



Tenant Hotline
Phone: 612-728-5767
Online: homelinemn.org/email

Tenant Filed Actions in Housing Court CLE

September 30, 2026 — 1:00-2:00pm
Presented by Referee Sedillos

What is HOME Line?

- HOME Line is a statewide nonprofit organization providing free legal, educational, and advocacy services to Minnesota renters.
- We provide free and confidential legal advice to residential tenants through our hotline in 4 languages.
- We have advised over 350,000 renters since 1992.

Contacting the Hotline

- For English, call 612-728-5767
- Para Español, llame al 612-255-8870
- Af- Soomaali wac 612-255-8860
- Hais lus Hmoob, Hu 612-255-7104
- homelinemn.org/email
- homelinemn.org/mandenos-un-e-mail

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

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Agenda

Introduction to housing court

Overview of tenant filed actions

Other less common forms of tenant relief

Recent published case law on tenant filed actions



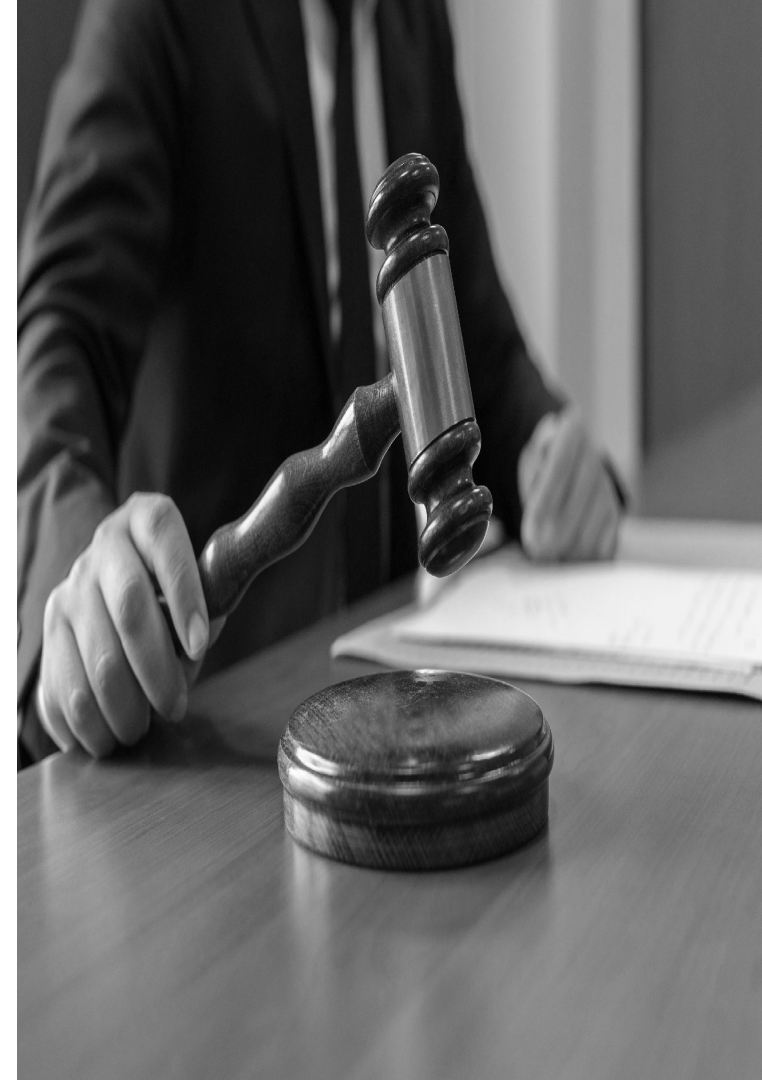
What best describes your role?

1. A landlord/property manager/advocate
2. A tenant/advocate/organizer
3. An attorney
4. Housing policy/government role

Introduction

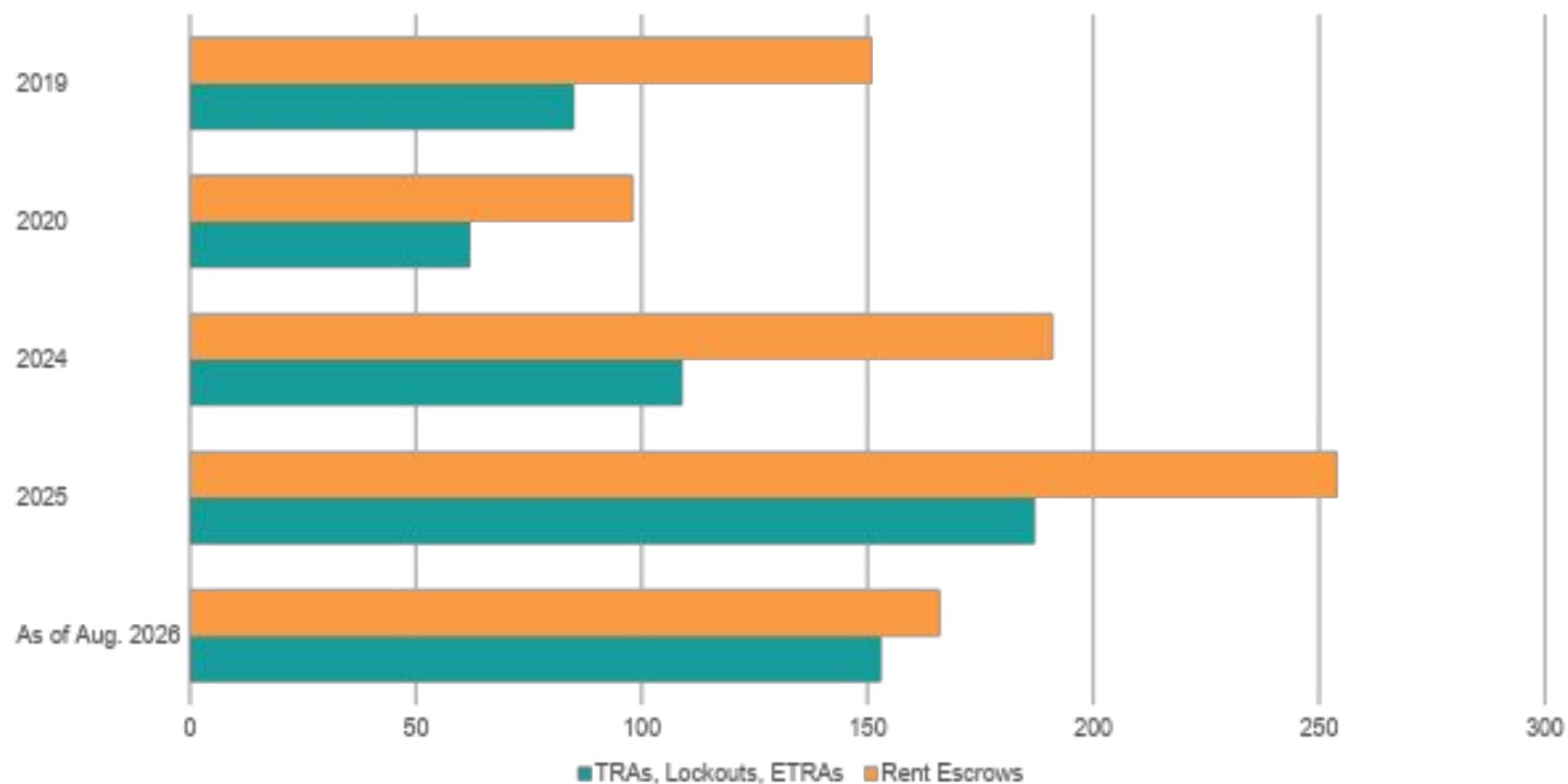
What is a Referee? A licensed attorney appointed by the Chief Judge of the judicial district to hear specific case types.

What is Housing court? Established by the legislature in 1989 in Hennepin and Ramsey Counties. Housing Court was created for the purpose of establishing efficiency and consistency in the handling of housing cases.



Case Type	Description	Statutes
Rent Escrow Action	If a violation exists in a residential property and it is not repaired within the allowed time frame, a residential tenant may deposit rent that is due with the Court and file.	504B.385
Emergency Tenant Remedy	If there is a condemnation order, revocation of a rental license, or in the cases of emergency involving loss of heat, running water, electricity, etc. a residential tenant, a housing related neighborhood organization, or a state, county, or local authority charged with code enforcement can file.	504B.381
Tenant Remedies Action	If a violation exists in a residential building, a residential tenant, a housing related neighborhood organization, or a state, county, or local authority charged with enforcement of codes may file.	504B.395
Unlawful Exclusion Action (“Lockouts”)	If there has been actual or constructive removal or exclusion of a residential tenant that is unlawful a tenant may file.	504B.375

Tenant filed cases in Hennepin County Housing Court



What is a “violation”?

- (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 this chapter 504B;**
- (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**
- (5) a violation of an oral or written agreement, lease, or contract for the rental of a dwelling in a building.**

Rent Escrow -based on a code violation

- For a violation of a state, county, or city health, safety, housing, building, fire prevention or housing maintenance code, the residential tenant may deposit with the court administrator the rent due to the landlord along with a copy of the written notice of the code violation.
- The residential tenant may not deposit the rent or file the written notice of the code violation until the time granted to make repairs has expired without satisfactory repairs being made, unless the residential tenant alleges that the time granted is excessive.



Rent Escrow -based on a violation of a lease or other laws

For a violation of a term of lease agreement; violation of 504B; violation of any federal, state, county, or city laws protecting tenants from discrimination; or a violation of any applicable tenant rights and landlord obligations for public and subsidized tenancies under local, state, or federal law the residential tenant must give written notice to the landlord specifying the violation.

The notice must be delivered personally or sent to the person or place where rent is normally paid. If the violation is not corrected within 14 days, the residential tenant may deposit the amount of rent due to the landlord with the court administrator along with an affidavit specifying the violation.

Minn. Stat. sec. 504B.385, subd. 1(c)

Rent Escrow

-what happens with rent?

- The residential tenant need not deposit rent if none is due to the landlord at the time the residential tenant files the notice
- All rent which becomes due to the landlord after that time but before the first hearing must be deposited with the court administrator.
- As long as proceedings are pending under this section, the residential tenant must pay rent to the landlord or as directed by the court and may not withhold rent to remedy a violation.

Minn. Stat. sec. 504B.385, subd. 1(d)

Rent Escrow

-what happens after filing?

Minn. Stat. sec. 504B.385, subd. 5



- Hearing:

A hearing must be held within ten to 14 days from the day a residential tenant: (1) deposits rent with the court administrator; or (2) files the notice required under subdivision 1, paragraph (b) or (c), if the tenant is not required to deposit rent with the court administrator under subdivision 1, paragraph (d).

*There is no right to a jury trial.

- Service of Process:

If the cost of remedying the violation, as estimated by the residential tenant, is within the jurisdictional limit for conciliation court, the court administrator shall notify the landlord and the residential tenant of the time and place of the hearing by first class mail.

If the cost of remedying the violation, as estimated by the tenant, is above the jurisdictional limit for conciliation court, the tenant must serve the notice of hearing according to the Minnesota Rules of Civil Procedure.

*Current jurisdictional limit in conciliation court is \$20,000. Minn. Stat. sec. 491A.01, subd. 3a.

Rent Escrow

Counterclaim and defenses

Minn. Stat. sec. 504B.385, subds. 2, 3 and
504B.415

Counterclaim:

The landlord may file a counterclaim for possession of the property in cases where the landlord alleges that the residential tenant did not deposit the full amount of rent with the court.

Defenses:

- (1) the violation or violations alleged in the complaint do not exist or that the violation or violations have been removed or remedied;
- (2) the violations have been caused by the willful, malicious, negligent, or irresponsible conduct of a complaining residential tenant or anyone under the tenant's direction or control; or
- (3) a residential tenant of the residential building has unreasonably refused entry to the landlord or the landlord's agent to a portion of the property for the purpose of correcting the violation, and that the effort to correct was made in good faith.

Rent Escrow

Trial and Relief Available

- If there is a defense to the Rent Escrow the Court will hold an evidentiary hearing/trial.
- Tenant needs to prove by a preponderance of the evidence that proper notice was given, that the requisite time period for repair elapsed without landlord fixing the violation and that a violation occurred.
- If tenant prevails in their case the Court can:
 - (1) order relief as provided in section [504B.425](#), including retroactive rent abatement;
 - (2) order that all or a portion of the rent in escrow be released for the purpose of remedying the violation;
 - (3) order that rent be deposited with the court as it becomes due to the landlord or abate future rent until the landlord remedies the violation; or
 - (4) impose fines as required in section [504B.391](#).
- If the court finds that no violation exists or that tenant did not deposit the full amount of rent the Court shall immediately order the release of rent to landlord.

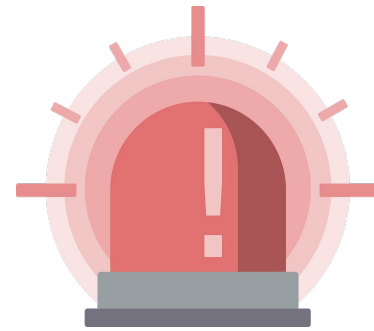


Emergency Tenant Remedies Actions (ETRA)

A person may petition the court for relief:

1. when a unit of government has revoked a rental license, issued a condemnation order, issued a notice of intent to condemn, or otherwise deemed the property uninhabitable; or
 2. in cases of emergency involving specific services and facilities when the landlord is responsible for providing them.
- A Petition must contain a description of the premises and the identity of the landlord. A statement of the facts and grounds that demonstrate the existence of an emergency caused by the loss of essential services or facilities and a request for relief.
 - The tenant must attempt to notify the landlord at least 24 hours before application to the court.

What is an emergency?



- 1. A sudden and serious event or an unforeseen change in circumstances that calls for immediate action to avert, control, or remedy harm.**
- 2. An urgent need for relief or help; an exigent circumstance in which immediate assistance is needed to protect property, public health, or safety, or to lessen or avert the threat of disaster.**

EMERGENCY, Black's Law Dictionary (12th ed. 2024)

Grounds for an ETRA

(1) when a unit of government has revoked a rental license, issued a condemnation order, issued a notice of intent to condemn, or otherwise deemed the property uninhabitable; or

(2) in cases of emergency involving the following services and facilities when the landlord is responsible for providing them:

- (i) a serious infestation;
- (ii) the loss of running water;
- (iii) the loss of hot water;
- (iv) the loss of heat;
- (v) the loss of electricity;
- (vi) the loss of sanitary facilities;
- (vii) a nonfunctioning refrigerator;
- (viii) if included in the lease, a nonfunctioning air conditioner;
- (ix) if included in the lease, no functioning elevator;
- (x) any conditions, services, or facilities that pose a serious and negative impact on health or safety;
or
- (xi) other essential services or facilities.





ETRA -what happens after filing?

- If the Court finds that landlord has violated the statute, then the court shall order that landlord immediately begin to remedy the violation and order any relief available in 504B.425. An Order may be granted without notice to the landlord if the court finds that reasonable efforts were made to notify the landlord, but the efforts were unsuccessful.
- Service of Process: The court and petitioner shall serve the petition, order, and notice of hearing on the landlord personally or by mail as soon as practicable.
- The Court will schedule a hearing. At a hearing the court shall consider evidence of alleged violations, defenses, compliance with the order, and any additional relief available under section [504B.425](#).

Defense in statute:

This section does not extend to emergencies that are the result of the deliberate or negligent act or omission of a residential tenant or anyone acting under the direction or control of the residential tenant.

ETRA

Relief Available

If the Court finds based on the emergency petition and other evidence presented that landlord violated the statute, then

The court shall order that the landlord immediately begin to remedy the violation

The Court may order relief as provided in section 504B.425

- order the landlord to fix the violation or violations.
- the residential tenant to remedy the violation or violations found by the court to exist and deduct the cost from the rent subject to the terms as the court determines to be just
- may appoint an administrator with powers described in section 504B.445,
- may order the rent abated
- may grant any other relief it deems just and proper, including a judgment against the landlord for reasonable attorney fees, not to exceed \$500, in the case of a prevailing residential tenant or neighborhood organization.

Tenant Remedies Actions (TRA)

Who can file?

- A residential tenant of a residential building with any violation.
- A housing related neighborhood organization with the written permission of a residential tenant or that has within its geographical area an unoccupied residential building with a violation of code or 504B.
- A state, county, or local department or authority charged with the enforcement of codes relating to health, housing, or building maintenance.

Minn. Stat. sec. 504B.395



Grounds for a TRA

- Any violation if filed by a residential tenant
- A violation of state, county, city, health safety, housing, building, fire prevention, or housing maintenance code or violation of 504B, if filed by a housing related neighborhood organization. 504B.395, subd. 1.

When a TRA can be filed?

- Action can be filed after a building inspection and the time granted by any city inspector to make repairs has passed and repairs are not made or the time granted is excessive.
- Landlord must be informed in writing of an alleged violation at least 14 days before the action is filed by a tenant or by a housing related neighborhood organization for any violation other than a code violation.

Attachments to a TRA Complaint

If the violation is of any state, county or city health, safety, housing, building, fire prevention, or housing maintenance code applicable to the building the complaint must be accompanied by a copy of the official report of inspection and a statement that a request for inspection was made, that demand was made on landlord to correct the code violation and that a reasonable period of time has elapsed since the demand or request was made.

Service of Process

- The action must be started by service of a complaint and summons issued by a judge or court administrator.
- The summons and complaint must be served upon the landlord or the landlord's agent not less than seven nor more than 14 days before the hearing.
- Service shall be by personal service upon the defendant pursuant to the Minnesota Rules of Civil Procedure. If personal service cannot be made with due diligence, service may be made by affixing a copy of the summons and complaint prominently to the residential building involved, and mailing at the same time a copy of the summons and complaint by certified mail to the last known address of the landlord.

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TRA

Answer and Defenses

- At or before the time of the hearing, the landlord may answer in writing. Defenses that are not contained in a written answer must be orally pleaded at the hearing before any testimony is taken. No delays in the date of hearing may be granted to allow time to prepare a written answer or reply except with the consent of all parties.

Statutory Defenses

- the violation or violations alleged in the complaint do not exist or that the violation or violations have been removed or remedied;
- the violations have been caused by the willful, malicious, negligent, or irresponsible conduct of a complaining residential tenant or anyone under the tenant's direction or control; or
- a residential tenant of the residential building has unreasonably refused entry to the landlord or the landlord's agent to a portion of the property for the purpose of correcting the violation, and that the effort to correct was made in good faith.

TRA

Trial and Relief Available

If issues of fact are raised, they must be tried without a jury. Trial may not be postponed by more than 10 days except by consent of all appearing parties.

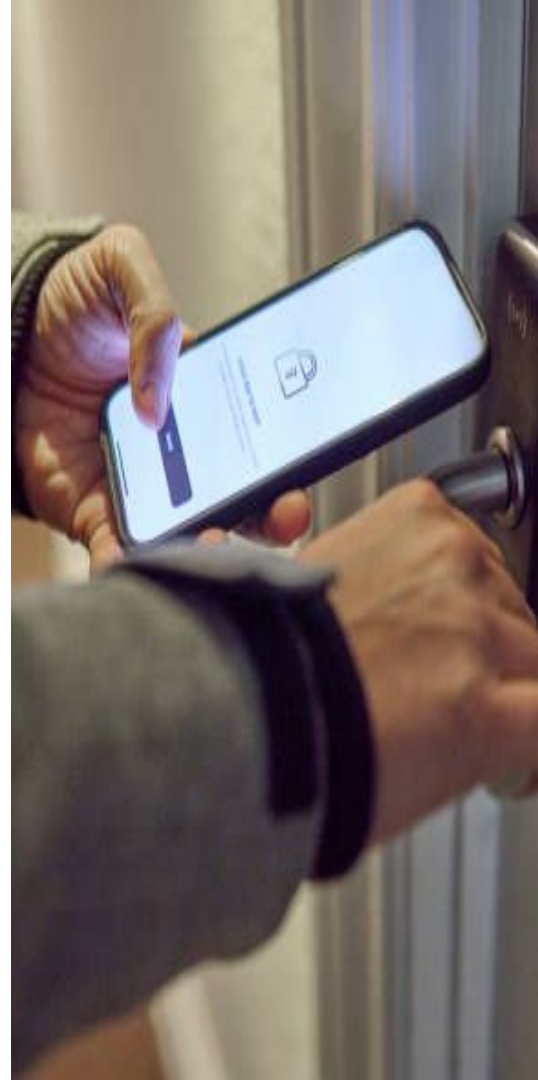
The court may order:

- the landlord to make repairs.
- the residential tenant to make repairs and deduct the cost from the rent.
- appointment of an administrator with powers described in section 504B.445
- The court may find the extent to which any uncorrected violations impair the residential tenants' use and enjoyment of the property contracted for and order the rent abated accordingly.
- The court may grant any other relief it deems just and proper, including a judgment against the landlord for reasonable attorney fees, not to exceed \$500, in the case of a prevailing residential tenant or neighborhood organization.

A copy of judgment must be personally served on every residential and commercial tenant of the residential building whose obligations are affected by the judgement.

Unlawful Exclusion or Removal Action (“Lockout”)

- Actual or constructive removal or exclusion of a residential tenant including termination of utilities or the removal of doors, windows, or locks.
- Verified petition must describe the premises and landlord, state facts and grounds that demonstrate removal was unlawful, and asks for possession.
- If it clearly appears from the petition that the removal was unlawful the court will immediately order the tenant to have possession. –the Court can order security to be paid.
- Service is done by the sheriff of the county where the property is located.
- Landlord may file written motion for dissolution or modification of the court’s order for possession unless the tenant proves the facts and grounds which are the basis for the order.
- Relief available: a return to possession of the property



Other tenant causes of action/relief available:

- Unlawful termination of utilities. 504B.221
- Damages for ouster. 504B.231
- Failure to allow tenant to retake possession of personal property after demand. 504B.271, subd. 2.
- Fees related to service and support animals. 504B.113.
- Retaliation prohibited related to joining a tenant association, reporting code violations or seeking assistance of a community organization or the media, testifying in court, making repair requests. 504B.212
- Rights of victims of violence to terminate lease. 504B.206, see also 504B.285, subd. 1(b).
- Right to seek police and emergency assistance. 504B.205.
- Action against residential tenant screening service or landlord for a violation of 504B.241. 504B.245.
- Action for rental of condemned property. 504B.204.
- New construction delays. 504B.153
- Minors as defendants. 504B.2136
- Privacy violations. 504B.211

Recent reported cases

Murphy v. Aeon, 24 N.W.3d 679 (Minn. Ct. App. 2025), review denied (Aug. 27, 2025)

- The Court ruled that even when a municipality deems a unit temporarily uninhabitable due to fire, a landlord cannot utilize self-help remedies like padlocking a door.
- The Court clarified the scope of relief available under the ETRA statute. It held that the statute's provision allowing courts to award "any other relief it deems just and proper" does not categorically exclude alternative housing costs or consequential damages.

Quinn v. LMC NE Minneapolis Holdings, LLC, 972 N.W.2d 881 (Minn. Ct. App. 2022)

- A person residing with a party to a residential lease can be an "other regular occupant," and thus a "residential tenant" under Minn. Stat. § 504B.001, subd. 12 (2020), eligible to petition to recover possession of the dwelling unit under Minn. Stat. § 504B.375 (2020).

Reimringer v. Anderson, 960 N.W.2d 684 (Minn. 2021)

- We hold that, to recover treble damages for ouster from a residential premises under Minn. Stat. § 504B.231, the tenant must establish two facts: that a landlord acted (1) unlawfully and (2) in bad faith and an unlawful, self-help removal, on its own, does not automatically establish that a residential landlord acted in bad faith.

