

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1333**

03/02/2015 Authored by Scott; Dehn, R.; Schoen; Pugh; Nash and others
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices
03/30/2016 Adoption of Report: Amended and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance
04/06/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time
05/11/2016 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
05/18/2016 Passed by the Senate and returned to the House
Presented to Governor
05/19/2016 Governor Approval

1.1 A bill for an act
1.2 relating to civil law; allowing for modification of spousal maintenance based
1.3 on the cohabitation of the obligee; amending Minnesota Statutes 2014, section
1.4 518.552, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2014, section 518.552, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 6. **Cohabitation.** (a) Spousal maintenance may be modified pursuant to
1.9 section 518A.39, subdivision 2, based on the cohabitation by the maintenance obligee
1.10 with another adult following dissolution of the marriage. The modification may consist
1.11 of a reduction, suspension, reservation, or termination of maintenance. In determining if
1.12 maintenance should be modified due to cohabitation, the court shall consider:

1.13 (1) whether the obligee would marry the cohabitant but for the maintenance award;

1.14 (2) the economic benefit the obligee derives from the cohabitation;

1.15 (3) the length of the cohabitation and the likely future duration of the cohabitation; and

1.16 (4) the economic impact on the obligee if maintenance is modified and the
1.17 cohabitation ends.

1.18 (b) The court must not modify a maintenance award based solely on cohabitation if a
1.19 marriage between the obligee and the cohabitant would be prohibited under section 517.03,
1.20 subdivision 1, clause (2) or (3). A modification under this subdivision must be precluded or
1.21 limited to the extent the parties have entered into a private agreement under subdivision 5.

1.22 (c) A motion to modify a spousal maintenance award on the basis of cohabitation
1.23 may not be brought within one year of the date of entry of the decree of dissolution or
1.24 legal separation that orders spousal maintenance, unless the parties have agreed in writing

2.1 that a motion may be brought or the court finds that failing to allow the motion to proceed
2.2 would create an extreme hardship for one of the parties.

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to
2.4 modification motions brought on or after that date.