

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1751

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DATE	D-PG	OFFICIAL STATUS
02/27/2019	546	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to housing; expanding eligibility for discretionary and mandatory

1.3 expungements for eviction case court files; limiting public access to pending

1.4 eviction case court actions; amending Minnesota Statutes 2018, sections 484.014,

1.5 subdivisions 2, 3; 504B.321, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2018, section 484.014, subdivision 2, is amended to read:

1.8 Subd. 2. **Discretionary expungement.** (a) The court may order expungement of an

1.9 eviction case court file ~~only upon motion of a defendant and decision by the court, if the~~

1.10 ~~court finds that the plaintiff's case is sufficiently without basis in fact or law, which may~~

1.11 ~~include lack of jurisdiction over the case, that~~ if the court makes the following findings: (1)

1.12 the eviction case court file is no longer a reasonable predictor of future tenant behavior; and

1.13 (2) the expungement is clearly in the interests of justice and those interests are not outweighed

1.14 by the public's interest in knowing about the record.

1.15 (b) If the court file of an eviction case is at least three years old, there is a rebuttable

1.16 presumption in favor of granting an expungement.

1.17 Sec. 2. Minnesota Statutes 2018, section 484.014, subdivision 3, is amended to read:

1.18 Subd. 3. **Mandatory expungement.** The court shall order expungement of an eviction

1.19 case:

1.20 (1) commenced solely on the grounds provided in section 504B.285, subdivision 1,

1.21 clause (1), if the court finds that the defendant occupied real property that was subject to

1.22 contract for deed cancellation or mortgage foreclosure and:

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

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

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

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

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

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

2.11 Sec. 3. Minnesota Statutes 2018, section 504B.321, is amended by adding a subdivision
2.12 to read:

2.13 Subd. 3. **Nonpublic record.** An eviction action is not accessible to the public until the
2.14 court enters a final judgment and the court has determined that no mandatory expungements
2.15 are required under section 484.014, subdivision 3.