

CHAPTER 560—S.F.No.943

An act relating to education; interest on installment purchase of buses; amending Minnesota Statutes 1971, Section 123.39, Subdivision 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 123.39, Subdivision 3, is amended to read:

Subd. 3. **SCHOOL DISTRICTS; PURCHASE OF BUSES; INSTALLMENT PLAN; INTEREST.** The board may purchase buses on the installment plan, the installments to be all paid within a period of not to exceed three years from the date of purchase and the deferred payments to bear a rate of interest of not to exceed ~~four~~ six percent per annum.

Approved May 23, 1973.

CHAPTER 561—S.F.No.965

[Coded in Part]

An act relating to real estate; landlord and tenant; deposit of money; amending Minnesota Statutes 1971, Chapter 504, by adding a section; and repealing Minnesota Statutes 1971, Section 504.19.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Chapter 504, is amended by adding a section to read:

[504.20] LANDLORD AND TENANT; INTEREST ON SECURITY DEPOSITS; WITHHOLDING SECURITY DEPOSITS; DAMAGES. Subdivision 1. Any deposit of money, the function of which is to secure the performance of a residential rental agreement or any part of such an agreement, other than a deposit which is exclusively an advance payment of rent, shall be governed by the provisions of this section.

Subd. 2. Any such deposit of money shall not be considered received in a fiduciary capacity within the meaning of Minnesota Statutes, Section 87.17, Subdivision 7, but shall be held by the

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landlord for the tenant who is party to such agreement and shall bear simple interest at the rate of five percent per annum noncompounded, computed from the first day of the next month following the full payment of such deposit to the last day of the month of termination of the tenancy. Any interest amount less than \$1 shall be excluded from the provisions of this act.

Subd. 3. Every landlord shall, within two weeks after termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, return such deposit to the tenant, with interest thereon as above provided, or furnish to the tenant a written statement showing the specific reason for the withholding of the deposit or any portion thereof. The landlord may withhold from such deposit only such amounts as are reasonably necessary:

(a) To remedy tenant defaults in the payment of rent or of other funds due to the landlord pursuant to an agreement; or

(b) To restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

In any action concerning such deposit, the burden of proving, by a fair preponderance of the evidence, the reason for withholding all or any portion of such deposit shall be on the landlord.

Subd. 4. Any landlord who fails to provide a written statement within two weeks of termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, shall forfeit all rights to withhold any portion of such deposit.

Subd. 5. Upon termination of the landlord's interest in the premises, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or his agent shall, within a reasonable time, do one of the following acts, either of which shall relieve him of further liability with respect to such deposit:

(a) Transfer such deposit, or any remainder after any lawful deductions made under subdivision 3, with interest thereon as provided in subdivision 2, to the landlord's successor in interest and thereafter notify the tenant of such transfer and of the transferee's name and address; or

(b) Return such deposit, or any remainder after any lawful deductions made under subdivision 3, with interest thereon as provided in subdivision 2, to the tenant.

Subd. 6. Upon termination of the landlord's interest in the premises, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord's successor in interest shall have all of the rights and obligations of the landlord with respect to such

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deposit, except, that if tenant does not object to the stated amount within 20 days after written notice to tenant of the amount of deposit being transferred or assumed, the obligation of the landlord's successor to return such deposit shall be limited to the amount contained in such notice. Such notice shall contain a stamped envelope addressed to landlord's successor and may be given by mail or by personal service.

Subd. 7. The bad faith retention by a landlord of such deposit, or any portion thereof, in violation of this section shall subject the landlord to punitive damages not to exceed \$200 in addition to any actual damages. Failure by the landlord to provide the written statement required by subdivision 3 and to return such deposit within two weeks after the commencement of any action for the recovery of such deposit shall be presumed to be a bad faith retention by the landlord of such deposit.

Subd. 8. Any attempted waiver of this section by a landlord and tenant, by contract or otherwise, shall be void and unenforceable.

Subd. 9. The provisions of this section shall apply only to tenancies commencing or renewed on or after July 1, 1973. For the purposes of this section, estates at will shall be deemed to be renewed at the commencement of each rental period.

Sec. 2. REPEALER. Minnesota Statutes 1971, Section 504.19, is repealed.

Approved May 23, 1973.

CHAPTER 562—S.F.No.1004

[Coded]

An act relating to crimes and criminals; prohibiting experimentation and research on a living human conceptus or the sale of such living human conceptus; providing penalties.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [145.421] **PUBLIC HEALTH; HUMAN CONCEPTUS; EXPERIMENTATION, RESEARCH OR SALE; DEFINITIONS.** Subdivision 1. **TERMS.** As used in sections 1 and 2, the terms defined in this section shall have the meanings given them.

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Sec. 6. This act is effective upon approval by the city council of the city of Duluth, and upon compliance with Minnesota Statutes, Section 645.021.

Approved June 4, 1975.

CHAPTER 409—H.F.No.1140

[Coded]

An act relating to health; providing for a program of treatment for adults having cystic fibrosis; appropriating money; amending Minnesota Statutes 1974, Chapter 144, by adding a section.

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

Section 1. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

[144.146] HEALTH; CYSTIC FIBROSIS; TREATMENT. [Subdivision 1.] **PROGRAM.** The board of health shall develop and conduct a program including medical care and hospital treatment for persons aged 21 or over who are suffering from cystic fibrosis.

Sec. 2. **[144.146] [Subd. 2.] APPROPRIATION.** There is appropriated annually from the general fund in the state treasury the sum of \$40,000 or as much of that amount as is necessary for the year to the department of health for the development of the program of treatment for cystic fibrosis.

Approved June 4, 1975.

CHAPTER 410—H.F.No.1146

[Coded in Part]

An act relating to landlords and tenants; providing additional remedies for landlords and tenants; security deposits; withholding rent for last payment period; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; 504.20, by adding a subdivision; Chapter 504, by adding sections; Chapter 566, by adding a section.

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

Section 1. Minnesota Statutes 1974, Chapter 504, is amended by adding a section to read:

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from rental property and except as where expressly provided in this section, sections 566.03 to 566.17 shall not apply to proceedings under this section.

Subd. 6. The provisions of this section shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7.

Sec. 6. Minnesota Statutes 1974, Section 487.17, is amended to read:

487.17 FORCIBLE ENTRY AND UNLAWFUL DETAINER. Whether or not title to real estate is involved, the county court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 2 of this act, involving land located wholly or partly within the county court district and of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within the county court district.

Sec. 7. Minnesota Statutes 1974, Section 488A.01, Subdivision 5, is amended to read:

Subd. 5. FORCIBLE ENTRY AND UNLAWFUL DETAINER OR UNLAWFUL REMOVAL OR EXCLUSION. Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 2 of this act, involving land located wholly or in part within Hennepin county and, notwithstanding any provision of subdivision 7 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Hennepin county.

Sec. 8. Minnesota Statutes 1974, Section 488A.18, Subdivision 6, is amended to read:

Subd. 6. FORCIBLE ENTRY AND UNLAWFUL DETAINER OR UNLAWFUL REMOVAL OR EXCLUSION. Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer or actions for unlawful removal or exclusion pursuant to section 2 of this act, involving land located wholly or in part within Ramsey county and, notwithstanding any provision of subdivision 8 to the contrary, of actions seeking relief for code violations pursuant to sections 566.18 to 566.33 involving premises located wholly or partly within Ramsey county.

Sec. 9. Minnesota Statutes 1974, Section 504.20, is amended by adding a subdivision to read:

Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement.

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except an oral or written month to month residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, on the grounds that such deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that such deposit should serve as payment for the rent. Violation of this subdivision after written demand and notice of this subdivision shall subject the tenant to damages of twice the deposit and forfeiture of any interest due on the deposit in addition to any actual damages.

Approved June 4, 1975.

CHAPTER 411—H.F.No.1160

[Not Coded]

An act relating to the American revolution bicentennial; creating a commission; authorizing governmental units to furnish services, property and money in connection with bicentennial projects; validating prior expenditures.

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

Section 1. **BICENTENNIAL PROJECTS; APPROPRIATIONS; TAX LEVIES.** Subdivision 1. A governmental unit which has been duly approved as a bicentennial community by the state bicentennial commission and the federal bicentennial administration may furnish services and property and may expend money in connection with any project which accomplishes a public purpose and is certified by the state bicentennial commission as furthering an overall program for commemorating the two-hundredth anniversary of the founding of the United States of America. The term "governmental unit" as used in this section means a county, city, or town.

Subd. 2. A governmental unit may furnish services and property and contribute money to any bicentennial group or community in this state which is duly approved as such by the state bicentennial commission and the federal bicentennial administration. The services, property and money furnished shall be used solely for a project satisfying the requirements of subdivision 1.

Subd. 3. Any appropriation and expenditure of funds made by a governmental unit prior to the effective date of this act for a bicentennial project is hereby validated.

Subd. 4. This section is effective on the day following its final enactment and shall expire on July 1, 1977.

Sec. 2. **MINNESOTA AMERICAN REVOLUTION BICENTEN-**

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

Section 1. **WABASHA COUNTY; BUENA VISTA SANITARIUM.** If the requirements of Minnesota Statutes, Sections 373.01 and 375.21 are satisfied and the bids submitted for the purchase of the Buena Vista sanitarium are rejected, the Wabasha county board of commissioners may arrange a sale of the sanitarium through a real estate agent by means of a contract for deed or other method of sale as approved by the county.

Sec. 2. This act is effective upon a majority vote of the Wabasha county commissioners and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 19, 1977.

CHAPTER 129—S.F.No.166

[Coded in Part]

An act relating to real estate; landlord and tenant; venue of actions brought to recover rent deposits; amending Minnesota Statutes 1976, Sections 487.30, by adding a subdivision; 488.04, by adding a subdivision; 488A.01, by adding a subdivision; 488A.12, Subdivision 3; 488A.18, Subdivision 4; 488A.29, Subdivision 3; and 504.20, by adding a subdivision.

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

Section 1. Minnesota Statutes 1976, Section 487.30, is amended by adding a subdivision to read:

Subd. 3. REAL ESTATE; LANDLORD AND TENANT; RENT DEPOSITS. Notwithstanding the provisions of subdivision 1 of this section or any rule of court to the contrary, the conciliation court of the county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in the county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 2. Minnesota Statutes 1976, Section 488.04, is amended by adding a subdivision to read:

Subd. 3a. Notwithstanding the provisions of subdivision 1 of this section or any rule of court to the contrary, a municipal court has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in the county or counties in which the city is located, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 3. Minnesota Statutes 1976, Section 488A.01, is amended by adding a subdivision to read:

Subd. 4a. Notwithstanding the provisions of subdivisions 2 or 8 of this section or
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any court rule to the contrary, the municipal court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in Hennepin county, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 4. Minnesota Statutes 1976, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. **JURISDICTION.** (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a) of this subdivision, or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 5. Minnesota Statutes 1976, Section 488A.18, Subdivision 4, is amended to read:

Subd. 4. **CIVIL JURISDICTION.** (a) Excepting cases involving title to real estate, the court has jurisdiction to hear, try and determine civil actions at law in which the amount in controversy does not exceed the sum of \$6,000, exclusive of interest and costs. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) The court also has jurisdiction, within the limitations provided in this subdivision, to hear, try and determine civil actions commenced by a plaintiff, resident of Ramsey county, where the action arose out of alleged negligent operation of a motor vehicle in Ramsey county, notwithstanding that the defendant or defendants are not residents of the county. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any such action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) of this subdivision or any rule of court to the contrary, the municipal court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere within the state of Minnesota.

Sec. 6. Minnesota Statutes 1976, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. **JURISDICTION.** (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. The territorial jurisdiction of

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the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) of this subdivision or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 7. Minnesota Statutes 1976, Section 504.20, is amended by adding a subdivision to read:

Subd. 7b. An action, including an action in conciliation court, for the recovery of a deposit on rental property may be brought in the county where the rental property is located, or at the option of the tenant, in the county of the landlord's residence.

Approved May 19, 1977.

CHAPTER 130—S.F.No.188

An act relating to crimes; correcting references in the laws relating to criminal sexual conduct; amending Minnesota Statutes 1976, Sections 246.43, Subdivision 1; 609.11, Subdivision 1; 609.195; 609.293, Subdivision 5; 609.32, Subdivisions 1, 3, and 4; 609.341, Subdivision 10; and Section 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4.

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

Section 1. Minnesota Statutes 1976, Section 246.43, Subdivision 1, is amended to read:

246.43 CRIMES AND CRIMINALS; CRIMINAL SEXUAL CONDUCT; SEX OFFENDERS. Subdivision 1. **CONVICTION OF SPECIFIED OFFENSES; PRESENTENCE EXAMINATIONS.** If a person who is 18 years of age or older at the time of his apprehension is convicted under sections ~~609.291, 609.292, 609.293, 609.295, 609.296~~ 609.342, 609.343, 609.344, 609.345, or 609.365, or is convicted under section 609.17 of an attempt to commit an act proscribed by sections ~~609.291, 609.293, or 609.295~~ 609.342 or 609.344, or is convicted of an act otherwise within the scope of one of these provisions occurring prior to its effective date, the court shall commit him to the commissioner of public welfare of the department of public welfare or shall order any other state, local, or private agency that the court may deem adequate to make said examination for a presentence social, physical and mental examination. The court and all public officials shall make available to the examining person, agency or commissioner upon his request all pertinent data in their possession in respect to the case.

Sec. 2. Minnesota Statutes 1976, Section 609.11, Subdivision 1, is amended to read:

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Trunk Highway No. 10; thence northwesterly along Trunk Highway No. 10 to the junction with Trunk Highway No. 59; thence northerly along Trunk Highway No. 59 to the junction with Trunk Highway No. 2; thence westerly along Trunk Highway No. 2 to the junction with Trunk Highway No. 32; thence northerly along Trunk Highway No. 32 to the junction with Trunk Highway No. 11; thence northeast along Trunk Highway No. 11 to the east line of Range 43W to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior.

In all cases where gross weights in an amount less than in this subdivision set forth are fixed, limited or restricted on any highway or bridge by or pursuant to any other section of this chapter such lesser gross weight as so fixed, limited or restricted shall not be exceeded and in such case shall control instead of the gross weight in this subdivision set forth.

Approved May 26, 1977.

CHAPTER 280—H.F.No.829

An act relating to landlord and tenant; establishing period for which interest is payable on security deposit; providing a measure of damages for the improper withholding of security deposits and the improper withholding of rent payments; amending Minnesota Statutes 1976, Section 504.20, Subdivisions 2, 3, 4, 7 and 7a.

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

Section 1. Minnesota Statutes 1976, Section 504.20, Subdivision 2, is amended to read:

Subd. 2. **LANDLORD AND TENANT; SECURITY DEPOSIT; INTEREST.** Any ~~such~~ deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to ~~such~~ the agreement and shall bear simple interest at the rate of five percent per annum noncompounded, computed from the first day of the next month following the full payment of ~~such~~ the deposit to the last day of the month of ~~termination of the tenancy in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier.~~ Any interest amount less than \$1 shall be excluded from the provisions of this section.

Sec. 2. Minnesota Statutes 1976, Section 504.20, Subdivision 3, is amended to read:

Subd. 3. Every landlord shall, within ~~two~~ three weeks after termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, return ~~such~~ the deposit to the tenant, with interest thereon as above provided, or furnish to the tenant a written statement showing the specific reason for the withholding of the deposit or any portion thereof. It shall be sufficient compliance with the time requirement of this

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subdivision if the deposit or written statement required by this subdivision is placed in the United States mail as first class mail, postage prepaid, in an envelope with a proper return address, correctly addressed according to the mailing address or delivery instructions furnished by the tenant, within the time required by this subdivision. The landlord may withhold from ~~such the~~ deposit only ~~such~~ amounts as are reasonably necessary:

(a) To remedy tenant defaults in the payment of rent or of other funds due to the landlord pursuant to an agreement; or

(b) To restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

In any action concerning ~~such the~~ deposit, the burden of proving, by a fair preponderance of the evidence, the reason for withholding all or any portion of ~~such the~~ deposit shall be on the landlord.

Sec. 3. Minnesota Statutes 1976, Section 504.20, Subdivision 4, is amended to read:

Subd. 4. Any landlord who fails to provide a written statement within ~~two~~ three weeks of termination of the tenancy and receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, shall ~~forfeit all rights to withhold any portion of such deposit be liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.~~

Sec. 4. Minnesota Statutes 1976, Section 504.20, Subdivision 7, is amended to read:

Subd. 7. The bad faith retention by a landlord of ~~such the~~ the deposit, the interest thereon, or any portion thereof, in violation of this section shall subject the landlord to punitive damages not to exceed \$200 in addition to ~~any actual the~~ damages provided in subdivision 4. ~~Failure by If the landlord to provide the written statement required by has failed to comply with the provisions of subdivision 3 and to return, his retention of the deposit shall be presumed to be in bad faith unless he returns such the~~ deposit within two weeks after the commencement of any action for the recovery of such the deposit shall be presumed to be a bad faith retention by the landlord of such deposit.

Sec. 5. Minnesota Statutes 1976, Section 504.20, Subdivision 7a, is amended to read:

Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement, except an oral or written month to month residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, on the grounds that ~~such the~~ the deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that ~~such the~~ the deposit should serve as payment for the rent. ~~Violation of this subdivision after written demand and notice of this subdivision shall~~

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subject the tenant to damages of twice the deposit and forfeiture of any interest due on the deposit in addition to any actual damages. Any tenant who remains in violation of this subdivision after written demand and notice of this subdivision shall be liable to the landlord for damages in an amount equal to the portion of the deposit which the landlord is entitled to withhold under subdivision 3 other than to remedy the tenant's default in the payment of rent, plus interest on the deposit as provided in subdivision 2, as a penalty, in addition to the amount of rent withheld by the tenant in violation of this subdivision.

Approved May 26, 1977.

CHAPTER 281—H.F.No.914

An act relating to human services; providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, Subdivision 2.

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

Section 1. Minnesota Statutes 1976, Section 260.311, Subdivision 1, is amended to read:

260.311 HUMAN SERVICES; JUVENILES; CORRECTIONAL SERVICES; PROBATION OFFICERS. Subdivision 1. **APPOINTMENT; JOINT SERVICES; STATE SERVICES.** If a county or group of counties has established a human services board pursuant to chapter 402, the juvenile court may appoint one or more probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the juvenile court shall appoint one or more persons of good character to serve as probation officers during the pleasure of the court. All other counties shall provide probation services to county courts in one of the following ways:

(1) The court, with the approval of the county boards, may appoint one or more salaried probation officers to serve during the pleasure of the court;

(2) Two or more county courts or county court districts through their county boards may jointly appoint common salaried probation officers to serve in the several counties;

(3) A county may request the commissioner of corrections to furnish probation services to its county court in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county that fails to provide its own probation officer by one of the two procedures listed above;

(4) All probation officers serving the juvenile courts on July 1, 1972 shall continue to serve in the county or counties they are now serving.

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Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language**1984, Regular Session**

Laws of Minnesota 1984

CHAPTER 565-S.F.No. 1337

An act relating to landlords and tenants; increasing the interest rate paid by landlords on rental deposits; amending Minnesota Statutes 1982, section 504.20, subdivision 2.

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

Section 1. Minnesota Statutes 1982, section 504.20, subdivision 2, is amended to read:

Subd. 2. Any deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to the agreement and shall bear simple interest at the rate of ~~five~~ 5-1/2 percent per annum noncompounded, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier. Any interest amount less than \$1 shall be excluded from the provisions of this section.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective October 1, 1984.

Approved April 26, 1984

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

1986, Regular Session

Laws of Minnesota 1986

CHAPTER 444-H.F.No. 1824

An act relating to statutes; adopting as amended a gender neutral revision of Minnesota Statutes; providing for no substantive change; granting certain editorial authority to the revisor of statutes; amending Minnesota Statutes 1984, sections 3C.10, subdivision 1; and 645.44, by adding a subdivision.

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

Section 1. [REVISION ADOPTED.]

The proposed amendments to Minnesota Statutes made by the document named "Gender Revision of 1986," certified on January 24, 1986, and filed with the secretary of state on January 24, 1986, are adopted.

Sec. 2. [CONFLICTS.]

With respect only to the treatment of gender specific terms, an amendment adopted by section 1 prevails over a conflicting amendment in another law enacted in 1986. In all other respects the amendment in the other law prevails. The revisor need not publish in Minnesota Statutes the parts of the amendments that do not prevail.

Sec. 3. [NO SUBSTANTIVE CHANGE.]

The amendments adopted by section 1 do not change the substance of the statutes amended.

Sec. 4. Minnesota Statutes 1984, section 3C.10, subdivision 1, is amended to read:

Subdivision 1. [EDITORIAL POWERS FOR STATUTES.] The revisor's office, in preparing printer's copy for editions of statutes, may not alter the sense, meaning, or effect of any legislative act, but may:

(a) renumber sections or subdivisions and parts of sections or subdivisions;

(b) change the wording of headnotes;

(c) rearrange sections or subdivisions;

(d) combine sections or subdivisions into other sections or other subdivisions, or both;

(e) divide sections or subdivisions into other sections or subdivisions so as to give to distinct subject matters a section or subdivision number;

(f) substitute the proper section, chapter, or subdivision numbers for the terms "this act," "the preceding section," and the like;

(g) substitute figures for written words and vice versa;

(h) substitute the date on which the law becomes effective for the words "the effective date of this act," and the like;

(i) change capitalization for the purpose of uniformity;

(j) correct manifest clerical, typographical, grammatical, or punctuation errors;

(k) correct words misspelled in enrollments;

(l) change reference numbers to agree with renumbered

chapters, sections, or subdivisions;

(m) delete the phrases "Minnesota Statutes," "Minnesota Statutes 1980," and phrases identifying other editions of and supplements to Minnesota Statutes if the phrases are used in a reference to a statutory section; and

(n) replace gender specific words with gender neutral words and, if necessary, recast the sentences containing gender specific words; and

(o) make similar editorial changes to ensure the accuracy and utility of the publication.

Sec. 5. Minnesota Statutes 1984, section 645.44, is amended by adding a subdivision to read:

Subd. 1b. [CHAIR.] "Chair" includes chairman, chairwoman, and chairperson.

Sec. 6. [AMENDMENTS.]

Volume 2 of The Gender Revision of 1986 as adopted under section 1 is amended as follows:

Page 282, line 66, strike "hunter,"

Page 282, line 67, delete "fisher" and strike ", trapper, tourist or vacationist" and insert "person"

Page 284, line 2, before "license" insert "fishing" and after the stricken "fisherman" delete "fisher" and insert "person"

Page 294, line 35, delete "fishers" and insert "licensees"

Page 296, line 13, strike "licensed" and delete "fishers" and insert "fishing licensees"

Page 296, line 17, strike "licensed" and delete "fishers" and insert "fishing licensees"

Page 300, line 53, strike "licensed" and delete "fishers" and insert "fishing licensees"

Sec. 7. [REVISOR'S INSTRUCTION.]

The revisor shall restore the term "airman" wherever it appeared in Minnesota Statutes before the gender revision of 1986 was prepared and shall delete whatever was substituted for it in the gender revision.

Sec. 8. [REVISOR'S INSTRUCTION.]

The revisor shall restore the term "sportsmen's club" wherever it appeared in Minnesota Statutes before the gender revision of 1986 was prepared and shall delete whatever was substituted for it in the gender revision.

Sec. 9. [REVISOR'S INSTRUCTION.]

The revisor shall restore the terms "father" and "mother" wherever they appeared in Minnesota Statutes before the gender revision of 1986 was prepared and shall delete whatever was substituted for them in the gender revision.

Sec. 10. [AMENDMENT; VOLUME 8.]

Volume 8 of the Gender Revision of 1986 as adopted under section 1 is amended as follows:

Page 370, line 48, delete "sexual capacity" and insert "virility".

Approved March 25, 1986

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language**1992, Regular Session**

Laws of Minnesota 1992

CHAPTER 376-S.F.No. 720

An act relating to housing and economic development; modifying procedures relating to rent escrow actions; modifying procedures relating to the tenant's loss of essential services; modifying provisions relating to tenant remedy actions, retaliatory eviction proceedings, and receivership proceedings; modifying provisions relating to Minnesota housing finance agency low- and moderate-income housing programs; modifying certain receivership, assignment of rents and profits, and landlord and tenant provisions; modifying provisions relating to housing and redevelopment authorities; authorizing certain economic development activities within the city of St. Paul; providing for job training for homeless persons; amending Minnesota Statutes 1990, sections 268.362; 268.364, subdivision 4; 268.365, subdivision 2; 469.002, subdivision 24; 469.011, subdivision 4; 469.012, subdivisions 1 and 3; 469.015, subdivisions 3, 4, and by adding a subdivision; 504.02; 504.18, subdivision 1; 504.185, subdivision 2; 504.20, subdivisions 3, 4, 5, and 7; 504.27; 559.17, subdivision 2; 566.03, subdivision 1; 566.17, by adding a subdivision; 566.175, subdivision 6; 566.18, subdivision 9; 566.29, subdivisions 2 and 4; 566.34, subdivision 2; 576.01, subdivision 2; Minnesota Statutes 1991 Supplement, sections 481.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

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

ARTICLE 1

LANDLORD AND TENANT

Section 1. Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its

weatherstripping, caulking, storm window, and storm door energy efficiency standards for renter-occupied residences prescribed by section 216C.27, subdivisions 1 and 3, 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 lessee or licensee or a person under the direction or control of the lessee or licensee.

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

Sec. 4. Minnesota Statutes 1990, section 504.185, subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] When a municipality, utility company, or other company supplying home heating oil, propane, natural gas, electricity, or water to a building has issued a final notice or has posted the building proposing to disconnect or discontinued the service to the building because an owner who has contracted for the service has failed to pay for it or because an owner is required by law or contract to pay for the service and fails to do so, a tenant or group of tenants may pay to have the service continued or reconnected as provided under this section. Before paying for the service, the tenant or group of tenants shall give oral or written notice to the owner of the tenant's intention to pay after 48 hours, or a shorter period that is reasonable under the circumstances, if the owner has not already paid for the service. In the case of oral notification, written notice shall be mailed or delivered to the owner within 24 hours after oral notice is given.

(a) In the case of natural gas, electricity, or water, if the owner has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may pay the outstanding bill for the most recent billing period, if the utility company or municipality will restore the service for at least one billing period.

(b) In the case of home heating oil or propane, if the owner has not yet paid the bill by the time of the tenant's intended payment, or if the service remains discontinued, the tenant or tenants may order and pay for one month's supply of the proper grade and quality of oil or propane.

After submitting receipts for the payment to the owner, a tenant may deduct the amount of the tenant's payment from the rental payment next paid to the owner. Any amount paid to the municipality, utility company, or other company by a tenant under this subdivision is considered payment of rent to the owner for purposes of section 504.02.

Sec. 5. Minnesota Statutes 1990, section 504.20, subdivision 3, is amended to read:

Subd. 3. (a) Every landlord shall ~~7~~:

(1) within three weeks after termination of the tenancy; or

(2) within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant,

and after receipt of the tenant's mailing address or delivery instructions, return the deposit to the tenant, with interest thereon as above provided, or furnish to the tenant a written statement showing the specific reason for the withholding of the deposit or any portion thereof.

(b) It shall be sufficient compliance with the time requirement of this subdivision if the deposit or written statement required by this subdivision is placed in the United States mail as first class mail, postage prepaid, in an envelope with a proper return address, correctly addressed according to the mailing address or delivery instructions furnished by the tenant, within the time required by this subdivision. The landlord may withhold from the deposit only amounts reasonably necessary:

~~(a)~~ (1) to remedy tenant defaults in the payment of rent or of other funds due to the landlord pursuant to an agreement; or

~~(b)~~ (2) to restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

(c) In any action concerning the deposit, the burden of proving, by a fair preponderance of the evidence, the reason for withholding all or any portion of the deposit shall be on the landlord.

Sec. 6. Minnesota Statutes 1990, section 504.20, subdivision 4, is amended to read:

Subd. 4. Any landlord who fails to:

(1) provide a written statement within three weeks of termination of the tenancy ~~and;~~

(2) provide a written statement within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant, or

(3) transfer or return a deposit as required by subdivision 5, after receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, shall be liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

Sec. 7. Minnesota Statutes 1990, section 504.20, subdivision 5, is amended to read:

Subd. 5. Upon termination of the landlord's interest in the premises, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or the landlord's agent shall, within a reasonable time 60 days of termination of the interest or when the successor in interest is required to return or otherwise account for the deposit to the tenant, whichever occurs first, do one of the following acts, either of which shall relieve the landlord or agent of further liability with respect to such deposit:

(a) Transfer such deposit, or any remainder after any lawful deductions made under subdivision 3, with interest thereon as provided in subdivision 2, to the landlord's successor in interest and thereafter notify the tenant of such transfer and of the transferee's name and address; or

(b) Return such deposit, or any remainder after any lawful deductions made under subdivision 3, with interest thereon as provided in subdivision 2, to the tenant.

Sec. 8. Minnesota Statutes 1990, section 504.20, subdivision 7, is amended to read:

Subd. 7. The bad faith retention by a landlord of ~~the~~ a deposit, the interest thereon, or any portion thereof, in

violation of this section shall subject the landlord to punitive damages not to exceed \$200 for each deposit in addition to the damages provided in subdivision 4. If the landlord has failed to comply with the provisions of subdivision 3 or 5, retention of the a deposit shall be presumed to be in bad faith unless the landlord returns the deposit within two weeks after the commencement of any action for the recovery of the deposit.

Sec. 9. Minnesota Statutes 1990, section 504.27, is amended to read:

504.27 [REMEDIES ARE ADDITIONAL.]

The remedies provided in sections 504.24 to 504.26 are in addition to and shall not limit other rights or remedies available to landlords and tenants. Any provision, whether oral or written, of any lease or other agreement, whereby any provision of sections 504.24 to 504.27 is waived by a tenant is contrary to public policy and void. The provisions of sections 504.24 to 504.27 shall apply only to tenants as that term is defined in section 566.18, subdivision 2, and buildings as that term is defined in section 566.18, subdivision 7. The provisions of sections 504.24, 504.25, 504.255, and 504.26 apply to occupants and owners of residential real property which is the subject of a mortgage foreclosure or contract for deed cancellation and as to which the period for redemption or reinstatement of the contract has expired.

Sec. 10. Minnesota Statutes 1990, section 566.03, subdivision 1, is amended to read:

Subdivision 1. The person entitled to the premises may recover possession in the manner provided in this section when:

(1) any person holds over lands or tenements after a sale thereof on an execution or judgment, or on foreclosure of a mortgage, and expiration of the time for redemption, or after termination of contract to convey the same, provided that if the person holding such lands or tenements after the sale, foreclosure, expiration of the time for redemption or termination is a tenant, the person has received:

(i) at least one month's written notice of the termination of tenancy as a result of to vacate no sooner than one month after the sale, foreclosure, expiration of the time for redemption or termination, provided that the tenant pays the rent and abides by all terms of the lease; or when

(ii) at least one month's written notice to vacate no later than the date of the expiration of the time for redemption or termination, which notice shall also state that the sender will hold the tenant harmless for breaching the lease by vacating the premises if the mortgage is redeemed or the contract is reinstated;

(2) any person holds over lands or tenements after termination of the time for which they are demised or let to that person or to the persons under whom that person holds possession, or contrary to the conditions or covenants of the lease or agreement under which that person holds, or after any rent becomes due according to the terms of such lease or agreement; or when

(3) any tenant at will holds over after the determination of any such the estate by notice to quit; in all such cases the person entitled to the premises may recover possession thereof in the manner hereinafter provided.

Sec. 11. Minnesota Statutes 1990, section 566.17, is amended by adding a subdivision to read:

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

1992, Regular Session

Laws of Minnesota 1992

CHAPTER 555-S.F.No. 2662

An act relating to commerce; regulating real estate brokers and salespersons and the real estate, education, research, and recovery fund; temporarily changing the interest rate required on a rental deposit; amending Minnesota Statutes 1990, sections 82.19, by adding a subdivision; and 82.34, subdivisions 3, 4, 7, 9, 11, 13, and 14; 504.20, subdivision 2; Minnesota Statutes 1991 Supplement, section 82.22, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 80A; repealing Minnesota Statutes 1990, section 82.34, subdivision 20.

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

ARTICLE 1

Section 1. [80A.041] [EXEMPTION.]

A real estate broker or agent licensed under chapter 82 who arranges for the sale of a contract for deed is exempt from the license requirement of section 80A.04 if the real estate broker or agent receives no compensation in addition to the brokerage commission or fee and represents the seller, buyer, lessor, or lessee in the sale, lease, or exchange of the subject property.

Sec. 2. Minnesota Statutes 1990, section 82.19, is amended by adding a subdivision to read:

Subd. 7. [SECURITIES SOLD BY BUSINESSES OUTSIDE SCOPE OF LICENSING.] A license issued under this chapter does not allow a licensee to engage in the business of buying, selling, negotiating, brokering, or otherwise dealing in contracts for deed, mortgages, or other evidence of indebtedness regarding real estate, except that a licensee may, if there is no compensation in addition to the brokerage commission or fee, and if the licensee represents the seller, buyer, lessor, or lessee in the sale, lease, or exchange of real estate, arrange for the sale of a contract, mortgage, or similar evidence of indebtedness for the subject property.

Sec. 3. Minnesota Statutes 1991 Supplement, section 82.22, subdivision 13, is amended to read:

Subd. 13. [CONTINUING EDUCATION.] (a) After July 1, 1987, all real estate salespersons and all real estate brokers shall be required to successfully complete 15 hours of real estate education, either as a student or a lecturer, in courses of study approved by the commissioner, each year after their initial annual renewal date or after the expiration of their currently assigned three year continuing education due date. All salespersons and brokers shall report continuing education on an annual basis no later than June 30, 1990. Hours in excess of 15 earned in any one year may be carried forward to the following year.

(b) The commissioner shall adopt rules defining the

with the plan of allocation. Any distribution made by the commissioner in accordance with this subdivision shall be deemed to satisfy and extinguish the claims of any claimant receiving a distribution against ~~the recovery portion of~~ the fund.

Sec. 11. [TEMPORARY ASSESSMENT.]

The commissioner may assess licensees pursuant to Minnesota Statutes, section 82.34, to pay those claims which are payable in 1992 but for which the money in the fund is insufficient to satisfy.

Sec. 12. [PENDING CLAIMS.]

The change in the per year limit contained in section 6 does not apply to a cause of action that was commenced before August 1, 1992.

Sec. 13. [REPEALER.]

Minnesota Statutes 1990, section 82.34, subdivision 20, is repealed.

Sec. 14. [EFFECTIVE DATE.]

Sections 1 to 13 are effective the day following final enactment.

ARTICLE 2

Section 1. Minnesota Statutes 1990, section 504.20, subdivision 2, is amended to read:

Subd. 2. Any deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to the agreement and shall bear simple noncompounded interest at the rate of 5-1/2 four percent per annum noncompounded until May 1, 1997, and 5-1/2 percent per annum thereafter, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier. Any interest amount less than \$1 shall be excluded from the provisions of this section.

Sec. 2. [REVIEW.]

The reversion of the interest rate to 5-1/2 percent in section 1 is subject to review by the legislature in the 1996 session.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

Presented to the governor April 17, 1992

Signed by the governor April 27, 1992, 2:04 p.m.

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

1996, Regular Session

KEY: ~~stricken~~ = old language to be removed
underscored = new language to be added

CHAPTER 357-H.F.No. 2672

An act relating to landlords and tenants; changing the interest rate on security deposits; providing for a legislative review; amending Minnesota Statutes 1994, section 504.20, subdivision 2; repealing Laws 1992, chapter 555, article 2, section 2.

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

Section 1. Minnesota Statutes 1994, section 504.20, subdivision 2, is amended to read:

Subd. 2. Any deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to the agreement and shall bear simple noncompounded interest at the rate of ~~four~~ three percent per annum until May 1, ~~1997~~ 1999, and ~~5-1/2~~ four percent per annum thereafter, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier. Any interest amount less than \$1 shall be excluded from the provisions of this section.

Sec. 2. [REVIEW.]

The reversion of the interest rate to four percent in section 1 is subject to review by the legislature in the 1998 session.

Sec. 3. [REPEALER.]

Laws 1992, chapter 555, article 2, section 2, is repealed.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

Presented to the governor March 19, 1996

Signed by the governor March 21, 1996, 1:55 p.m.

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

1998, Regular Session

CHAPTER 266-H.F.No. 2590

An act relating to landlords and tenants; correcting a reference relating to certain civil penalties; providing for interest rates on security deposits; amending Minnesota Statutes 1996, sections 504.183, subdivision 6; and 504.20, subdivision 2.

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

Section 1. Minnesota Statutes 1996, section 504.183, subdivision 6, is amended to read:

Subd. 6. [PENALTY.] If a landlord substantially violates subdivision 2, the 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 504.20, and up to a \$100 civil penalty for each violation. If a landlord violates subdivision 5, the tenant is entitled to up to a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to ~~566.33~~ 566.34 to enforce the provisions of this section.

Sec. 2. Minnesota Statutes 1996, section 504.20, subdivision 2, is amended to read:

Subd. 2. Any deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to the agreement and shall bear simple noncompounded interest at the rate of three percent per annum until May 1, ~~1999~~ 2001, and four percent per annum thereafter, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier. Any interest amount less than \$1 shall be excluded from the provisions of this section.

Presented to the governor March 2, 1998

Signed by the governor March 4, 1998, 10:08 a.m.

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

1999, Regular Session

CHAPTER 199-H.F.No. 2425

An act relating to landlord and tenant; recodifying the landlord and tenant law; amending Minnesota Statutes 1998, sections 72A.20, subdivision 23; 82.24, subdivision 7; 144.9504, subdivision 7; 144A.13, subdivision 2; 144D.06; 216C.30, subdivision 5; 299C.67, subdivisions 5 and 7; 299C.69; 327C.02, subdivision 2a; 327C.03, subdivision 4; 327C.10, subdivision 1; 327C.11, subdivision 1; 363.033; 462A.05, subdivision 15; 462C.05, subdivision 8; 469.156; 471A.03, subdivision 6; 481.02, subdivision 3; 484.013, subdivision 2; 487.17; 487.24; 488A.01, subdivisions 4a and 5; 488A.11; 488A.18, subdivisions 4 and 6; 491A.01, subdivision 9; 514.977; 515B.3-116; 515B.4-111; 576.01, subdivision 2; 609.33, subdivision 6; and 609.5317, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 504B; repealing Laws 1998, chapter 253, sections 1 to 79.

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

ARTICLE 1

LANDLORD AND TENANT

Section 1. [504B.001] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. [CONTROLLED SUBSTANCE.] "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of section 152.02. The term does not include distilled spirits, wine, malt beverages, intoxicating liquors, or tobacco.

Subd. 3. [DISTRESS FOR RENT.] "Distress for rent" means the act of a landlord seizing personal property of the tenant or other person to enforce payment of rent.

Subd. 4. [EVICT OR EVICTION.] "Evict" or "eviction" means a summary court proceeding to remove a tenant or occupant from or otherwise recover possession of real property by the process of law set out in this chapter.

Subd. 5. [HOUSING-RELATED NEIGHBORHOOD ORGANIZATION.] "Housing-related neighborhood organization" means a nonprofit corporation incorporated under chapter 317A that:

(1) designates in its articles of incorporation or bylaws a specific geographic community to which its activities are limited; and

(2) is formed for the purposes of promoting community safety, crime prevention, and housing quality in a nondiscriminatory manner.

For purposes of this chapter, an action taken by a neighborhood organization with the written permission of a residential tenant means, with respect to a building with multiple dwelling units, an action taken by the neighborhood organization with the written permission of the residential tenants of a majority of the occupied units.

Subd. 6. [INSPECTOR.] "Inspector" means the person charged

defined in section 617.80, subdivision 4, to occur on the premises or in the common area and curtilage of the premises;

(iii) allow the unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a, 609.67, or 624.713, on the premises or in the common area and curtilage of the premises; or

(iv) allow stolen property or property obtained by robbery in those premises or in the common area and curtilage of the premises; and

(2) the common area and curtilage of the premises will not be used by either the landlord or licensor or the tenant or licensee or others acting under the control of either to manufacture, sell, give away, barter, deliver, exchange, distribute, purchase, or possess a controlled substance in violation of any criminal provision of chapter 152. The covenant is not violated when a person other than the landlord or licensor or the tenant or licensee possesses or allows controlled substances in the premises, common area, or curtilage, unless the landlord or licensor or the tenant or licensee knew or had reason to know of that activity.

Subd. 2. [BREACH VOIDS RIGHT TO POSSESSION.] A breach of the covenant created by subdivision 1 voids the tenant's or licensee's right to possession of the residential premises. All other provisions of the lease or license, including but not limited to the obligation to pay rent, remain in effect until the lease is terminated by the terms of the lease or operation of law. If the tenant or licensee breaches the covenant created by subdivision 1, the landlord may bring, or assign to the county attorney of the county in which the residential premises are located, the right to bring an eviction action against the tenant or licensee. The assignment must be in writing on a form provided by the county attorney, and the county attorney may determine whether to accept the assignment. If the county attorney accepts the assignment of the landlord's right to bring an eviction action:

(1) any court filing fee that would otherwise be required in an eviction action is waived; and

(2) the landlord retains all the rights and duties, including removal of the tenant's or licensee's personal property, following issuance of the writ of recovery of premises and order to vacate and delivery of the writ to the sheriff for execution.

Subd. 3. [WAIVER NOT ALLOWED.] The parties to a lease or license of residential premises may not waive or modify the covenant imposed by this section.

Sec. 16. [504B.178] [INTEREST ON SECURITY DEPOSITS; WITHHOLDING SECURITY DEPOSITS; DAMAGES; LIMIT ON WITHHOLDING LAST MONTH'S RENT.]

Subdivision 1. [APPLICABILITY.] Any deposit of money, the function of which is to secure the performance of a residential rental agreement or any part of such an agreement, other than a deposit which is exclusively an advance payment of rent, shall be governed by the provisions of this section.

Subd. 2. [INTEREST.] Any deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to the agreement and shall bear simple noncompounded interest at the rate of three percent per annum until May 1, 2001, and four percent per annum

thereafter, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier. Any interest amount less than \$1 shall be excluded from the provisions of this section.

Subd. 3. [RETURN OF SECURITY DEPOSIT.] (a) Every landlord shall:

(1) within three weeks after termination of the tenancy; or
(2) within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant,
and after receipt of the tenant's mailing address or delivery instructions, return the deposit to the tenant, with interest thereon as provided in subdivision 2, or furnish to the tenant a written statement showing the specific reason for the withholding of the deposit or any portion thereof.

(b) It shall be sufficient compliance with the time requirement of this subdivision if the deposit or written statement required by this subdivision is placed in the United States mail as first class mail, postage prepaid, in an envelope with a proper return address, correctly addressed according to the mailing address or delivery instructions furnished by the tenant, within the time required by this subdivision. The landlord may withhold from the deposit only amounts reasonably necessary:

(1) to remedy tenant defaults in the payment of rent or of other funds due to the landlord pursuant to an agreement; or

(2) to restore the premises to their condition at the commencement of the tenancy, ordinary wear and tear excepted.

(c) In any action concerning the deposit, the burden of proving, by a fair preponderance of the evidence, the reason for withholding all or any portion of the deposit shall be on the landlord.

Subd. 4. [DAMAGES.] Any landlord who fails to:

(1) provide a written statement within three weeks of termination of the tenancy;

(2) provide a written statement within five days of the date when the tenant leaves the building or dwelling due to the legal condemnation of the building or dwelling in which the tenant lives for reasons not due to willful, malicious, or irresponsible conduct of the tenant; or

(3) transfer or return a deposit as required by subdivision 5,

after receipt of the tenant's mailing address or delivery instructions, as required in subdivision 3, is liable to the tenant for damages in an amount equal to the portion of the deposit withheld by the landlord and interest thereon as provided in subdivision 2, as a penalty, in addition to the portion of the deposit wrongfully withheld by the landlord and interest thereon.

Subd. 5. [RETURN OF DEPOSIT.] Upon termination of the landlord's interest in the premises, whether by sale, assignment, death, appointment of receiver or otherwise, the landlord or the landlord's agent shall, within 60 days of

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

2000, Regular Session

CHAPTER 282-H.F.No. 3132

An act relating to landlords and tenants; providing for interest rates on security deposits; amending Minnesota Statutes 1999 Supplement, section 504B.178, subdivision 2.

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

Section 1. Minnesota Statutes 1999 Supplement, section 504B.178, subdivision 2, is amended to read:

Subd. 2. [INTEREST.] Any deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to the agreement and shall bear simple noncompounded interest at the rate of three percent per annum until May 1, ~~2001~~ 2004, and four percent per annum thereafter, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier. Any interest amount less than \$1 shall be excluded from the provisions of this section.

Presented to the governor March 21, 2000

Signed by the governor March 24, 2000, 10:47 a.m.

Minnesota Session Laws

Search

Key: (1) ~~language to be deleted~~ (2) new language

2003, Regular Session

CHAPTER 52-S.F.No. 645

An act relating to landlords and tenants; providing for assignment of certain eviction actions to city attorney; providing for interest rates on security deposits; amending Minnesota Statutes 2002, sections 504B.171, subdivision 2; 504B.178, subdivision 2.

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

Section 1. Minnesota Statutes 2002, section 504B.171, subdivision 2, is amended to read:

Subd. 2. [BREACH VOIDS RIGHT TO POSSESSION.] A breach of the covenant created by subdivision 1 voids the tenant's or licensee's right to possession of the residential premises. All other provisions of the lease or license, including but not limited to the obligation to pay rent, remain in effect until the lease is terminated by the terms of the lease or operation of law. If the tenant or licensee breaches the covenant created by subdivision 1, the landlord may bring, or assign to the county or city attorney of the county or city in which the residential premises are located, the right to bring an eviction action against the tenant or licensee. The assignment must be in writing on a form provided by the county or city attorney, and the county or city attorney may determine whether to accept the assignment. If the county or city attorney accepts the assignment of the landlord's right to bring an eviction action:

(1) any court filing fee that would otherwise be required in an eviction action is waived; and

(2) the landlord retains all the rights and duties, including removal of the tenant's or licensee's personal property, following issuance of the writ of recovery of premises and order to vacate and delivery of the writ to the sheriff for execution.

Sec. 2. Minnesota Statutes 2002, section 504B.178, subdivision 2, is amended to read:

Subd. 2. [INTEREST.] Any deposit of money shall not be considered received in a fiduciary capacity within the meaning of section 82.17, subdivision 7, but shall be held by the landlord for the tenant who is party to the agreement and shall bear simple noncompounded interest at the rate of three percent per annum until ~~May 1, 2004~~ August 1, 2003, and ~~four~~ one percent per annum thereafter, computed from the first day of the next month following the full payment of the deposit to the last day of the month in which the landlord, in good faith, complies with the requirements of subdivision 3 or to the date upon which judgment is entered in any civil action involving the landlord's liability for the deposit, whichever date is earlier. Any interest amount less than \$1 shall be excluded from the provisions of this section.

Presented to the governor May 13, 2003

Signed by the governor May 16, 2003, 4:07 p.m.