



Tenant Hotline

Phone: 612-728-5767

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

# Evictions

December 20, 2023 — 1:30-3:00pm

HOME Line Policy Attorney, Larry McDonough

# 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 300,000 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 32, including attorneys, tenant advocates, and tenant organizers. We also rely on volunteers and interns.



# What is HOME Line?

HOMELine 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](http://homelinemn.org/email)



# Upcoming Webinars



**January 17, 2024**

**Renters' Credit**

Visit [homelinemn.org/newlaws/](https://homelinemn.org/newlaws/) for more information and to register

# 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
- CLE credits will be applied for after this session



# Evictions



# Links to New Housing Laws

## Landlord and Tenant Laws

Minnesota Session Laws - 2023, Regular Session, Chapter 52, Senate F. No. 2909

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/52/>

Article 19 §§ 83-120

Various effective dates

## Cannabis Laws

Minnesota Session Laws - 2023, Regular Session, Chapter 63, House F. No. 100

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/63/>

Article 1 §§ 9, 58, 74, and 75

Article 6 §§ 22, 54-56

Article 8 §§ 1-2

Various effective dates

## Sober Houses

Minnesota Session Laws - 2023, Regular Session, Chapter 61, Senate F. No. 2934

<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/61/>

Article 4 §§ 8, 14, 20, 26

No date listed, so effective August 1, 2023.

# Right to Counsel in Public Housing Breach Cases



# Right to Counsel in Public Housing Breach Cases

[2023 Minn. Laws Chapter 52, Article 19, § 89](#)

- Minn. Stat. § 504B.268 (new statute)
- Similar to other Minnesota right to counsel statutes, such as guardianship.
- Only applies to public housing breach of lease eviction actions and not rent eviction actions
- Does not apply to other subsidized housing programs
- Complaint notice
- Court inquiry
- Attorney qualifications
- Compensation
- Effective August 1, 2023

# Right to Counsel in Public Housing Breach Cases

Sec. 89. [504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF LEASE EVICTION ACTIONS.

Subdivision 1. **Right to counsel.** A defendant in public housing 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.

# Right to Counsel in Public Housing Breach Cases

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

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

**EFFECTIVE DATE.** This section is effective August 1, 2023.

# All Other Eviction Changes

# Effective Date of Eviction Changes

2023 Minn. Laws Chapter 52, Article 19, § 116

## EFFECTIVE DATE.

Sections 103 to 115 are effective January 1, 2024, and apply to actions filed on or after that date.



# Combining Claims

Minn. Stat. § 504B.285, subdivision 5, Combining allegations:

(a) An action for recovery of the premises may combine the allegation of nonpayment of rent and the allegation of material violation of the lease, which shall be heard as alternative grounds.

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

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



# Redemption Guarantee

Minn. Stat. § 504B.291, subdivision 1, Action to recover.:

(a) ....

Redemption may be made with a written guarantee from (1) a federal agency, state agency, or local unit of government, or (2) any other organization that qualifies for tax-exempt status under United States Code, title 26, section 501(c)(3), and that administers a government rental assistance program, has sufficient funds available, and guarantees funds will be provided to the landlord.

# Complaint and Summons (and New Notice)

Minn. Stat. § 504B.321, Subdivision 1 Procedure:

...

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

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

# Complaint and Summons (and New Notice)

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

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

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

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

# Complaint and Summons (and New Notice)

## Subd. 1a. Written notice.

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

(1) the total amount due;

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

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

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

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

(6) the following statement: "Your landlord can file an eviction case if you do not pay the total amount due or move out within 14 days from the date of this notice. Some local governments may have an eviction notice period longer than 14 days."

# Complaint and Summons (and New Notice)

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

(c) If the residential tenant fails to correct the rent delinquency within 14 days of the delivery or mailing of the notice, or the number of days required by a local government rule or law if the notice period prior to an eviction required by the local government is longer than 14 days, or fails to vacate, then the landlord may bring an eviction action under subdivision 1 based on nonpayment of rent.



# Complaint and Summons (and New Notice)

## **Subd. 1b. Notice constitutes verification of emergency.**

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

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

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

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



# Complaint and Summons (and New Notice)

Subd. 2. Expedited procedure.

(a) In an eviction action brought under section 504B.171 or on the basis that the ~~tenant is causing a nuisance or other illegal behavior that seriously endangers the safety of other residents, their property, or the landlord's property~~ 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 person filing the complaint shall file an affidavit stating specific facts and instances in support of why an expedited hearing is required.

...

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

...

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

# Complaint and Summons (and New Notice)

## **Subd. 3. Contents of complaint.**

The person bringing a complaint under this section must:

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

(2) if alleging nonpayment of rent, attach a detailed, itemized accounting or statement listing the amounts;

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

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

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

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

# Complaint and Summons (and New Notice)

## **Subd. 4. Summons.**

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

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

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

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

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

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

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

## **Subd. 5. Defective filing or service.**

The court must dismiss and expunge the record of any action if the person bringing the action fails to comply with this section.

# Complaint and Summons (and New Notice)

Minn. Stat. § 504B.135, TERMINATING TENANCY AT WILL :

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

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

[2023 Minn. Laws Chapter 52, Article 19, § 102](#) EFFECTIVE DATE. Sections 97, 98, and 100 are effective January 1, 2024, and apply to leases entered into or renewed on or after January 1, 2024.



# Service of Summons

Minn. Stat. § 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. ~~It may be served by any person not named a party to the action.~~

(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.

# Service of Summons

(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; ~~and~~

(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.



# Pre-trial Procedure

Minn. Stat. § 504B.335 ANSWER; TRIAL :

(a) At the court appearance specified in the summons, the defendant may answer the complaint, ~~and the court shall hear and decide the action, unless it grants a continuance of the trial as provided in section [504B.341](#).~~ When scheduling a trial date, the court must select a date that allows for a fair, thorough, and timely adjudication of the merits of the case, including the complexity of the matter, the need for the parties to obtain discovery, the need for the parties to ensure the presence of witnesses, the opportunity for the defendant to seek legal counsel and raise affirmative defenses, and any extenuating factors enumerated under section 504B.171.

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

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

# Pre-trial Procedure

(d) The court, in scheduling appearances and hearings under this section, shall give priority to any eviction brought under section 504B.171, or on the basis that the ~~defendant is a tenant and is causing a nuisance or seriously endangers the safety of other residents, their property, or the landlord's property~~ 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.

(e) The court may not require the defendant to pay any amount of money into court, post a bond, make a payment directly to a landlord, or by any other means post security for any purpose prior to final disposition of an action, except if the final disposition of the action may be delayed for more than ten days, the court may order the defendant to provide security in a form and amount that the court approves, based on the totality of the circumstances, provided that the amount of security may not include any amounts allegedly owed prior to the date of filing of the action and may not exceed the amount of the monthly or periodic rent that accrues during the pendency of the action. Nothing in this paragraph shall affect an appeal bond under section 504B.371, subdivision 3.

# Pre-trial Procedure

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Minn. Stat. § 504B.341, is repealed. [continuances]

# Judgments

Minn. Stat. § 504B.345, subdivision 1: General

...

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

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

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

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

# Motion to Vacate Judgment

Minn. Stat. § 504B.345, is amended by adding a subdivision to read:

Subd. 3. Motion to vacate judgment.

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



# Summons Content

Minn. Stat. § 504B.361, subdivision 1, Summons and writ:

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

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

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



# Appeal Bonds

Minn. Stat. § 504B.371, subdivision 3, Appeal bond:

If the party appealing remains in possession of the property, that party must give a bond that provides that:

- (1) all costs of the appeal will be paid;
- (2) the party will comply with the court's order; and
- (3) all the regular rent and other damages due to the party excluded from possession during the pendency of the appeal will be paid as that rent accrues. The court may not require a bond including back rent, late fees, disputed charges, or any other amount in excess of the regular rent as it accrues each month.

# Appeal Bonds

Minn. Stat. § 504B.371, subdivision 4, Stay pending appeal:

After the appeal is taken, all further proceedings in the case are stayed, ~~except as provided in subdivision 7.~~

# Appeal Bonds

Minn. Stat. § 504B.371, subdivision 5, Stay of writ issued before appeal:

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

# Appeal Bonds

Minn. Stat. § 504B.371, subdivision 7, Exception:

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

# Expungement

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EFFECTIVE DATE. Sections 117 to 119 are effective January 1, 2024.



# Expungement

Minn. Stat. § 484.014, subdivision 2, Discretionary expungement:

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

# Expungement

Minn. Stat. § 484.014, subdivision 3, Mandatory expungement:

Except for clause (6), the court shall, without motion by any party, order expungement of an eviction case:

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

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

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

# Expungement

(2) if the defendant prevailed on the merits;

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

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

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

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

# Eviction Records

Minn. Stat. § 504B.321, is amended by adding a subdivision to read:

Subd. 6. Nonpublic record. An eviction action is not accessible to the public until the court enters a final judgment, except that parties to the case and licensed attorneys assisting a party in the case, regardless of whether or not they are the attorney of record, shall have access to the eviction action file.

[Invalidated by [Order Regarding Minn. Stat. § 504b.321, Subd. 6 and the Rules of Public Access to Records of the Minnesota Judicial Branch, No. ADM10-8050 \(Minn. Aug. 8, 2023\).](#)]

# Privacy Violations as an Eviction Defense

Minn. Stat. § 504B.211, subdivision 2, Entry by landlord:

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

EFFECTIVE DATE. Sections 83 to 89 are effective January 1, 2024, and apply to leases signed on or after that date.



# Privacy Violations as an Eviction Defense

Minn. Stat. § 504B.211, subdivision 6, Penalty:

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

2023 Minn. Laws Chapter 52, Article 19, § 90. EFFECTIVE DATE. Sections 83 to 89 are effective January 1, 2024, and apply to leases signed on or after that date.

# Minimum Heat Violation as an Eviction Defense

Minn. Stat. § 504B.161, subdivision 1, Requirements:

(a) In every lease or license of residential premises, the landlord or licensor covenants:

....

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

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

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

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

EFFECTIVE DATE. Sections 91 to 95 are effective January 1, 2024, and where applicable, apply to petitions filed on or after that date.

# Crime-Free Leases in Evictions

Minn. Stat. § 504B.171, is amended by adding a subdivision to read:

Subd. 2a. Limitation on crime-free lease provisions. A residential landlord may not impose a penalty on a residential tenant or terminate the lease of a residential tenant for the conduct of the residential tenant, household member, or guest occurring off of the premises or curtilage of the premises, unless (1) the conduct would constitute a crime of violence against another tenant, the tenant's guest, the landlord, or the landlord's employees, regardless of whether a charge was brought or a conviction obtained; or (2) the conduct results in a conviction of a crime of violence against a person unrelated to the premises. For purposes of this subdivision, crime of violence has the meaning given in section 624.712, subdivision 5, except that it does not include offenses under chapter 152.

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

# Attorney's Fees

Minn. Stat. § 504B.172, RECOVERY OF ATTORNEY FEES:

If a residential lease specifies an action, circumstances, or an extent to which a landlord, directly, or through additional rent, may recover attorney fees in an action between the landlord and tenant, the tenant is entitled to attorney fees if the tenant prevails in the same type of action, under the same circumstances, or is entitled to costs under section 549.02, and to the same extent as specified in the lease for the landlord.

EFFECTIVE DATE. Sections 97, 98, and 100 are effective January 1, 2024, and apply to leases entered into or renewed on or after January 1, 2024.



# Cannabis

Minn. Stat. § **484.014, subdivision 3, Mandatory expungement:**

... (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.

[No date listed, so effective August 1, 2023.]



# Cannabis

Minn. Stat. § 504B.171, subdivision 1, Terms of covenant:

(a) In every lease or license of residential premises, whether in writing or parol, the landlord or licensor and the tenant or licensee covenant that:

(1) neither will:

(i) ~~unlawfully~~ allow controlled substances in those premises or in the common area and curtilage of the premises in violation of any criminal provision of chapter 152;

...

(c) A landlord cannot prohibit a tenant from legally possessing, and a tenant cannot waive the right to legally possess, any cannabis products, lower-potency hemp edibles, or hemp-derived consumer products, or using any cannabinoid product or hemp-derived consumer product, other than consumption by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product.

[No date listed, so effective August 1, 2023.]



Questions?

# Upcoming Webinars



**January 17, 2024**

**Renters' Credit**

Visit [homelinemn.org/newlaws/](https://homelinemn.org/newlaws/) for more information and to register



## 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