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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 835

02/08/2021 Authored by Her, Hassan, Howard, Feist, Long and others
The bill was read for the first time and referred to the Committee on Housing Finance and Policy
03/01/2021 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to housing; creating specific notice requirements for evictions due to
1.3 nonpayment of rent; expanding eligibility for discretionary and mandatory
1.4 expungements for eviction case court files; prohibiting rental discrimination based
1.5 on a tenant's receipt of public housing assistance; limiting public access to pending
1.6 eviction case court actions; amending Minnesota Statutes 2020, sections 363A.09,
1.7 subdivisions 1, 2, by adding a subdivision; 484.014, subdivisions 2, 3; 504B.135;
1.8 504B.321.

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

1.10 Section 1. Minnesota Statutes 2020, section 363A.09, subdivision 1, is amended to read:

1.11 Subdivision 1. Real property interest; action by owner, lessee, and others. It is an
1.12 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent
1.13 of, or other person having the right to sell, rent or lease any real property, or any agent of
1.14 any of these:

1.15 (1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or
1.16 group of persons any real property because of race, color, creed, religion, national origin,
1.17 sex, marital status, status with regard to public assistance, participation in or requirements
1.18 of a public assistance program, disability, sexual orientation, or familial status; or

1.19 (2) to discriminate against any person or group of persons because of race, color, creed,
1.20 religion, national origin, sex, marital status, status with regard to public assistance,
1.21 participation in or requirements of a public assistance program, disability, sexual orientation,
1.22 or familial status in the terms, conditions or privileges of the sale, rental or lease of any real
1.23 property or in the furnishing of facilities or services in connection therewith, except that
1.24 nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended

2.1 to protect the safety of minors in their use of the real property or any facilities or services  
2.2 furnished in connection therewith; or

2.3 (3) in any transaction involving real property, to print, circulate or post or cause to be  
2.4 printed, circulated, or posted any advertisement or sign, or use any form of application for  
2.5 the purchase, rental or lease of real property, or make any record or inquiry in connection  
2.6 with the prospective purchase, rental, or lease of real property which expresses, directly or  
2.7 indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,  
2.8 national origin, sex, marital status, status with regard to public assistance, participation in  
2.9 or requirements of a public assistance program, disability, sexual orientation, or familial  
2.10 status, or any intent to make any such limitation, specification, or discrimination except that  
2.11 nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as  
2.12 available to adults-only if the person placing the advertisement reasonably believes that the  
2.13 provisions of this section prohibiting discrimination because of familial status do not apply  
2.14 to the dwelling unit.

2.15 Sec. 2. Minnesota Statutes 2020, section 363A.09, subdivision 2, is amended to read:

2.16 Subd. 2. **Real property interest; action by brokers, agents, and others.** (a) It is an  
2.17 unfair discriminatory practice for a real estate broker, real estate salesperson, or employee,  
2.18 or agent thereof:

2.19 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property  
2.20 to any person or group of persons or to negotiate for the sale, rental, or lease of any real  
2.21 property to any person or group of persons because of race, color, creed, religion, national  
2.22 origin, sex, marital status, status with regard to public assistance, participation in or  
2.23 requirements of a public assistance program, disability, sexual orientation, or familial status  
2.24 or represent that real property is not available for inspection, sale, rental, or lease when in  
2.25 fact it is so available, or otherwise deny or withhold any real property or any facilities of  
2.26 real property to or from any person or group of persons because of race, color, creed, religion,  
2.27 national origin, sex, marital status, status with regard to public assistance, participation in  
2.28 or requirements of a public assistance program, disability, sexual orientation, or familial  
2.29 status; or

2.30 (2) to discriminate against any person because of race, color, creed, religion, national  
2.31 origin, sex, marital status, status with regard to public assistance, participation in or  
2.32 requirements of a public assistance program, disability, sexual orientation, or familial status  
2.33 in the terms, conditions or privileges of the sale, rental or lease of real property or in the  
2.34 furnishing of facilities or services in connection therewith; or

3.1 (3) to print, circulate, or post or cause to be printed, circulated, or posted any  
 3.2 advertisement or sign, or use any form of application for the purchase, rental, or lease of  
 3.3 any real property or make any record or inquiry in connection with the prospective purchase,  
 3.4 rental or lease of any real property, which expresses directly or indirectly, any limitation,  
 3.5 specification or discrimination as to race, color, creed, religion, national origin, sex, marital  
 3.6 status, status with regard to public assistance, participation in or requirements of a public  
 3.7 assistance program, disability, sexual orientation, or familial status or any intent to make  
 3.8 any such limitation, specification, or discrimination except that nothing in this clause shall  
 3.9 be construed to prohibit the advertisement of a dwelling unit as available to adults-only if  
 3.10 the person placing the advertisement reasonably believes that the provisions of this section  
 3.11 prohibiting discrimination because of familial status do not apply to the dwelling unit.

3.12 (b) It is an unfair discriminatory practice for a landlord to furnish credit, services, or  
 3.13 rental accommodations that discriminate against any individual who is a recipient of federal,  
 3.14 state, or local public assistance, including medical assistance, or who is a tenant receiving  
 3.15 federal, state, or local housing subsidies, including rental assistance or rental supplements,  
 3.16 because the individual is such a recipient, or because of any requirement of such public  
 3.17 assistance, rental assistance, or housing subsidy program.

3.18 Sec. 3. Minnesota Statutes 2020, section 363A.09, is amended by adding a subdivision to  
 3.19 read:

3.20 Subd. 2a. **Definition; public assistance program.** For the purposes of this section,  
 3.21 "public assistance program" means federal, state, or local assistance, including but not  
 3.22 limited to rental assistance, rent supplements, and housing choice vouchers.

3.23 Sec. 4. Minnesota Statutes 2020, section 484.014, subdivision 2, is amended to read:

3.24 **Subd. 2. Discretionary expungement.** The court may order expungement of an eviction  
 3.25 case court file ~~only upon motion of a defendant and decision by the court, if the court finds~~  
 3.26 ~~that the plaintiff's case is sufficiently without basis in fact or law, which may include lack~~  
 3.27 ~~of jurisdiction over the case, that~~ if the court makes the following findings: (1) the eviction  
 3.28 case court file is no longer a reasonable predictor of future tenant behavior; and (2) the  
 3.29 expungement is clearly in the interests of justice and those interests are not outweighed by  
 3.30 the public's interest in knowing about the record.

4.1 Sec. 5. Minnesota Statutes 2020, section 484.014, subdivision 3, is amended to read:

4.2 Subd. 3. **Mandatory expungement.** The court shall order expungement of an eviction  
4.3 case;

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

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

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

4.12 (2) if the defendant prevailed on the merits;

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

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

4.15 (5) if the court finds an eviction was ordered at least three years prior to the date the  
4.16 expungement was filed; or

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

4.19 Sec. 6. Minnesota Statutes 2020, section 504B.135, is amended to read:

4.20 **504B.135 TERMINATING TENANCY AT WILL.**

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

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

4.26 Sec. 7. Minnesota Statutes 2020, section 504B.321, is amended to read:

4.27 **504B.321 COMPLAINT AND SUMMONS.**

4.28 Subdivision 1. **Procedure.** (a) To bring an eviction action, the person complaining shall  
4.29 file a complaint with the court, stating the full name and date of birth of the person against  
4.30 whom the complaint is made, unless it is not known, describing the premises of which

5.1 possession is claimed, stating the facts which authorize the recovery of possession, and  
5.2 asking for recovery thereof.

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

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

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

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

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

5.15 Subd. 1a. **Written notice.** (a) Before bringing an eviction action alleging nonpayment  
5.16 of rent, a landlord must provide written notice to the residential tenant specifying the basis  
5.17 for a future eviction action.

5.18 (b) For an allegation of nonpayment of rent or other unpaid financial obligations in  
5.19 violation of the lease, the landlord must include the following in a written notice:

5.20 (1) the total amount due;

5.21 (2) a specific accounting of the amount of the total due that is comprised of unpaid rents,  
5.22 late fees, or other charges under the lease; and

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

5.25 (c) A notice provided under this section must:

5.26 (1) provide a disclaimer that a low-income tenant may be eligible for financial assistance  
5.27 from the county;

5.28 (2) provide a description on how to access legal and financial assistance through the  
5.29 "Law Help" website at [www.lawhelpmn.org](http://www.lawhelpmn.org) and "Minnesota 211" through its website  
5.30 [www.211unitedway.org](http://www.211unitedway.org) or by calling 211; and

6.1 (3) state that the landlord may bring an eviction action following expiration of the 14-day  
 6.2 notice period if the tenant fails to pay the total amount due, or vacates.

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

6.5 (e) If the tenant fails to correct the rent delinquency within 14 days of the delivery or  
 6.6 mailing of the notice, or fails to vacate, the landlord may bring an eviction action under  
 6.7 subdivision 1 based on the nonpayment of rent.

6.8 (f) Receipt of a notice under this section is an emergency situation under section 256D.06,  
 6.9 subdivision 2, and Minnesota Rules, chapter 9500. For purposes of chapter 256J and  
 6.10 Minnesota Rules, chapter 9500, a county agency verifies an emergency situation by receiving  
 6.11 and reviewing a notice under this section. If a residential tenant applies for financial  
 6.12 assistance from the county, the landlord must cooperate with the application process by:

6.13 (1) supplying all information and documentation requested by the tenant or the county;  
 6.14 and

6.15 (2) accepting or placing into escrow partial rent payments where necessary to establish  
 6.16 a tenant's eligibility for assistance.

6.17 Subd. 2. **Expedited procedure.** (a) In an eviction action brought under section 504B.171  
 6.18 or on the basis that the tenant is causing a nuisance or other illegal behavior that seriously  
 6.19 endangers the safety of other residents, their property, or the landlord's property, the person  
 6.20 filing the complaint shall file an affidavit stating specific facts and instances in support of  
 6.21 why an expedited hearing is required.

6.22 (b) The complaint and affidavit shall be reviewed by a referee or judge and scheduled  
 6.23 for an expedited hearing only if sufficient supporting facts are stated and they meet the  
 6.24 requirements of this paragraph.

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

6.29 (d) If the court determines that the person seeking an expedited hearing did so without  
 6.30 sufficient basis under the requirements of this subdivision, the court shall impose a civil  
 6.31 penalty of up to \$500 for abuse of the expedited hearing process.

6.32 Subd. 3. **Nonpublic record.** An eviction action is not accessible to the public until the  
 6.33 court enters a final judgment.