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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2860

01/31/2022 Authored by Howard, Agbaje, Vang and Moller

The bill was read for the first time and referred to the Committee on Housing Finance and Policy

03/03/2022 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to housing; prohibiting an eviction for nonpayment of rent when an

1.3 application for rental assistance for the tenant is pending; amending Minnesota

1.4 Statutes 2020, section 504B.291.

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

1.6 Section 1. Minnesota Statutes 2020, section 504B.291, is amended to read:

1.7 **504B.291 EVICTION ACTION FOR NONPAYMENT; REDEMPTION; OTHER**

1.8 **RIGHTS.**

1.9 Subdivision 1. **Action to recover.** (a) Subject to subdivision 1a, a landlord may bring

1.10 an eviction action for nonpayment of rent irrespective of whether the lease contains a right

1.11 of reentry clause. Such an eviction action is equivalent to a demand for the rent. There is a

1.12 rebuttable presumption that the rent has been paid if the tenant produces a copy or copies

1.13 of one or more money orders or produces one or more original receipt stubs evidencing the

1.14 purchase of a money order, if the documents: (i) total the amount of the rent; (ii) include a

1.15 date or dates approximately corresponding with the date rent was due; and (iii) in the case

1.16 of copies of money orders, are made payable to the landlord. This presumption is rebutted

1.17 if the landlord produces a business record that shows that the tenant has not paid the rent.

1.18 The landlord is not precluded from introducing other evidence that rebuts this presumption.

1.19 In such an action, unless the landlord has also sought to evict the tenant by alleging a material

1.20 violation of the lease under section 504B.285, subdivision 5, the tenant may, at any time

1.21 before possession has been delivered, redeem the tenancy and be restored to possession by

1.22 paying to the landlord or bringing to court the amount of the rent that is in arrears, with

interest, costs of the action, and an attorney's fee not to exceed \$5, and by performing any other covenants of the lease.

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

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

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

Subd. 1a. **Eviction prohibited pending rental assistance application determination.** A landlord may not bring an eviction action for the nonpayment of rent against a tenant, or proceed with an eviction action for nonpayment of rent if one has already been filed, if the tenant demonstrates the tenant has a pending application for rental assistance with a federal agency, state agency, local unit of government, or a nonprofit corporation incorporated under chapter 317A.

Subd. 2. Lease greater than 20 years. (a) If the lease under which an action is brought under subdivision 1 is for a term of more than 20 years, the action may not begin until the landlord serves a written notice on the tenant and on all creditors with legal or equitable recorded liens on the property. The notice must state: (1) the lease will be canceled unless the amounts, agreements, and legal obligations in default are paid or performed within 30 days, or a longer specified period; and (2) if the amounts, agreements, and legal obligations are not paid or performed within that period, then the landlord may evict the tenant at the expiration of the period.

(b) If the lease provides that the landlord must give more than the 30 days' notice provided in paragraph (a), then notice must be the same as that provided in the lease.

(c) The tenant may be restored to possession of the property under the terms of the original lease if, before the expiration of six months after the landlord obtains possession

3.1 due to the tenant's abandonment or surrender of the property or the landlord prevails in the
3.2 action, the tenant or a creditor holding a legal or equitable lien on the property: (1) pays to
3.3 the landlord or brings into court the amount of rent then in arrears, with interest and the
3.4 costs of the action; and (2) performs the other agreements or legal obligations that are in
3.5 default.

3.6 Subd. 3. **Recording of eviction or ejectment actions.** Upon recovery of possession by
3.7 the landlord in the action, a certified copy of the judgment shall, upon presentation, be
3.8 recorded in the office of the county recorder of the county where the land is situated if
3.9 unregistered land or in the office of the registrar of titles of the county if registered land and
3.10 upon recovery of possession by the landlord by abandonment or surrender by the tenant an
3.11 affidavit by the landlord or the landlord's attorney setting forth the fact shall be recorded in
3.12 a like manner and the recorded certified copy of the judgment or the recorded affidavit shall
3.13 be prima facie evidence of the facts stated therein in reference to the recovery of possession
3.14 by the landlord.

3.15 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.16 applies to evictions filed on or after that date and evictions pending but not yet adjudicated
3.17 on the date of final enactment.