504B.173 APPLICANT SCREENING FEE.**

3.10 Subdivision 1. ~~Limit on number of applicant screening fees~~ Limitations. A  
 3.11 landlord ~~or the landlord's agent~~ may not:

3.12 (1) charge an applicant a screening fee when the landlord knows or should have  
 3.13 known that no rental unit is available at that time or will be available within a reasonable  
 3.14 future time;

3.15 (2) collect or hold an applicant screening fee without giving the applicant a written  
 3.16 receipt for the fee, which may be incorporated into the application form, upon request  
 3.17 of the applicant; or

3.18 (3) use, cash, or deposit an applicant screening fee until all prior applicants have  
 3.19 either been screened and rejected, or offered the unit and declined to enter into a rental  
 3.20 agreement.

3.21 For purposes of this section, "landlord" means any person having the right to rent or lease  
 3.22 any real property and that person's agent.

3.23 Subd. 2. **Return of applicant screening fee.** ~~If the landlord or the landlord's agent~~  
 3.24 ~~does not perform a personal reference check or does not obtain a consumer credit report~~  
 3.25 ~~or tenant screening report, the landlord or the landlord's agent shall return any amount~~  
 3.26 ~~of the screening fee that is not used for those purposes~~ (a) The landlord must return the  
 3.27 entire applicant screening fee if:

3.28 (1) the applicant is rejected for any reason not listed in the disclosure required  
 3.29 under subdivision 3; or

3.30 (2) a previous applicant is offered the unit and agrees to enter into a rental agreement.

3.31 (b) If the landlord does not perform a personal reference check, or does not obtain  
 3.32 a consumer credit report or tenant screening report, the landlord must reimburse that  
 3.33 portion of the applicant screening fee.

3.34 (c) The applicant screening fee may be returned by mail, may be destroyed upon the  
 3.35 applicant's request if paid by check, or may be made available for the applicant to retrieve.

4.1 Subd. 3. **Disclosures to applicant.** ~~A (a) If a landlord or the landlord's agent,~~  
 4.2 ~~prior to taking~~ takes an application applicant screening fee from a prospective tenant,  
 4.3 the landlord must disclose on the application form or orally in writing prior to taking the  
 4.4 applicant screening fee:

4.5 (1) the name, address, and telephone number of the tenant screening service the  
 4.6 owner landlord will use, unless the owner landlord does not use a tenant screening service;  
 4.7 and

4.8 (2) the criteria on which the decision to rent to the perspective tenant will be based.

4.9 (b) A landlord may include in the application form a requirement that the applicant  
 4.10 declare whether the applicant does not meet any of the disclosed criteria.

4.11 (c) A landlord must notify the applicant within 14 days of rejecting a rental  
 4.12 application, identifying the criteria the tenant failed to meet.

4.13 Subd. 4. **Remedies.** In addition to any other remedies, a landlord who violates this  
 4.14 section is liable to the applicant for the ~~application~~ applicant screening fee plus a civil  
 4.15 penalty of up to \$100, civil court filing costs, and reasonable attorney fees incurred to  
 4.16 enforce this remedy. A prospective tenant who provides materially false information on the  
 4.17 application or omits material information requested is liable to the landlord for damages,  
 4.18 plus a civil penalty of up to \$500, civil court filing costs, and reasonable attorney fees.

4.19 Sec. 7. Minnesota Statutes 2008, section 504B.178, subdivision 7, is amended to read:

4.20 Subd. 7. **Bad faith retention.** The bad faith retention by a landlord of a deposit,  
 4.21 the interest thereon, or any portion thereof, in violation of this section shall subject the  
 4.22 landlord to punitive damages not to exceed ~~\$200~~ \$500 for each deposit in addition to  
 4.23 the damages provided in subdivision 4. If the landlord has failed to comply with the  
 4.24 provisions of subdivision 3 or 5, retention of a deposit shall be presumed to be in bad faith  
 4.25 unless the landlord returns the deposit within two weeks after the commencement of  
 4.26 any action for the recovery of the deposit.

4.27 Sec. 8. Minnesota Statutes 2008, section 504B.215, subdivision 2, is amended to read:

4.28 Subd. 2. **Single-meter utility service payments.** Except as provided in  
 4.29 subdivision 3, the landlord of a single-metered residential building shall be the bill payer  
 4.30 responsible, and shall be the customer of record contracting with the utility for utility  
 4.31 services. The landlord must advise the utility provider that the utility services apply  
 4.32 to a single-metered residential building. A failure by the landlord to comply with this  
 4.33 subdivision or subdivision 2a is a violation of sections 504B.161, subdivision 1, clause  
 4.34 (1), and 504B.221. This subdivision may not be waived by contract or otherwise. This



5.1 subdivision does not require a landlord to contract and pay for utility service provided  
 5.2 to each residential unit through a separate meter which accurately measures that unit's  
 5.3 use only. This subdivision does not prohibit a landlord from apportioning utility service  
 5.4 payments among residential units and either including utility costs in a unit's rent or  
 5.5 billing for utility charges separate from rent.

5.6 Sec. 9. Minnesota Statutes 2009 Supplement, section 504B.285, subdivision 1, is  
 5.7 amended to read:

5.8 Subdivision 1. **Grounds.** The person entitled to the premises may recover  
 5.9 possession by eviction when:

5.10 (1) any person holds over real property:

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

5.12 (ii) after the expiration of the time for redemption on foreclosure of a mortgage, or  
 5.13 after termination of contract to convey the property, ~~provided that if the person holding~~  
 5.14 ~~the real property after the expiration of the time for redemption or termination was a~~  
 5.15 ~~tenant during the redemption or termination period under a lease of any duration and the~~  
 5.16 ~~lease began after the date the mortgage or contract for deed was executed but prior to the~~  
 5.17 ~~expiration of the time for redemption or termination, and the person has received:~~

5.18 ~~(A) at least two months' written notice to vacate no sooner than one month after the~~  
 5.19 ~~expiration of the time for redemption or termination, provided that the tenant pays the~~  
 5.20 ~~rent and abides by all terms of the lease; or~~

5.21 ~~(B) at least two months' written notice to vacate no later than the date of the~~  
 5.22 ~~expiration of the time for redemption or termination, which notice shall also state that the~~  
 5.23 ~~sender will hold the tenant harmless for breaching the lease by vacating the premises if the~~  
 5.24 ~~mortgage is redeemed or the contract is reinstated;~~

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

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

5.31 Sec. 10. Minnesota Statutes 2008, section 504B.285, is amended by adding a  
 5.32 subdivision to read:

5.33 Subd. 1a. Grounds when the person holding over is a tenant in a foreclosed  
 5.34 property. (a) For any eviction action commenced on or before December 31, 2012,

6.1 where the person holding the real property after the expiration of the time for redemption  
6.2 on foreclosure of a mortgage was a tenant during the redemption period under a lease of  
6.3 any duration, and the lease began after the date the mortgage was executed, but prior to  
6.4 the expiration of the time for redemption, the successor in interest must provide at least  
6.5 90 days' written notice to vacate, given no sooner than the date of the expiration of the  
6.6 time for redemption or termination, and effective no sooner than 90 days after the date  
6.7 of the expiration of the time for redemption, provided that the tenant pays the rent and  
6.8 abides by all terms of the lease.

6.9 (b) For any eviction action commenced on or before December 31, 2012, where the  
6.10 term of a bona fide lease extends more than 90 days beyond the date of the expiration of the  
6.11 time for redemption, the immediate successor in interest must allow the tenant to occupy  
6.12 the premises until the end of the remaining term of the lease, and provide at least 90 days'  
6.13 written notice to vacate, effective no sooner than the date the lease expires, provided that  
6.14 the tenant pays the rent and abides by all terms of the lease, except if the immediate  
6.15 successor in interest or an immediate subsequent bona fide purchaser will occupy the unit  
6.16 as the primary residence, the immediate successor in interest must provide at least 90 days'  
6.17 written notice to vacate, given no earlier than the date of the expiration of the time for  
6.18 redemption, effective no sooner than 90 days after the date of the expiration of the time for  
6.19 redemption, provided the tenant pays the rent and abides by all terms of the lease.

6.20 For purposes of this section, a "bona fide lease" means:

- 6.21 (1) the mortgagor or the child, spouse, or parent of the mortgagor is not the tenant;  
6.22 (2) the lease or tenancy was the result of an arm's-length transaction; and  
6.23 (3) the lease or tenancy requires the receipt of rent that is not substantially less than  
6.24 fair market rent for the property.

6.25 (c) For any eviction action commenced on or before December 31, 2012, in the  
6.26 case of a tenancy subject to section 8 of the United States Housing Act of 1937, as  
6.27 amended, where the term of the lease extends more than 90 days beyond the date of the  
6.28 expiration of the time for redemption, the immediate successor in interest must allow  
6.29 the tenant to occupy the premises until the end of the remaining term of the lease and  
6.30 provide at least 90 days' written notice to vacate, effective no sooner than the date the  
6.31 lease expires, provided the tenant pays the rent and abides by all terms of the lease, except  
6.32 if the immediate successor in interest will occupy the unit as the primary residence, the  
6.33 immediate successor must provide at least 90 days' written notice to vacate, given no  
6.34 earlier than the date of the expiration of the time for redemption, effective no sooner than  
6.35 90 days after the date of the expiration of the time for redemption, provided the tenant  
6.36 pays the rent and abides by all terms of the lease.

7.1 Sec. 11. Minnesota Statutes 2008, section 504B.285, is amended by adding a  
7.2 subdivision to read:

7.3 Subd. 1b. Grounds when the person holding over is a tenant in a foreclosed  
7.4 property subject to a contract for deed. For any eviction action commenced on or  
7.5 before December 31, 2012, where the person holding the real property after the expiration  
7.6 of the time for termination of a contract to convey the property was a tenant during the  
7.7 termination period under a lease of any duration, and the lease began after the contract for  
7.8 deed was executed, but prior to the expiration of the time for termination, the successor in  
7.9 interest must provide at least 60 days' written notice to vacate, given no sooner than the  
7.10 date of the expiration of the time for termination and effective no sooner than 60 days after  
7.11 the date of the expiration of the time for termination, provided that the tenant pays the  
7.12 rent and abides by all terms of the lease.

7.13 Sec. 12. Minnesota Statutes 2008, section 504B.285, is amended by adding a  
7.14 subdivision to read:

7.15 Subd. 1c. Grounds for evictions on or after January 1, 2013. For any eviction  
7.16 action commenced on or after January 1, 2013, the person entitled to the premises  
7.17 may recover possession by eviction when any person holds over real property after the  
7.18 expiration of the time for redemption on foreclosure of a mortgage, or after termination  
7.19 of contract to convey the property, provided that if the person holding the real property  
7.20 after the expiration of the time for redemption or termination was a tenant during the  
7.21 redemption or termination period under a lease of any duration, and the lease began after  
7.22 the date the mortgage or contract for deed was executed, but prior to the expiration of the  
7.23 time for redemption or termination, the person holding the premises has received:

7.24 (1) at least two months' written notice to vacate no sooner than one month after the  
7.25 expiration of the time for redemption or termination, provided that the tenant pays the  
7.26 rent and abides by all terms of the lease; or

7.27 (2) at least two months' written notice to vacate no later than the date of the  
7.28 expiration of the time for redemption or termination, which notice shall also state that the  
7.29 sender will hold the tenant harmless for breaching the lease by vacating the premises if the  
7.30 mortgage is redeemed or the contract is reinstated.

7.31 Sec. 13. Minnesota Statutes 2008, section 504B.291, subdivision 1, is amended to read:

7.32 Subdivision 1. **Action to recover.** (a) A landlord may bring an eviction action for  
7.33 nonpayment of rent irrespective of whether the lease contains a right of reentry clause.  
7.34 Such an eviction action is equivalent to a demand for the rent. There is a rebuttable

8.1 presumption that the rent has been paid if the tenant produces receipts or equivalent  
8.2 documents evidencing purchase of one or more money orders, bank checks, or cashier's  
8.3 checks, or a combination of money orders, bank checks, or cashier's checks totaling the  
8.4 amount of the rent, with a date or dates approximately corresponding with the date the  
8.5 rent was due. In such an action, unless the landlord has also sought to evict the tenant  
8.6 by alleging a material violation of the lease under section 504B.285, subdivision 5, the  
8.7 tenant may, at any time before possession has been delivered, redeem the tenancy and be  
8.8 restored to possession by paying to the landlord or bringing to court the amount of the  
8.9 rent that is in arrears, with interest, costs of the action, and an attorney's fee not to exceed  
8.10 \$5, and by performing any other covenants of the lease.

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

8.16 (c) Prior to or after commencement of an action to recover possession for  
8.17 nonpayment of rent, the parties may agree only in writing that partial payment of rent in  
8.18 arrears which is accepted by the landlord prior to issuance of the order granting restitution  
8.19 of the premises pursuant to section 504B.345 may be applied to the balance due and does  
8.20 not waive the landlord's action to recover possession of the premises for nonpayment of  
8.21 rent.

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

1.1 Senator ..... moves to amend S.F. No. 2595 as follows:

1.2 Page 1, line 14, delete "or" and insert a comma, and after "1b" insert ", or 1c"

1.3 Page 1, delete section 2

1.4 Page 2, line 24, before "date" insert "due" and delete "it is due"

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1.16 as specified in the lease for the landlord.

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1.26 Page 6, line 6, delete "or termination"

1.27 Page 6, lines 17 and 34, delete "earlier" and insert "sooner"

1.28 Page 6, lines 19, 31, and 35, after "provided" insert "that"

1.29 Page 6, line 24, before the period, insert "or the unit's rent is reduced or subsidized  
1.30 by a federal, state, or local subsidy"

1.31 Page 6, line 33, after "successor" insert "in interest"

1.32 Page 7, line 9, delete "60 days" and insert "two months"

Page 7, line 10, delete "60 days" and insert "two months"

1.34 Page 7, line 23, delete the comma, and insert "and"

1.35 Page 8, line 1, delete everything after "produces"

- 2.1 Page 8, delete line 2, and insert "a copy of a money order or an original receipt stub
- 2.2 evidencing purchase of a money order,"
- 2.3 Page 8, line 3, delete everything before the first "or" and delete ", bank checks, or
- 2.4 cashier's checks" and insert "made payable to the landlord and"
- 2.5 Page 8, line 5, after the period, insert "This presumption is rebutted if the landlord
- 2.6 produces a business record that shows that the tenant has not paid the rent. The landlord is
- 2.7 not precluded from introducing other evidence that rebuts this presumption."
- 2.8 Renumber the sections in sequence and correct the internal references
- 2.9 Amend the title accordingly