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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1077

- 02/11/2021 Authored by Hausman and Bernardy
The bill was read for the first time and referred to the Committee on Housing Finance and Policy
- 04/09/2021 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 04/13/2021 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
- 04/15/2021 Calendar for the Day
Read for the Third Time
Passed by the House and transmitted to the Senate
- 04/21/2021 Returned to the House as Amended by the Senate
Refused to concur and a Conference Committee was appointed
- 05/17/2021 Pursuant to Joint Rule 3.02(a), the Conference Committee was discharged and the bill was laid on the table

1.1 A bill for an act

1.2 relating to housing; establishing a budget for the Minnesota Housing Finance

1.3 Agency; adopting housing finance agency policy provisions; expanding eligibility

1.4 requirements for certain affordable housing, workforce housing, and disaster

1.5 recovery programs; increasing the agency debt limit; increasing the individual and

1.6 family household income limits under the community land trusts program;

1.7 expanding requirements and uses and loan amount under the rehabilitation loan

1.8 program; expanding allowable uses of housing infrastructure bonds; refunding

1.9 certain deposits to bond issuers; creating the lead safe homes grant program;

1.10 creating the Naturally Occurring Affordable Housing grant program; establishing

1.11 a task force on shelter resident rights and shelter provider practices; expanding

1.12 rental lease covenants and remedies available to tenants; expanding accommodation

1.13 requirements for service and support animals; expanding procedural and reporting

1.14 requirements for evictions; limiting public access to pending eviction actions;

1.15 expanding eligibility for certain expungements of eviction case files; permitting

1.16 manufactured homes affixed to certain property to be deemed an improvement to

1.17 real property; providing residents an opportunity to purchase manufactured home

1.18 parks; making technical and conforming changes; appropriating money; amending

1.19 Minnesota Statutes 2020, sections 12A.09, subdivision 3; 256C.02; 273.11,

1.20 subdivision 12; 273.125, subdivision 8; 363A.09, subdivision 5; 462A.05,

1.21 subdivisions 14, 14a, by adding a subdivision; 462A.07, subdivision 2; 462A.204,

1.22 subdivision 3; 462A.22, subdivision 1; 462A.30, subdivision 9; 462A.37,

1.23 subdivisions 1, 2; 462A.38, subdivision 1; 462A.39, subdivisions 2, 5; 474A.21;

1.24 484.014, subdivisions 2, 3; 504B.001, subdivision 4; 504B.135; 504B.161,

1.25 subdivision 1; 504B.211, subdivisions 2, 6; 504B.241, subdivision 4; 504B.245;

1.26 504B.321; 504B.331; 504B.335; 504B.345, subdivision 1, by adding a subdivision;

1.27 504B.361, subdivision 1; 504B.371, subdivisions 4, 5, 7; 504B.375, subdivision

1.28 1; 504B.381, subdivisions 1, 5, by adding a subdivision; proposing coding for new

1.29 law in Minnesota Statutes, chapters 168A; 327C; 462A; 504B; repealing Minnesota

1.30 Statutes 2020, sections 168A.141; 327C.096; 504B.341.

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

1.32 ARTICLE 1

1.33 APPROPRIATIONS

1.34 Section 1. APPROPRIATIONS.

3.1 under Minnesota Statutes, sections 462A.33
 3.2 and 462A.07, subdivision 14.

3.3 **Subd. 3. Workforce Housing Development** 2,000,000 2,000,000

3.4 This appropriation is for the Greater
 3.5 Minnesota workforce housing development
 3.6 program under Minnesota Statutes, section
 3.7 462A.39. If requested by the applicant and
 3.8 approved by the agency, funded properties
 3.9 may include a portion of income and rent
 3.10 restricted units. Funded properties may include
 3.11 owner-occupied homes.

3.12 **Subd. 4. Manufactured Home Park**
 3.13 **Infrastructure Grants** 3,000,000 1,000,000

3.14 This appropriation is for manufactured home
 3.15 park infrastructure grants under Minnesota
 3.16 Statutes, section 462A.2035, subdivision 1b.

3.17 **Subd. 5. Workforce Homeownership Program** 2,000,000 2,000,000

3.18 (a) This appropriation is for the workforce
 3.19 homeownership program under Minnesota
 3.20 Statutes, section 462A.38.

3.21 (b) The base for this program in fiscal year
 3.22 2024 and beyond is \$750,000.

3.23 **Subd. 6. Housing Trust Fund** 11,646,000 11,646,000

3.24 This appropriation is for deposit in the housing
 3.25 trust fund account created under Minnesota
 3.26 Statutes, section 462A.201, and may be used
 3.27 for the purposes provided in that section.

3.28 **Subd. 7. Homework Starts with Home** 2,250,000 2,250,000

3.29 This appropriation is for the homework starts
 3.30 with home program under Minnesota Statutes,
 3.31 sections 462A.201, subdivision 2, paragraph
 3.32 (a), clause (4), and 462A.204, subdivision 8,
 3.33 to provide assistance to homeless or highly

4.1 mobile families with children eligible for
 4.2 enrollment in a prekindergarten through grade
 4.3 12 academic program.

4.4 **Subd. 8. Rental Assistance for Mentally Ill** 5,088,000 5,088,000

4.5 This appropriation is for the rental housing
 4.6 assistance program for persons with a mental
 4.7 illness or families with an adult member with
 4.8 a mental illness under Minnesota Statutes,
 4.9 section 462A.2097. Among comparable
 4.10 proposals, the agency shall prioritize those
 4.11 proposals that target, in part, eligible persons
 4.12 who desire to move to more integrated,
 4.13 community-based settings.

4.14 **Subd. 9. Family Homeless Prevention** 10,269,000 10,269,000

4.15 This appropriation is for the family homeless
 4.16 prevention and assistance programs under
 4.17 Minnesota Statutes, section 462A.204.

4.18 **Subd. 10. Home Ownership Assistance Fund** 4,385,000 885,000

4.19 This appropriation is for the home ownership
 4.20 assistance program under Minnesota Statutes,
 4.21 section 462A.21, subdivision 8. The agency
 4.22 shall continue to strengthen its efforts to
 4.23 address the disparity gap in the
 4.24 homeownership rate between white
 4.25 households and Indigenous American Indians
 4.26 and communities of color. To better
 4.27 understand and address the disparity gap, the
 4.28 agency is required to collect, on a voluntary
 4.29 basis, demographic information regarding
 4.30 race, color, national origin, and sex of
 4.31 applicants for agency programs intended to
 4.32 benefit homeowners and homebuyers.

4.33 **Subd. 11. Affordable Rental Investment Fund** 4,218,000 4,218,000

5.1 (a) This appropriation is for the affordable
 5.2 rental investment fund program under
 5.3 Minnesota Statutes, section 462A.21,
 5.4 subdivision 8b, to finance the acquisition,
 5.5 rehabilitation, and debt restructuring of
 5.6 federally assisted rental property and for
 5.7 making equity take-out loans under Minnesota
 5.8 Statutes, section 462A.05, subdivision 39.

5.9 (b) The owner of federally assisted rental
 5.10 property must agree to participate in the
 5.11 applicable federally assisted housing program
 5.12 and to extend any existing low-income
 5.13 affordability restrictions on the housing for
 5.14 the maximum term permitted.

5.15 (c) The appropriation also may be used to
 5.16 finance the acquisition, rehabilitation, and debt
 5.17 restructuring of existing supportive housing
 5.18 properties and naturally occurring affordable
 5.19 housing as determined by the commissioner.
 5.20 For purposes of this paragraph, "supportive
 5.21 housing" means affordable rental housing with
 5.22 links to services necessary for individuals,
 5.23 youth, and families with children to maintain
 5.24 housing stability.

5.25 **Subd. 12. Owner-Occupied Housing**
 5.26 **Rehabilitation**

2,772,000

2,772,000

5.27 (a) This appropriation is for the rehabilitation
 5.28 of owner-occupied housing under Minnesota
 5.29 Statutes, section 462A.05, subdivisions 14 and
 5.30 14a.

5.31 (b) Notwithstanding any law to the contrary,
 5.32 grants or loans under this subdivision may be
 5.33 made without rent or income restrictions of
 5.34 owners or tenants. To the extent practicable,

6.1 grants or loans must be made available
 6.2 statewide.

6.3 **Subd. 13. Rental Housing Rehabilitation** 3,743,000 3,743,000

6.4 (a) This appropriation is for the rehabilitation
 6.5 of eligible rental housing under Minnesota
 6.6 Statutes, section 462A.05, subdivision 14. In
 6.7 administering a rehabilitation program for
 6.8 rental housing, the agency may apply the
 6.9 processes and priorities adopted for
 6.10 administration of the economic development
 6.11 and housing challenge program under
 6.12 Minnesota Statutes, section 462A.33, and may
 6.13 provide grants or forgivable loans if approved
 6.14 by the agency.

6.15 (b) Notwithstanding any law to the contrary,
 6.16 grants or loans under this subdivision may be
 6.17 made without rent or income restrictions of
 6.18 owners or tenants. To the extent practicable,
 6.19 grants or loans must be made available
 6.20 statewide.

6.21 **Subd. 14. Homeownership Education,**
 6.22 **Counseling, and Training** 1,357,000 857,000

6.23 This appropriation is for the homeownership
 6.24 education, counseling, and training program
 6.25 under Minnesota Statutes, section 462A.209.

6.26 **Subd. 15. Lead Safe Homes Grant Program** 1,000,000 1,000,000

6.27 (a) This appropriation is for grants under the
 6.28 lead safe homes grant program under
 6.29 Minnesota Statutes, section 462A.2095.

6.30 (b) The base for this program in fiscal year
 6.31 2024 and beyond is \$750,000.

6.32 **Subd. 16. Capacity-Building Grants** 645,000 645,000

7.1 This appropriation is for capacity-building
 7.2 grants under Minnesota Statutes, section
 7.3 462A.21, subdivision 3b. Of this amount,
 7.4 \$125,000 each year is for support of the
 7.5 Homeless Management Information System
 7.6 (HMIS).

7.7 Subd. 17. **Build Wealth MN** 500,000 500,000

7.8 This appropriation is for a grant to Build
 7.9 Wealth Minnesota to provide a family
 7.10 stabilization plan program including program
 7.11 outreach, financial literacy education, and
 7.12 budget and debt counseling.

7.13 Subd. 18. **Local Housing Trust Fund Grants** 3,000,000 -0-

7.14 (a) This appropriation is for grants to local
 7.15 housing trust funds established under
 7.16 Minnesota Statutes, section 462C.16, to
 7.17 incentivize local funding.

7.18 (b) A grantee is eligible to receive a grant
 7.19 amount equal to 100 percent of the public
 7.20 revenue committed to the local housing trust
 7.21 fund from any source other than the state or
 7.22 federal government, up to \$150,000, and in
 7.23 addition, an amount equal to 50 percent of the
 7.24 public revenue committed to the local housing
 7.25 trust fund from any source other than the state
 7.26 or federal government that is more than
 7.27 \$150,000 but not more than \$300,000.

7.28 (c) \$100,000 of this appropriation is for
 7.29 technical assistance grants to local and
 7.30 regional housing trust funds. A housing trust
 7.31 fund may apply for a technical assistance grant
 7.32 at the time and in the manner and form
 7.33 required by the agency. The agency shall make
 7.34 grants on a first-come, first-served basis. A

8.1 technical assistance grant must not exceed
 8.2 \$5,000.

8.3 (d) A grantee must use grant funds within five
 8.4 years of receipt for purposes: (1) authorized
 8.5 under Minnesota Statutes, section 462C.16,
 8.6 subdivision 3; and (2) benefiting households
 8.7 with incomes at or below 115 percent of the
 8.8 state median income. A grantee must return
 8.9 any grant funds not used for these purposes
 8.10 within eight years of receipt to the
 8.11 commissioner of the Minnesota Housing
 8.12 Finance Agency for deposit into the housing
 8.13 development fund.

8.14	<u>Subd. 19. Naturally Occurring Affordable</u>		
8.15	<u>Housing Program</u>	<u>6,501,000</u>	<u>-0-</u>

8.16 This appropriation is for loans or grants under
 8.17 the naturally occurring affordable housing
 8.18 program under Minnesota Statutes, section
 8.19 462A.40.

8.20	<u>Subd. 20. Task Force on Shelter Resident Rights</u>		
8.21	<u>and Shelter Provider Practices</u>	<u>455,000</u>	<u>-0-</u>

8.22 This appropriation is to implement the task
 8.23 force on shelter resident rights and shelter
 8.24 provider practices under article 2, section 10.

8.25	<u>Subd. 21. Minnesota Supreme Court</u>		
		<u>44,000</u>	<u>-0-</u>

8.26 This appropriation is for transfer to the
 8.27 Minnesota Supreme Court for the temporary
 8.28 eviction, expungement, and foreclosure
 8.29 moratorium and remedies due to the
 8.30 COVID-19 peacetime emergency.

8.31 **Subd. 22. Availability and Transfer of Funds**
 8.32 Money appropriated in the first year in this
 8.33 article is available the second year. The
 8.34 commissioner may shift or transfer money in

9.1 the second year in subdivisions 2, 3, 4, 5, 12,
9.2 and 13 to address high-priority housing needs.

9.3 **ARTICLE 2**

9.4 **HOUSING GRANT PROGRAMS**

9.5 Section 1. Minnesota Statutes 2020, section 462A.05, subdivision 14, is amended to read:

9.6 Subd. 14. **Rehabilitation loans.** It may agree to purchase, make, or otherwise participate
9.7 in the making, and may enter into commitments for the purchase, making, or participation
9.8 in the making, of eligible loans for rehabilitation, with terms and conditions as the agency
9.9 deems advisable, to persons and families of low and moderate income, and to owners of
9.10 existing residential housing for occupancy by such persons and families, for the rehabilitation
9.11 of existing residential housing owned by them. The loans may be insured or uninsured and
9.12 may be made with security, or may be unsecured, as the agency deems advisable. The loans
9.13 may be in addition to or in combination with long-term eligible mortgage loans under
9.14 subdivision 3. They may be made in amounts sufficient to refinance existing indebtedness
9.15 secured by the property, if refinancing is determined by the agency to be necessary to permit
9.16 the owner to meet the owner's housing cost without expending an unreasonable portion of
9.17 the owner's income thereon. No loan for rehabilitation shall be made unless the agency
9.18 determines that the loan will be used primarily to make the housing more desirable to live
9.19 in, to increase the market value of the housing, for compliance with state, county or municipal
9.20 building, housing maintenance, fire, health or similar codes and standards applicable to
9.21 housing, or to accomplish energy conservation related improvements. In unincorporated
9.22 areas and municipalities not having codes and standards, the agency may, solely for the
9.23 purpose of administering the provisions of this chapter, establish codes and standards. ~~Except~~
9.24 ~~for accessibility improvements under this subdivision and subdivisions 14a and 24, clause~~
9.25 ~~(1), no secured loan for rehabilitation of any owner-occupied property shall be made in an~~
9.26 ~~amount which, with all other existing indebtedness secured by the property, would exceed~~
9.27 ~~110 percent of its market value, as determined by the agency.~~ No loan under this subdivision
9.28 for the rehabilitation of owner-occupied housing shall be denied solely because the loan
9.29 will not be used for placing the owner-occupied residential housing in full compliance with
9.30 all state, county, or municipal building, housing maintenance, fire, health, or similar codes
9.31 and standards applicable to housing. Rehabilitation loans shall be made only when the
9.32 agency determines that financing is not otherwise available, in whole or in part, from private
9.33 lenders upon equivalent terms and conditions. Accessibility rehabilitation loans authorized

10.1 under this subdivision may be made to eligible persons and families without limitations
10.2 relating to the maximum incomes of the borrowers if:

10.3 (1) the borrower or a member of the borrower's family requires a level of care provided
10.4 in a hospital, skilled nursing facility, or intermediate care facility for persons with
10.5 developmental disabilities;

10.6 (2) home care is appropriate; and

10.7 (3) the improvement will enable the borrower or a member of the borrower's family to
10.8 reside in the housing.

10.9 The agency may waive any requirement that the housing units in a residential housing
10.10 development be rented to persons of low and moderate income if the development consists
10.11 of four or less dwelling units, one of which is occupied by the owner.

10.12 **EFFECTIVE DATE.** This section is effective August 1, 2021.

10.13 Sec. 2. Minnesota Statutes 2020, section 462A.05, subdivision 14a, is amended to read:

10.14 Subd. 14a. **Rehabilitation loans; existing owner-occupied residential housing.** It may
10.15 make loans to persons and families of low and moderate income to rehabilitate or to assist
10.16 in rehabilitating existing residential housing owned and occupied by those persons or
10.17 families. Rehabilitation may include replacement of manufactured homes. No loan shall be
10.18 made unless the agency determines that the loan will be used primarily for rehabilitation
10.19 work necessary for health or safety, essential accessibility improvements, or to improve the
10.20 energy efficiency of the dwelling. No loan for rehabilitation of owner-occupied residential
10.21 housing shall be denied solely because the loan will not be used for placing the residential
10.22 housing in full compliance with all state, county or municipal building, housing maintenance,
10.23 fire, health or similar codes and standards applicable to housing. The amount of any loan
10.24 shall not exceed the lesser of (a) a maximum loan amount determined under rules adopted
10.25 by the agency not to exceed ~~\$27,000~~ \$35,000, or (b) the actual cost of the work performed,
10.26 or (c) that portion of the cost of rehabilitation which the agency determines cannot otherwise
10.27 be paid by the person or family without the expenditure of an unreasonable portion of the
10.28 income of the person or family. Loans made in whole or in part with federal funds may
10.29 exceed the maximum loan amount to the extent necessary to comply with federal lead
10.30 abatement requirements prescribed by the funding source. In making loans, the agency shall
10.31 determine the circumstances under which and the terms and conditions under which all or
10.32 any portion of the loan will be repaid and shall determine the appropriate security for the

11.1 repayment of the loan. Loans pursuant to this subdivision may be made with or without
11.2 interest or periodic payments.

11.3 **EFFECTIVE DATE.** This section is effective August 1, 2021.

11.4 Sec. 3. Minnesota Statutes 2020, section 462A.05, is amended by adding a subdivision to
11.5 read:

11.6 Subd. 42. **Thirty-year affordability covenants.** The agency must impose rent, income,
11.7 or rent and income restrictions on a multifamily rental housing development as a condition
11.8 of agency financing as required in this chapter, or as a condition of an allocation or award
11.9 of federal low-income housing tax credits. The rent, income, or rent and income restrictions
11.10 must be contained in a covenant running with the land for at least 30 years.

11.11 **EFFECTIVE DATE.** This section is effective July 1, 2021, and applies on or after that
11.12 date to any multifamily rental housing development for which the agency allocates
11.13 low-income housing tax credits or funding, or with which the agency enters into a financing
11.14 or grant agreement.

11.15 Sec. 4. **[462A.2095] LEAD SAFE HOMES GRANT PROGRAM.**

11.16 Subdivision 1. **Establishment.** The Minnesota Housing Finance Agency shall establish
11.17 a lead safe homes grant program to provide grants to increase lead testing and make
11.18 residential rental units lead safe. The initial pilot program shall provide one grant to a project
11.19 serving an area in a metropolitan county, as defined in section 473.121, subdivision 4, and
11.20 one grant to a project serving an area outside a metropolitan county with a priority for
11.21 targeting grant resources to landlords and tenants where there are high concentrations of
11.22 lead poisoning in children based on information provided by the commissioner of health.

11.23 Subd. 2. **Eligibility.** (a) Eligible grantees must be a nonprofit or political subdivision
11.24 capable of providing funding and services to a defined geographic area. The grant programs
11.25 receiving funding under this section must provide lead risk assessments completed by a
11.26 lead inspector or a lead risk assessor licensed by the commissioner of health pursuant to
11.27 section 144.9505 for properties built before 1978 to determine the presence of lead hazards
11.28 and to provide interim controls to reduce lead health hazards. The grant program must
11.29 provide funding for testing and lead hazard reduction to:

11.30 (1) landlords of residential buildings with 11 units or less where the tenant's income
11.31 does not exceed 60 percent of area median income;

12.1 (2) landlords of residential buildings with 12 units or more where at least 50 percent of
12.2 the tenants are below 60 percent of the median income; and

12.3 (3) a tenant with an income that does not exceed 60 percent of area median income.

12.4 (b) A landlord or tenant must first access other available state and federal funding related
12.5 to lead testing and lead hazard reduction for which they are eligible.

12.6 (c) Up to ten percent of a grant awarded to a nonprofit or political subdivision may be
12.7 used to administer the grant and provide education and outreach about lead health hazards.

12.8 Subd. 3. **Short title.** This section shall be known as the "Dustin Luke Shields Act."

12.9 Sec. 5. Minnesota Statutes 2020, section 462A.22, subdivision 1, is amended to read:

12.10 Subdivision 1. **Debt ceiling.** The aggregate principal amount of general obligation bonds
12.11 and notes which are outstanding at any time, excluding the principal amount of any bonds
12.12 and notes refunded by the issuance of new bonds or notes, shall not exceed the sum of
12.13 \$5,000,000,000.

12.14 **EFFECTIVE DATE.** This section is effective August 1, 2021.

12.15 Sec. 6. Minnesota Statutes 2020, section 462A.37, subdivision 1, is amended to read:

12.16 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
12.17 the meanings given.

12.18 (b) "Abandoned property" has the meaning given in section 117.025, subdivision 5.

12.19 (c) "Community land trust" means an entity that meets the requirements of section
12.20 462A.31, subdivisions 1 and 2.

12.21 (d) "Debt service" means the amount payable in any fiscal year of principal, premium,
12.22 if any, and interest on housing infrastructure bonds and the fees, charges, and expenses
12.23 related to the bonds.

12.24 (e) "Foreclosed property" means residential property where foreclosure proceedings
12.25 have been initiated or have been completed and title transferred or where title is transferred
12.26 in lieu of foreclosure.

12.27 (f) "Housing infrastructure bonds" means bonds issued by the agency under this chapter
12.28 that:

12.29 (1) are qualified 501(c)(3) bonds, within the meaning of section 145(a) of the Internal
12.30 Revenue Code;

13.1 (2) finance qualified residential rental projects within the meaning of section 142(d) of
 13.2 the Internal Revenue Code; or

13.3 ~~(3) finance the construction or rehabilitation of single-family houses that qualify for~~
 13.4 ~~mortgage financing within the meaning of section 143 of the Internal Revenue Code; or~~

13.5 ~~(4)~~ (3) are tax-exempt bonds that are not private activity bonds, within the meaning of
 13.6 section 141(a) of the Internal Revenue Code, for the purpose of financing or refinancing
 13.7 affordable housing authorized under this chapter.

13.8 (g) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended.

13.9 (h) "Senior" means a person 55 years of age or older ~~with an annual income not greater~~
 13.10 ~~than 50 percent of:~~

13.11 ~~(1) the metropolitan area median income for persons in the metropolitan area; or~~

13.12 ~~(2) the statewide median income for persons outside the metropolitan area.~~

13.13 (i) "Senior household" means a household with one or more senior members and with
 13.14 a combined annual income not greater than 50 percent of:

13.15 (1) the metropolitan area median income for persons in the metropolitan area; or

13.16 (2) the statewide median income for persons outside the metropolitan area.

13.17 ~~(j)~~ (j) "Senior housing" means housing intended and operated for occupancy by ~~at least~~
 13.18 ~~one senior per unit~~ senior households with at least 80 percent of the units occupied by ~~at~~
 13.19 ~~least one senior per unit~~ senior households, and for which there is publication of, and
 13.20 adherence to, policies and procedures that demonstrate an intent by the owner or manager
 13.21 to provide housing for seniors. Senior housing may be developed in conjunction with and
 13.22 as a distinct portion of mixed-income senior housing developments that use a variety of
 13.23 public or private financing sources.

13.24 ~~(k)~~ (k) "Supportive housing" means housing that is not time-limited and provides or
 13.25 coordinates with linkages to services necessary for residents to maintain housing stability
 13.26 and maximize opportunities for education and employment.

13.27 **EFFECTIVE DATE.** This section is effective August 1, 2021.

13.28 Sec. 7. Minnesota Statutes 2020, section 462A.37, subdivision 2, is amended to read:

13.29 Subd. 2. **Authorization.** (a) The agency may issue up to \$30,000,000 in aggregate
 13.30 principal amount of housing infrastructure bonds in one or more series to which the payment
 13.31 made under this section may be pledged. The housing infrastructure bonds authorized in

14.1 this subdivision may be issued to fund loans, or grants for the purposes of clause (4), on
14.2 terms and conditions the agency deems appropriate, made for one or more of the following
14.3 purposes:

14.4 (1) to finance the costs of the construction, acquisition, and rehabilitation of supportive
14.5 housing for individuals and families who are without a permanent residence;

14.6 (2) to finance the costs of the acquisition and rehabilitation of foreclosed or abandoned
14.7 housing to be used for affordable rental housing and the costs of new construction of rental
14.8 housing on abandoned or foreclosed property where the existing structures will be demolished
14.9 or removed;

14.10 (3) to finance that portion of the costs of acquisition of property that is attributable to
14.11 the land to be leased by community land trusts to low- and moderate-income home buyers;

14.12 (4) to finance the acquisition, improvement, and infrastructure of manufactured home
14.13 parks under section 462A.2035, subdivision 1b;

14.14 (5) to finance the costs of acquisition, rehabilitation, adaptive reuse, or new construction
14.15 of senior housing;

14.16 (6) to finance the costs of acquisition and rehabilitation of federally assisted rental
14.17 housing and for the refinancing of costs of the construction, acquisition, and rehabilitation
14.18 of federally assisted rental housing, including providing funds to refund, in whole or in part,
14.19 outstanding bonds previously issued by the agency or another government unit to finance
14.20 or refinance such costs; ~~and~~

14.21 (7) to finance the costs of acquisition, rehabilitation, adaptive reuse, or new construction
14.22 of single-family housing; and

14.23 (8) to finance the costs of construction, acquisition, and rehabilitation of permanent
14.24 housing that is affordable to households with incomes at or below 50 percent of the area
14.25 median income. "Area median income" means the area median income for the applicable
14.26 county or metropolitan area as published by the Department of Housing and Urban
14.27 Development, adjusted for household size.

14.28 (b) Among comparable proposals for permanent supportive housing, preference shall
14.29 be given to permanent supportive housing for veterans and other individuals or families
14.30 who:

14.31 (1) either have been without a permanent residence for at least 12 months or at least four
14.32 times in the last three years; or

15.1 (2) are at significant risk of lacking a permanent residence for 12 months or at least four
 15.2 times in the last three years.

15.3 (c) Among comparable proposals for senior housing, the agency must give priority to
 15.4 requests for projects that:

15.5 (1) demonstrate a commitment to maintaining the housing financed as affordable to
 15.6 ~~seniors~~ senior households;

15.7 (2) leverage other sources of funding to finance the project, including the use of
 15.8 low-income housing tax credits;

15.9 (3) provide access to services to residents and demonstrate the ability to increase physical
 15.10 supports and support services as residents age and experience increasing levels of disability;
 15.11 and

15.12 ~~(4) provide a service plan containing the elements of clause (3) reviewed by the housing~~
 15.13 ~~authority, economic development authority, public housing authority, or community~~
 15.14 ~~development agency that has an area of operation for the jurisdiction in which the project~~
 15.15 ~~is located; and~~

15.16 ~~(5)~~ (4) include households with incomes that do not exceed 30 percent of the median
 15.17 household income for the metropolitan area.

15.18 (d) Of comparable proposals for permanent housing, the agency must give preference
 15.19 to projects that will provide housing that is affordable to households at or below 30 percent
 15.20 of area median income.

15.21 (e) To the extent practicable, the agency shall balance the loans made between projects
 15.22 in the metropolitan area and projects outside the metropolitan area. Of the loans made to
 15.23 projects outside the metropolitan area, the agency shall, to the extent practicable, balance
 15.24 the loans made between projects in counties or cities with a population of 20,000 or less,
 15.25 as established by the most recent decennial census, and projects in counties or cities with
 15.26 populations in excess of 20,000.

15.27 **EFFECTIVE DATE.** This section is effective August 1, 2021.

15.28 Sec. 8. Minnesota Statutes 2020, section 462A.39, subdivision 5, is amended to read:

15.29 Subd. 5. **Allocation.** The amount of a grant or deferred loans may not exceed ~~25~~ 50
 15.30 percent of the rental housing development project cost. The commissioner shall not award
 15.31 a grant or deferred loans to a city without certification by the city that the amount of the

16.1 grant or deferred loans shall be matched by a local unit of government, business, or nonprofit
16.2 organization with \$1 for every \$2 provided in grant or deferred loans funds.

16.3 **Sec. 9. [462A.40] NATURALLY OCCURRING AFFORDABLE HOUSING**
16.4 **PROGRAM.**

16.5 **Subdivision 1. Establishment.** The Minnesota Housing Finance Agency shall establish
16.6 a naturally occurring affordable housing program for the purpose of supporting the
16.7 preservation of naturally occurring affordable housing through acquisition and rehabilitation.

16.8 **Subd. 2. Definition.** For the purposes of this section, "naturally occurring affordable
16.9 housing" means multiunit rental housing that:

16.10 (1) is at least 20 years old;

16.11 (2) has rents in a majority of units that are affordable to households at or below 60
16.12 percent of the area median income;

16.13 (3) did not receive an initial state or federal government subsidy for its construction;
16.14 and

16.15 (4) does not otherwise receive place-based federal governmental subsidies.

16.16 **Subd. 3. Use of funds.** Funds appropriated for the program under this section shall be
16.17 used by the commissioner with the goal of preserving the most units for the lowest income
16.18 households for the longest period of time. The commissioner shall make loans or grants
16.19 from funds appropriated for the program on an as-needed basis and may approve requests
16.20 on a per-application basis from prospective acquirers of naturally occurring affordable
16.21 housing or through statewide intermediaries.

16.22 **Subd. 4. Voucher requirement.** Properties that receive funds must accept vouchers
16.23 under Section 8 of the United States Housing Act of 1937, as amended.

16.24 **Sec. 10. TASK FORCE ON SHELTER RESIDENT RIGHTS AND SHELTER**
16.25 **PROVIDER PRACTICES.**

16.26 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have
16.27 the meanings given.

16.28 (b) "Director" means the state director of the Minnesota Interagency Council on
16.29 Homelessness.

17.1 (c) "Homeless" or "homelessness" means lacking a fixed, regular, and adequate nighttime
17.2 residence, including sharing the housing of other persons due to loss of housing, economic
17.3 hardship, or a similar reason.

17.4 (d) "Resident" means a person residing in a shelter, including all members of a family
17.5 unit.

17.6 (e) "Shelter" means an indoor sleeping and sanitary dwelling, whether in a fixed or
17.7 rotating location, intended for individuals and families experiencing homelessness, provided
17.8 by a unit of government, a nonprofit organization, or a place of worship. Shelter includes
17.9 rooms in hotels or motels paid for by a unit of government or nonprofit organization and
17.10 daytime accommodations for individuals or families for whom shelter is provided only
17.11 overnight.

17.12 Subd. 2. **Establishment.** A task force on shelter resident rights and shelter provider
17.13 practices is established to:

17.14 (1) examine experiences of, and issues facing, shelter residents;

17.15 (2) examine issues facing, and practices of, shelter providers;

17.16 (3) develop a bill of rights for, and standards of treatment of, individuals and families
17.17 residing in shelters;

17.18 (4) develop shelter provider standards of practice; and

17.19 (5) examine the establishment of government oversight and registration of the provision
17.20 of shelter in Minnesota.

17.21 Subd. 3. **Membership.** (a) The task force consists of the following 24 members appointed
17.22 by the director:

17.23 (1) the commissioner of human services, or a designee;

17.24 (2) the commissioner of corrections, or a designee;

17.25 (3) the commissioner of health, or a designee;

17.26 (4) the commissioner of public safety, or a designee;

17.27 (5) the commissioner of transportation, or a designee;

17.28 (6) the commissioner of veterans affairs, or a designee;

17.29 (7) three individuals who have experienced homelessness and resided in a shelter, one
17.30 of whom has resided in a shelter in greater Minnesota;

- 18.1 (8) one individual who has experienced homelessness and chose to remain unsheltered;
- 18.2 (9) one representative of Street Voices of Change;
- 18.3 (10) one representative of Freedom from the Streets;
- 18.4 (11) two representatives from organizations that advocate on behalf of persons with
- 18.5 disabilities;
- 18.6 (12) one representative from an organization that advocates on behalf of persons
- 18.7 experiencing homelessness;
- 18.8 (13) one representative from an organization that provides legal services to persons
- 18.9 experiencing homelessness;
- 18.10 (14) four representatives of organizations representing shelter providers, two of which
- 18.11 must provide shelter in the seven-county metropolitan area, two of which must provide
- 18.12 shelter in greater Minnesota, one of which must also provide shelter to families, and one of
- 18.13 which must also be a victim service provider that is funded to provide shelter to survivors
- 18.14 of domestic violence and sexual assault;
- 18.15 (15) two representatives from the League of Minnesota Cities, one of whom must
- 18.16 represent cities in greater Minnesota; and
- 18.17 (16) two representatives from the Association of Minnesota Counties, one of whom
- 18.18 must represent counties in greater Minnesota.
- 18.19 (b) Appointments must be made no later than July 1, 2021.
- 18.20 (c) Task force members shall serve without compensation, except for members who are
- 18.21 individuals who have experienced homelessness and resided in a shelter or who are
- 18.22 individuals representing shelter providers. Members eligible for compensation shall receive
- 18.23 expenses as provided in Minnesota Statutes, section 15.059, subdivision 6.
- 18.24 (d) Vacancies shall be filled by the director consistent with the qualifications of the
- 18.25 vacating member required by this subdivision.
- 18.26 Subd. 4. **Meetings; officers.** (a) The director shall convene the first meeting of the task
- 18.27 force no later than August 15, 2021, and shall provide physical or virtual meeting space as
- 18.28 necessary for the task force to conduct its work.
- 18.29 (b) At its first meeting, the task force shall elect a chair and vice-chair from among the
- 18.30 task force members and may elect other officers as necessary.

19.1 (c) The task force shall meet according to a schedule determined by the members or
19.2 upon the call of its chair. The task force shall meet as often as necessary to accomplish the
19.3 duties under subdivision 5.

19.4 (d) Meetings of the task force are subject to Minnesota Statutes, chapter 13D.

19.5 Subd. 5. Duties. (a) The task force must seek input from:

19.6 (1) individuals who are experiencing or who have experienced homelessness and reside
19.7 or have resided in a shelter, including individuals experiencing homelessness in urban,
19.8 suburban, and rural areas of the state;

19.9 (2) providers of shelter, including winter shelter, cold weather shelter, family shelter,
19.10 youth shelter, and shelter for survivors of domestic abuse or sexual violence; providers who
19.11 are funded by state, city, or local governments; providers who operate with nonpublic funds;
19.12 providers who provide shelter in urban and suburban areas; providers who provide shelter
19.13 in greater Minnesota; and providers of shelter in apartments, hotels, and motels;

19.14 (3) relevant state agencies that serve persons experiencing homelessness or persons who
19.15 are at risk of becoming homeless; and

19.16 (4) any other persons or organizations with experience or expertise in homelessness,
19.17 homeless outreach, or homeless prevention.

19.18 (b) The task force must:

19.19 (1) conduct research into and analyze establishing government oversight and registration
19.20 of homeless shelters in Minnesota; and

19.21 (2) identify and analyze policies, rights, and responsibilities of shelter residents and
19.22 shelter providers regarding, at a minimum:

19.23 (i) the treatment of shelter residents with dignity and respect, including but not limited
19.24 to addressing conflict resolution, ensuring cultural sensitivity, engaging people with mental
19.25 illnesses, implementing crisis response, and providing trauma-informed services;

19.26 (ii) shelter terminations and appeals;

19.27 (iii) remedies for and enforcement of shelter resident rights violations and illegal
19.28 terminations;

19.29 (iv) time limits on residency and policies on temporary absences;

19.30 (v) security and personal safety of shelter residents;

19.31 (vi) staffing ratios;

- 20.1 (vii) appropriate, adequate, and safe storage and protection of resident property and
20.2 personal information during a resident's stay and following a resident's exit from shelter;
- 20.3 (viii) maintaining family units while in shelter;
- 20.4 (ix) preventing discrimination based on race, color, creed, ethnicity, national origin,
20.5 citizenship, gender, gender identity, sexual orientation, familial status, marital status, veteran
20.6 status, immigration status, status with regard to public assistance, disability, religion, or
20.7 age;
- 20.8 (x) seizure of persons and property;
- 20.9 (xi) the expectation of the resident's personal property privacy;
- 20.10 (xii) access to emergency and nonemergency medical and dental care;
- 20.11 (xiii) access to hygiene and sanitary products;
- 20.12 (xiv) maintenance of cleanliness of the facilities;
- 20.13 (xv) accommodations for a resident's nontraditional work hours and schedules,
20.14 circumstances involving members of the resident's immediate family who do not reside in
20.15 the shelter, and other extenuating life circumstances;
- 20.16 (xvi) reasonable accommodations for residents with disabilities, including residents with
20.17 physical, developmental, and communication challenges; residents whose primary language
20.18 is not English; and residents with food and other allergies or dietary restrictions;
- 20.19 (xvii) the provision of information regarding shelter policies, procedures, rules,
20.20 restrictions, and notices of eviction;
- 20.21 (xviii) the filing of grievances; and
- 20.22 (xix) the provision of case management, referral, and other supports regarding housing,
20.23 supportive housing, mental health, physical health, substance abuse, government assistance,
20.24 and employment services and resources.
- 20.25 (c) The task force must review the application of housing support payments under
20.26 Minnesota Statutes, section 256I.06, for shelter purposes and personal allowance policies
20.27 to determine how residents can retain a maximum amount of their income.
- 20.28 (d) The task force shall develop recommendations for the establishment of a statewide
20.29 shelter call line to ensure that all residents are receiving adequate service in a shelter. The
20.30 task force shall evaluate the appropriate state agency, nonprofit organization, or other entity

21.1 to house and operate the call line and the funding necessary to establish and maintain the
21.2 ongoing operation of the call line.

21.3 (e) The task force may examine any other related issues consistent with this section.

21.4 Subd. 6. **Administrative support.** The Minnesota Housing Finance Agency must provide
21.5 administrative support and meeting space for the task force.

21.6 Subd. 7. **Report.** (a) No later than February 1, 2022, the task force shall submit an initial
21.7 report to the chairs and ranking minority members of the house of representatives and senate
21.8 committees and divisions with jurisdiction over housing and preventing homelessness on
21.9 the findings and recommendations for:

21.10 (1) legislation establishing:

21.11 (i) a bill of rights for, and uniform standards of treatment of, individuals and families
21.12 residing in a shelter;

21.13 (ii) shelter provider standards of practice; and

21.14 (iii) a statewide shelter call line; and

21.15 (2) the establishment of government oversight and registration of the provision of shelter
21.16 in Minnesota.

21.17 (b) No later than August 31, 2022, the task force shall submit a final report to the chairs
21.18 and ranking minority members of the house of representatives and senate committees and
21.19 divisions with jurisdiction over housing and preventing homelessness on the findings and
21.20 recommendations listed in paragraph (a).

21.21 Subd. 8. **Expiration.** The task force expires the day following submission of the final
21.22 report under subdivision 7.

21.23 **EFFECTIVE DATE.** This section is effective July 1, 2021.

ARTICLE 3

AFFORDABLE HOUSING ELIGIBILITY

21.26 Section 1. Minnesota Statutes 2020, section 12A.09, subdivision 3, is amended to read:

21.27 Subd. 3. **Capacity building grants.** Grants may be made under section 462A.21,
21.28 subdivision 3b;

21.29 (1) to local units of government, including regional consortia, in the disaster area and;

21.30 (2) to nonprofit organizations; and

22.1 (3) to federally recognized American Indian Tribes or subdivisions located in Minnesota,
22.2 and Tribal housing corporations
22.3 working in the disaster area to assess housing and related needs, develop and implement
22.4 community or regional plans to meet those needs, and provide capacity to implement recovery
22.5 plans.

22.6 **EFFECTIVE DATE.** This section is effective August 1, 2021.

22.7 Sec. 2. Minnesota Statutes 2020, section 462A.07, subdivision 2, is amended to read:

22.8 Subd. 2. **Technical assistance; residential housing.** It may provide general technical
22.9 services and support to assist in the planning, processing, design, construction or
22.10 rehabilitation, and inspection of residential housing for occupancy by persons and families
22.11 of low and moderate income and to increase the capacity of entities to meet the housing
22.12 needs in the state.

22.13 **EFFECTIVE DATE.** This section is effective August 1, 2021.

22.14 Sec. 3. Minnesota Statutes 2020, section 462A.204, subdivision 3, is amended to read:

22.15 Subd. 3. **Set aside.** At least one grant must be awarded in an area located outside of the
22.16 metropolitan area. A county, a group of contiguous counties jointly acting together, a Tribe,
22.17 a group of Tribes, or a community-based nonprofit organization ~~with a sponsoring resolution~~
22.18 ~~from each of the county boards of the counties located within its operating jurisdiction~~ may
22.19 apply for and receive grants ~~for areas located outside the metropolitan area.~~

22.20 **EFFECTIVE DATE.** This section is effective August 1, 2021.

22.21 Sec. 4. Minnesota Statutes 2020, section 462A.38, subdivision 1, is amended to read:

22.22 Subdivision 1. **Establishment.** A workforce and affordable homeownership development
22.23 program is established to award homeownership development grants to:

22.24 (1) cities;

22.25 (2) counties;

22.26 (3) Tribal governments;

22.27 (4) nonprofit organizations;

22.28 (5) cooperatives created under chapter 308A or 308B; and

23.1 (6) community land trusts created for the purposes outlined in section 462A.31,
23.2 subdivision 1,
23.3 for development of workforce and affordable homeownership projects. The purpose of the
23.4 program is to increase the supply of workforce and affordable, owner-occupied multifamily
23.5 or single-family housing throughout Minnesota.

23.6 **EFFECTIVE DATE.** This section is effective August 1, 2021.

23.7 Sec. 5. Minnesota Statutes 2020, section 462A.39, subdivision 2, is amended to read:

23.8 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
23.9 meanings given.

23.10 (b) "Eligible project area" means a home rule charter or statutory city located outside
23.11 of the metropolitan area as defined in section 473.121, subdivision 2, with a population
23.12 exceeding 500; a community that has a combined population of 1,500 residents located
23.13 within 15 miles of a home rule charter or statutory city located outside the metropolitan
23.14 area as defined in section 473.121, subdivision 2; federally recognized Tribal reservations;
23.15 or an area served by a joint county-city economic development authority.

23.16 (c) "Joint county-city economic development authority" means an economic development
23.17 authority formed under Laws 1988, chapter 516, section 1, as a joint partnership between
23.18 a city and county and excluding those established by the county only.

23.19 (d) "Market rate residential rental properties" means properties that are rented at market
23.20 value, including new modular homes, new manufactured homes, and new manufactured
23.21 homes on leased land or in a manufactured home park, and may include rental developments
23.22 that have a portion of income-restricted units.

23.23 (e) "Qualified expenditure" means expenditures for market rate residential rental
23.24 properties including acquisition of property; construction of improvements; and provisions
23.25 of loans or subsidies, grants, interest rate subsidies, public infrastructure, and related financing
23.26 costs.

23.27 **EFFECTIVE DATE.** This section is effective August 1, 2021.

23.28 Sec. 6. Minnesota Statutes 2020, section 462A.39, subdivision 5, is amended to read:

23.29 Subd. 5. **Allocation.** The amount of a grant or deferred loans may not exceed 25 percent
23.30 of the rental housing development project cost. The commissioner shall not award a grant

24.1 or deferred loans to ~~a city~~ an eligible project area without certification by the ~~city~~ eligible
 24.2 project area that the amount of the grant or deferred loans shall be matched by:

24.3 (1) a local unit of government;

24.4 (2) a business, ~~or;~~

24.5 (3) a nonprofit organization; or

24.6 (4) a federally recognized Tribe

24.7 with \$1 for every \$2 provided in grant or deferred loans funds.

24.8 **EFFECTIVE DATE.** This section is effective August 1, 2021.

24.9 **ARTICLE 4**

24.10 **HOUSING FINANCE TECHNICAL AND CONFORMING CHANGES**

24.11 Section 1. Minnesota Statutes 2020, section 273.11, subdivision 12, is amended to read:

24.12 Subd. 12. **Community land trusts.** (a) A community land trust, as defined under chapter
 24.13 462A, is (i) a community-based nonprofit corporation organized under chapter 317A, which
 24.14 qualifies for tax exempt status under 501(c)(3), or (ii) a "city" as defined in section 462C.02,
 24.15 subdivision 6, which has received funding from the Minnesota housing finance agency for
 24.16 purposes of the community land trust program. The Minnesota Housing Finance Agency
 24.17 shall set the criteria for community land trusts.

24.18 ~~(b) All occupants of a community land trust building must have a family income of less~~
 24.19 ~~than 80 percent of the greater of (1) the state median income, or (2) the area or county~~
 24.20 ~~median income, as most recently determined by the Department of Housing and Urban~~
 24.21 ~~Development.~~ Before the community land trust can rent or sell a unit to an applicant, the
 24.22 community land trust shall verify to the satisfaction of the administering agency or the city
 24.23 that the family income of each person or family applying for a unit in the community land
 24.24 trust building is within the income criteria provided in this paragraph. The administering
 24.25 agency or the city shall verify to the satisfaction of the county assessor that the occupant
 24.26 meets the income criteria under this paragraph. The property tax benefits under paragraph
 24.27 (c) shall be granted only to property owned or rented by persons or families within the
 24.28 qualifying income limits. The family income criteria and verification is only necessary at
 24.29 the time of initial occupancy in the property.

24.30 (c) A unit which is owned by the occupant and used as a homestead by the occupant
 24.31 qualifies for homestead treatment as class 1a under section 273.13, subdivision 22. A unit
 24.32 which is rented by the occupant and used as a homestead by the occupant shall be class 4a

25.1 or 4b property, under section 273.13, subdivision 25, whichever is applicable. Any remaining
25.2 portion of the property not used for residential purposes shall be classified by the assessor
25.3 in the appropriate class based upon the use of that portion of the property owned by the
25.4 community land trust. The land upon which the building is located shall be assessed at the
25.5 same classification rate as the units within the building, provided that if the building contains
25.6 some units assessed as class 1a and some units assessed as class 4a or 4b, the market value
25.7 of the land will be assessed in the same proportions as the value of the building.

25.8 **EFFECTIVE DATE.** This section is effective August 1, 2021.

25.9 Sec. 2. Minnesota Statutes 2020, section 462A.30, subdivision 9, is amended to read:

25.10 Subd. 9. **Persons and families of low and moderate income.** "Persons and families of
25.11 low and moderate income" means persons or families whose income does not exceed:

25.12 (1) ~~80~~ 115 percent of the greater of state median income, or area or county median
25.13 income as determined by the Department of Housing and Urban Development; or

25.14 (2) the amount that qualifies the organization for tax exempt status under United States
25.15 Code, title 26, section 501(c)(3), whichever is less.

25.16 **EFFECTIVE DATE.** This section is effective August 1, 2021.

25.17 **ARTICLE 5**

25.18 **BONDING PROVISIONS**

25.19 Section 1. Minnesota Statutes 2020, section 474A.21, is amended to read:

25.20 **474A.21 APPROPRIATION; RECEIPTS.**

25.21 Any fees collected by the department under sections 474A.01 to 474A.21 must be
25.22 deposited in a separate account in the ~~general~~ special revenue fund. The amount necessary
25.23 to refund application deposits is appropriated to the department from the separate account
25.24 in the ~~general~~ special revenue fund for that purpose. The interest accruing on application
25.25 deposits and any application deposit not refunded as provided under section 474A.061,
25.26 subdivision 4 or 7, or 474A.091, subdivision 5, or forfeited as provided under section
25.27 474A.131, subdivision 1, paragraph (b), or subdivision 2, must be deposited in the housing
25.28 trust fund account under section 462A.201.

26.1 Sec. 2. **HOUSING POOL BONDING AUTHORITY APPLICATION DEPOSIT**26.2 **REFUND.**

26.3 Notwithstanding Minnesota Statutes, sections 474A.061, subdivisions 1a, paragraph (a),
 26.4 and 7; and 474A.21, due to the unique circumstances of the COVID-19 pandemic, issuers
 26.5 that returned all of their allocation of bonding authority from the 2020 housing pool shall
 26.6 receive a refund of the amount of the application deposit submitted with the issuer's 2020
 26.7 housing pool application, less any amount previously refunded. Any application deposit
 26.8 money that has not yet been transferred under Minnesota Statutes, section 474A.21, as of
 26.9 the date of final enactment that is connected to full returns of bonding authority from the
 26.10 2020 housing pool is not required to be deposited in the fund under Minnesota Statutes,
 26.11 section 462A.201; and the department may instead retain that money in the separate account
 26.12 in the special revenue fund under Minnesota Statutes, section 474A.21. The amount necessary
 26.13 to refund the application deposits under this section is appropriated to the department from
 26.14 the separate account in the special revenue fund under Minnesota Statutes, section 474A.21.
 26.15 For purposes of this section, "department" means the Department of Management and
 26.16 Budget.

26.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

26.18 **ARTICLE 6**26.19 **RESIDENTIAL RENTAL HOUSING POLICY**

26.20 Section 1. Minnesota Statutes 2020, section 256C.02, is amended to read:

26.21 **256C.02 PUBLIC ACCOMMODATIONS.**

26.22 People who are blind or people with a visual or physical disability have the same right
 26.23 as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways,
 26.24 public buildings, public facilities, and other public places; and are entitled to full and equal
 26.25 accommodations, advantages, facilities, and privileges of all common carriers, airplanes,
 26.26 motor vehicles, railroad trains, motor buses, boats, or any other public conveyances or
 26.27 modes of transportation, hotels, lodging places, places of public accommodation, amusement,
 26.28 or resort, and other places to which the general public is invited, subject only to the conditions
 26.29 and limitations established by law and applicable alike to all persons.

26.30 Every person who is totally or partially blind, or person who is deaf, or person with a
 26.31 physical disability, or any person training a dog to be a service dog shall have the right to
 26.32 be accompanied by a service dog in any of the places listed in section 363A.19. The person
 26.33 shall be liable for any damage done to the premises or facilities by such dog. ~~The service~~

27.1 ~~dog must be capable of being properly identified as from a recognized school for seeing~~
 27.2 ~~eye, hearing ear, service, or guide dogs.~~

27.3 Sec. 2. Minnesota Statutes 2020, section 363A.09, subdivision 5, is amended to read:

27.4 Subd. 5. **Real property full and equal access.** It is an unfair discriminatory practice
 27.5 for a person to deny full and equal access to real property provided for in sections 363A.08
 27.6 to 363A.19, and 363A.28, subdivision 10, to a person who is ~~totally or partially blind, deaf,~~
 27.7 ~~or has a physical or sensory~~ has a disability and who uses a service animal, ~~if the service~~
 27.8 ~~animal can be properly identified as being from a recognized program which trains service~~
 27.9 ~~animals to aid persons who are totally or partially blind or deaf or have physical or sensory~~
 27.10 ~~disabilities.~~ The person may not be required to pay extra compensation for the service animal
 27.11 but is liable for damage done to the premises by the service animal.

27.12 Sec. 3. Minnesota Statutes 2020, section 484.014, subdivision 2, is amended to read:

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

27.20 Sec. 4. Minnesota Statutes 2020, section 484.014, subdivision 3, is amended to read:

27.21 Subd. 3. **Mandatory expungement.** The court shall order expungement of an eviction
 27.22 case:

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

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

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

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

- 28.1 (3) if the court dismissed the plaintiff's complaint for any reason;
28.2 (4) if the parties to the action have agreed to an expungement;
28.3 (5) if the court finds an eviction was ordered at least three years prior to the date the
28.4 expungement was filed; or
28.5 (6) upon motion of a defendant, if the case is settled and the defendant fulfills the terms
28.6 of the settlement.

28.7 Sec. 5. Minnesota Statutes 2020, section 504B.001, subdivision 4, is amended to read:

28.8 Subd. 4. **Evict or eviction.** "Evict" or "eviction" means a ~~summary~~ court proceeding to
28.9 remove a tenant or occupant from or otherwise recover possession of real property by the
28.10 process of law set out in this chapter.

28.11 Sec. 6. **[504B.113] SERVICE AND SUPPORT ANIMAL DOCUMENTATION.**

28.12 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
28.13 the meanings given.

28.14 (b) "Service animal" has the meaning given in Code of Federal Regulations, title 28,
28.15 section 36.104, as amended.

28.16 (c) "Support animal" means an animal that: (1) provides emotional support that alleviates
28.17 one or more identified symptoms or effects of a person's disability; and (2) does not need
28.18 to be trained to perform a specific disability-related task.

28.19 (d) "Tenant" means a current tenant or a prospective tenant.

28.20 (e) "Licensed professional" means a provider of care who is:

28.21 (1) a person licensed by the Board of Medical Practice under chapter 147;

28.22 (2) a physician assistant licensed under chapter 147A;

28.23 (3) a nurse, as defined in section 148.171, subdivision 9, licensed under chapter 148;

28.24 (4) a psychologist licensed under chapter 148;

28.25 (5) a mental health professional licensed under chapter 148B;

28.26 (6) a social worker licensed under chapter 148E;

28.27 (7) a counselor licensed under chapter 148F; or

29.1 (8) any professional listed in clauses (1) to (7) who holds a valid license in any other
29.2 state, provided the professional has an existing treatment relationship with the tenant
29.3 requesting a reasonable accommodation.

29.4 A licensed professional does not include any person who operates primarily to provide
29.5 certification for a service or support animal.

29.6 (f) "Reasonable accommodation" means the granting of a waiver by a landlord of a
29.7 no-pets or pet-fee policy for a person with a disability consistent with the Fair Housing Act,
29.8 United States Code, title 42, sections 3601 to 3619, as amended, and section 504 of the
29.9 Rehabilitation Act of 1973, United States Code, title 29, section 701, as amended.

29.10 (g) "Disability" has the meaning given in section 363A.03, subdivision 12.

29.11 Subd. 2. **Request for documentation permitted.** (a) A landlord may require a tenant
29.12 to provide supporting documentation for each service or support animal for which the tenant
29.13 requests a reasonable accommodation under any provision of law. A landlord must not
29.14 require supporting documentation from a tenant if the tenant's disability or disability-related
29.15 need for a service or support animal is readily apparent or already known to the landlord.

29.16 (b) Upon a landlord's request, the tenant must provide supporting documentation from
29.17 a licensed professional confirming the tenant's disability and the relationship between the
29.18 tenant's disability and the need for a service or support animal. A landlord must not require
29.19 the tenant to disclose or provide access to medical records or medical providers or provide
29.20 any other information or documentation of a person's physical or mental disability.

29.21 Subd. 3. **Additional fees or deposits prohibited.** A landlord must not require a tenant
29.22 with a reasonable accommodation under this section to pay an additional fee, charge, or
29.23 deposit for the service or support animal. A tenant is liable to the landlord for any damage
29.24 to the premises caused by the service or support animal.

29.25 Subd. 4. **Prohibited conduct.** A tenant must not, directly or indirectly through statements
29.26 or conduct, knowingly:

29.27 (1) misrepresent themselves as a person with a disability that requires the use of a service
29.28 or support animal; or

29.29 (2) provide fraudulent supporting documentation under this section.

29.30 Subd. 5. **Penalty.** If a tenant violates this section, the landlord may deny the tenant's
29.31 rental application or reasonable accommodation request for a service or support animal.
29.32 Nothing in this section shall be construed to prohibit an eviction action based on a breach
29.33 of the lease.

30.1 Sec. 7. **[504B.116] PRORATED RENT REQUIRED.**

30.2 When a lease term for a residential unit ends on a date before the last day of the final
30.3 month, the amount of rent to be paid for the final month owed for the final month of rent
30.4 must be prorated at the average daily rate for that month so that the tenant only pays for the
30.5 actual number of days that occupancy is allowed. This provision applies to all leases,
30.6 including leases requiring the last month of rent to be paid in advance. Any attempted waiver
30.7 of this section by a landlord and tenant, by contract or otherwise, shall be void and
30.8 unenforceable.

30.9 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to leases
30.10 entered into on or after that date.

30.11 Sec. 8. **[504B.120] PROHIBITED FEES.**

30.12 Subdivision 1. **Prohibited fees.** Except for actual services rendered for an optional
30.13 service offered by the landlord, a landlord shall not charge a tenant any nonrefundable fee
30.14 in relation to a residential tenancy.

30.15 Subd. 2. **Penalties.** A landlord who violates this section is liable to the residential tenant
30.16 for each unenforceable fee for three times the amount of each fee imposed that was not for
30.17 an actual optional service or \$500, whichever is greater, and the court may award the tenant
30.18 reasonable attorney's fees.

30.19 **EFFECTIVE DATE.** This section applies to leases signed on or after August 1, 2021.

30.20 Sec. 9. Minnesota Statutes 2020, section 504B.135, is amended to read:

30.21 **504B.135 TERMINATING TENANCY AT WILL.**

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

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

30.27 Sec. 10. **[504B.144] EARLY RENEWAL.**

30.28 When a landlord and a tenant sign a residential lease for a term that is at least ten months,
30.29 the landlord must not require the tenant to renew the lease until at least four months have
30.30 passed since the tenant occupied the unit. Any attempted waiver of this section by a landlord
30.31 and tenant, by contract or otherwise, shall be void and unenforceable.

31.1 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to leases
31.2 entered into on or after that date.

31.3 Sec. 11. Minnesota Statutes 2020, section 504B.161, subdivision 1, is amended to read:

31.4 Subdivision 1. **Requirements.** (a) In every lease or license of residential premises, the
31.5 landlord or licensor covenants:

31.6 (1) that the premises and all common areas are fit for the use intended by the parties;

31.7 (2) to keep the premises in reasonable repair during the term of the lease or license,
31.8 except when the disrepair has been caused by the willful, malicious, or irresponsible conduct
31.9 of the tenant or licensee or a person under the direction or control of the tenant or licensee;

31.10 (3) to make the premises reasonably energy efficient by installing weatherstripping,
31.11 caulking, storm windows, and storm doors when any such measure will result in energy
31.12 procurement cost savings, based on current and projected average residential energy costs
31.13 in Minnesota, that will exceed the cost of implementing that measure, including interest,
31.14 amortized over the ten-year period following the incurring of the cost; ~~and~~

31.15 (4) to maintain the premises in compliance with the applicable health and safety laws
31.16 of the state, and of the local units of government where the premises are located during the
31.17 term of the lease or license, except when violation of the health and safety laws has been
31.18 caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a
31.19 person under the direction or control of the tenant or licensee; and

31.20 (5) to supply or furnish heat at a minimum temperature of at least 68 degrees Fahrenheit,
31.21 measured at a distance of 36 inches above floor level, and not closer than 36 inches from
31.22 any wall, from October 1 through April 30.

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

31.25 Sec. 12. Minnesota Statutes 2020, section 504B.211, subdivision 2, is amended to read:

31.26 Subd. 2. **Entry by landlord.** Except as provided in subdivision 4, a landlord may enter
31.27 the premises rented by a residential tenant without the residential tenant's permission only
31.28 for a reasonable business purpose and after making a good faith effort to give the residential
31.29 tenant reasonable notice under the circumstances of not less than 24 hours in advance of
31.30 the intent to enter. The notice must specify a time of entry that does not exceed four hours
31.31 and the landlord may only enter between the hours of 8:00 a.m. and 8:00 p.m. A residential
31.32 tenant may withdraw the residential tenant's permission at any time. A residential tenant

32.1 may not waive and the landlord may not require the residential tenant to waive the residential
32.2 tenant's right to prior notice of entry under this section as a condition of entering into or
32.3 maintaining the lease.

32.4 Sec. 13. Minnesota Statutes 2020, section 504B.211, subdivision 6, is amended to read:

32.5 Subd. 6. **Penalty.** If a landlord ~~substantially~~ violates ~~subdivision 2~~ this section, the
32.6 residential tenant is entitled to a penalty which may include a rent reduction up to full
32.7 rescission of the lease, recovery of any damage deposit less any amount retained under
32.8 section 504B.178, and ~~up to a \$100 civil penalty for each violation. If a landlord violates~~
32.9 ~~subdivision 5, the residential tenant is entitled to up to a \$100 civil penalty for each violation~~
32.10 damages not less than an amount equal to one month's rent and reasonable attorney fees. A
32.11 residential tenant ~~shall~~ may follow the procedures in sections 504B.381, 504B.385, and
32.12 504B.395 to 504B.471 to enforce the provisions of this section. A violation of this section
32.13 by the landlord is a violation of section 504B.161.

32.14 **EFFECTIVE DATE.** This section applies to matters commenced on or after August
32.15 1, 2021.

32.16 Sec. 14. Minnesota Statutes 2020, section 504B.241, subdivision 4, is amended to read:

32.17 Subd. 4. **Court file information.** (a) If a residential tenant screening service includes
32.18 information from a court file on an individual in a residential tenant report, the report must
32.19 provide the full name and date of birth of the individual in any case where the court file
32.20 includes the individual's full name and date of birth, and the outcome of the court proceeding
32.21 must be accurately recorded in the residential tenant report including the specific basis of
32.22 the court's decision, when available.

32.23 (b) If a tenant screening service knows that a court file has been expunged or that the
32.24 court file has not resulted in a writ of recovery of premises and order to vacate, as defined
32.25 in section 504B.001, subdivision 15, the tenant screening service shall delete any reference
32.26 to that file in any data maintained or disseminated by the screening service. Every tenant
32.27 screening service has an affirmative duty to update and verify the current status of court
32.28 files by accessing the Minnesota Court Information System no more than 24 hours prior to
32.29 issuing a residential tenant screening report. If a file cannot be found, it shall be presumed
32.30 to be expunged and may not be reported.

32.31 (c) Whenever the court supplies information from a court file on an individual, in
32.32 whatever form, the court shall include the full name and date of birth of the individual, if
32.33 that is indicated on the court file or summary, and information on the outcome of the court

33.1 proceeding, including the specific basis of the court's decision, coded as provided in
33.2 subdivision 5 for the type of action, when it becomes available.

33.3 (d) The residential tenant screening service is not liable under section 504B.245 if the
33.4 residential tenant screening service reports complete and accurate information as provided
33.5 by the court, consistent with paragraph (b).

33.6 Sec. 15. Minnesota Statutes 2020, section 504B.245, is amended to read:

33.7 **504B.245 TENANT REPORT; REMEDIES.**

33.8 ~~The remedies provided in section 8.31 apply to~~ A residential tenant aggrieved by a
33.9 violation of section 504B.241 is entitled to recover damages, together with costs and
33.10 disbursements, including costs of investigation and attorney fees, and receive other equitable
33.11 relief as determined by the court. ~~A residential tenant screening service or landlord in~~
33.12 ~~compliance with the provisions of the Fair Credit Reporting Act, United States Code, title~~
33.13 ~~15, section 1681, et seq., is considered to be in compliance with section 504B.241.~~

33.14 Sec. 16. **[504B.266] TERMINATION OF LEASE UPON INFIRMITY OF TENANT.**

33.15 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
33.16 the meanings given them.

33.17 (b) "Authorized representative" means a person acting as an attorney-in-fact under a
33.18 power of attorney under section 523.24 or a court-appointed conservator or guardian under
33.19 chapter 524.

33.20 (c) "Disability" means any condition or characteristic that is a physical, sensory, or
33.21 mental impairment that materially limits one or more major life activity.

33.22 (d) "Medical care facility" means:

33.23 (1) a nursing home, as defined in section 144A.01, subdivision 5;

33.24 (2) hospice care, as defined in section 144A.75, subdivision 8;

33.25 (3) a residential hospice facility, as defined in section 144A.75, subdivision 13;

33.26 (4) boarding care, as licensed under chapter 144 and regulated by the Department of
33.27 Health under Minnesota Rules, chapter 4655;

33.28 (5) a supervised living facility, as licensed under chapter 144;

33.29 (6) a facility providing assisted living, as defined in section 144G.01, subdivision 2;

33.30 (7) an accessible unit, as defined in section 363A.40, subdivision 1, paragraph (b);

34.1 (8) a state facility as defined in section 246.50, subdivision 3;

34.2 (9) a facility providing a foster care for adults program as defined in section 245A.02,
34.3 subdivision 6c; or

34.4 (10) a facility providing intensive residential treatment services as defined in section
34.5 256B.0622, subdivision 2, paragraph (n).

34.6 (e) "Medical professional" means:

34.7 (1) a physician who is currently licensed to practice medicine under section 147.02,
34.8 subdivision 1;

34.9 (2) an advanced practice registered nurse, as defined in section 148.171, subdivision 3;
34.10 or

34.11 (3) a mental health professional as defined in sections 245.462, subdivision 18, clauses
34.12 (1) to (6), and 245.4871, subdivision 27, clauses (1) to (5).

34.13 **Subd. 2. Termination of lease upon infirmity of tenant.** (a) A tenant or the authorized
34.14 representative of the tenant may terminate the lease prior to the expiration of the lease in
34.15 the manner provided in subdivision 3 if the tenant has, or if there is more than one tenant
34.16 all the tenants have, been found by a medical professional to need to move into a medical
34.17 care facility and:

34.18 (1) require assistance with instrumental activities of daily living or personal activities
34.19 of daily living due to medical reasons or a disability;

34.20 (2) meet one of the nursing facility level of care criteria under section 144.0724,
34.21 subdivision 11; or

34.22 (3) have a disability or functional impairment in three or more of the areas listed in
34.23 section 245.462, subdivision 11a, so that self-sufficiency is markedly reduced because of
34.24 a mental illness.

34.25 (b) When a tenant requires an accessible unit as defined in section 363A.40, subdivision
34.26 1, and the landlord can provide an accessible unit in the same complex where the tenant
34.27 currently resides that is available within two months of the request, the provisions of this
34.28 section do not apply and the tenant may not terminate the lease.

34.29 **Subd. 3. Notice.** When the conditions in subdivision 2 have been met, the tenant or the
34.30 tenant's authorized representative may terminate the lease by providing at least two months'
34.31 written notice to be effective on the last day of a calendar month. The notice must be either
34.32 hand-delivered or mailed by postage prepaid, first class mail. The notice must include: (1)

35.1 a copy of the medical professional's written documentation of the infirmity; and (2)
35.2 documentation showing that the tenant has been accepted as a resident or has a pending
35.3 application at a location where the medical professional has indicated that the tenant needs
35.4 to move. The termination of a lease under this section shall not relieve the eligible tenant
35.5 from liability either for the payment of rent or other sums owed prior to or during the notice
35.6 period, or for the payment of amounts necessary to restore the premises to their condition
35.7 at the commencement of the tenancy, ordinary wear and tear excepted.

35.8 Subd. 4. **Waiver prohibited.** Any waiver of the rights of termination provided by this
35.9 section, including lease provisions or other agreements that require a longer notice period
35.10 than those provided for in this section, shall be void and unenforceable.

35.11 Subd. 5. **Other laws.** Nothing in this section affects the rights or remedies available in
35.12 this chapter or other law, including but not limited to chapter 363A.

35.13 **EFFECTIVE DATE.** This section is effective January 1, 2022, and applies to leases
35.14 entered into or renewed on or after January 1, 2022. For the purposes of this section, estates
35.15 at will shall be deemed to be renewed at the commencement of each rental period.

35.16 Sec. 17. **[504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF**
35.17 **LEASE EVICTION ACTIONS.**

35.18 Subdivision 1. **Right to counsel.** A defendant in public housing subject to an eviction
35.19 action under sections 504B.281 to 504B.371 alleging breach of lease under section 504B.171
35.20 or 504B.285 who is financially unable to obtain counsel has the right to counsel appointed
35.21 by the court. The complaint required by section 504B.321 shall include the notice on the
35.22 first page of the complaint in bold 12-point type: "If financially unable to obtain counsel,
35.23 the defendant has the right to a court-appointed attorney." At the initial hearing, the court
35.24 shall ask the defendant if the defendant wants court-appointed counsel and shall explain
35.25 what such appointed counsel can accomplish for the defendant. For the purposes of this
35.26 section "public housing" has the meaning provided in and regulated by United States Code,
35.27 title 42, section 1437 et. seq., and Code of Federal Regulations, title 24, parts 5 and 902-990,
35.28 and a defendant is considered eligible for counsel due to financial need based on the
35.29 defendant's qualification for public housing.

35.30 Subd. 2. **Qualifications.** Counsel appointed by the court must: (1) have a minimum of
35.31 two years' experience handling public housing evictions; (2) have training in handling public
35.32 housing evictions; or (3) be supervised by an attorney who meets the minimum qualifications
35.33 under clause (1) or (2).

36.1 Subd. 3. **Compensation.** By January 15, 2022, and every year thereafter, the chief judge
36.2 of the judicial district, after consultation with public housing attorneys, legal aid attorneys,
36.3 and members of the private bar in the district, shall establish a compensation rate for attorney
36.4 fees and costs associated with representation under subdivision 1. The compensation to be
36.5 paid to an attorney for such service rendered to a defendant under this subdivision may not
36.6 exceed \$5,000, exclusive of reimbursement for expenses reasonably incurred, unless payment
36.7 in excess of that limit is certified by the chief judge of the district as necessary to provide
36.8 fair compensation for services of an unusual character or duration.

36.9 Sec. 18. Minnesota Statutes 2020, section 504B.321, is amended to read:

36.10 **504B.321 COMPLAINT AND SUMMONS.**

36.11 Subdivision 1. **Procedure.** (a) To bring an eviction action, the person complaining shall
36.12 file a complaint with the court, stating the full name and date of birth of the person against
36.13 whom the complaint is made, unless it is not known, describing the premises of which
36.14 possession is claimed, stating the facts which authorize the recovery of possession, and
36.15 asking for recovery thereof.

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

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

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

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

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

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

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

- 37.1 (1) the total amount due;
- 37.2 (2) a specific accounting of the amount of the total due that is comprised of unpaid rents,
37.3 late fees, or other charges under the lease; and
- 37.4 (3) the name and address of the person authorized to receive rent and fees on behalf of
37.5 the landlord.
- 37.6 (c) A notice provided under this section must:
- 37.7 (1) provide a disclaimer that a low-income tenant may be eligible for financial assistance
37.8 from the county;
- 37.9 (2) provide a description on how to access legal and financial assistance through the
37.10 "Law Help" website at www.lawhelpmn.org and "Minnesota 211" through its website
37.11 www.211unitedway.org or by calling 211; and
- 37.12 (3) state that the landlord may bring an eviction action following expiration of the 14-day
37.13 notice period if the tenant fails to pay the total amount due or vacates.
- 37.14 (d) The landlord or an agent of the landlord must deliver the notice personally or by first
37.15 class mail to the residential tenant at the address of the leased premises.
- 37.16 (e) If the tenant fails to correct the rent delinquency within 14 days of the delivery or
37.17 mailing of the notice, or fails to vacate, the landlord may bring an eviction action under
37.18 subdivision 1 based on the nonpayment of rent.
- 37.19 (f) Receipt of a notice under this section is an emergency situation under section 256D.06,
37.20 subdivision 2, and Minnesota Rules, chapter 9500. For purposes of chapter 256J and
37.21 Minnesota Rules, chapter 9500, a county agency verifies an emergency situation by receiving
37.22 and reviewing a notice under this section. If a residential tenant applies for financial
37.23 assistance from the county, the landlord must cooperate with the application process by:
- 37.24 (1) supplying all information and documentation requested by the tenant or the county;
37.25 and
- 37.26 (2) accepting or placing into escrow partial rent payments where necessary to establish
37.27 a tenant's eligibility for assistance.
- 37.28 Subd. 2. **Expedited procedure.** (a) In an eviction action brought under section 504B.171
37.29 or on the basis that the tenant is causing a nuisance or other illegal behavior that seriously
37.30 endangers the safety of other residents, their property, or the landlord's property, the person
37.31 filing the complaint shall file an affidavit stating specific facts and instances in support of
37.32 why an expedited hearing is required.

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

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

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

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

38.13 Sec. 19. Minnesota Statutes 2020, section 504B.331, is amended to read:

38.14 **504B.331 SUMMONS; HOW SERVED.**

38.15 (a) The summons and complaint must be served at least ~~seven~~ 14 days before the date
38.16 of the court appearance specified in section 504B.321, in the manner provided for service
38.17 of a summons in a civil action in district court. ~~It may be served by any person not named~~
38.18 ~~a party to the action.~~

38.19 (b) If the defendant cannot be found in the county, the summons and complaint may be
38.20 served at least ~~seven~~ 14 days before the date of the court appearance by:

38.21 (1) leaving a copy at the defendant's last usual place of abode with a person of suitable
38.22 age and discretion residing there; or

38.23 (2) if the defendant had no place of abode, by leaving a copy at the property described
38.24 in the complaint with a person of suitable age and discretion occupying the premises.

38.25 (c) Failure of the sheriff to serve the defendant is prima facie proof that the defendant
38.26 cannot be found in the county.

38.27 (d) Where the defendant cannot be found in the county, service of the summons and
38.28 complaint may be made upon the defendant by posting the summons in a conspicuous place
38.29 on the property for not less than ~~one week~~ 14 days if:

38.30 (1) the property described in the complaint is:

38.31 (i) nonresidential and no person actually occupies the property; or

39.1 (ii) residential and service has been attempted at least twice on different days, with at
39.2 least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m.;
39.3 and

39.4 (2) the plaintiff or the plaintiff's attorney has signed and filed with the court an affidavit
39.5 stating that:

39.6 (i) the defendant cannot be found, or that the plaintiff or the plaintiff's attorney believes
39.7 that the defendant is not in the state; ~~and~~

39.8 (ii) a copy of the summons and complaint has been mailed to the defendant at the
39.9 defendant's last known address if any is known to the plaintiff; and

39.10 (iii) the plaintiff or plaintiff's attorney has communicated to the defendant that an eviction
39.11 hearing has been scheduled, including the date, time, and place of the hearing specified in
39.12 the summons by all forms of communication the plaintiff regularly uses to communicate
39.13 with the defendant, including e-mail and text message.

39.14 (e) If the defendant or the defendant's attorney does not appear in court on the date of
39.15 the appearance, the trial shall proceed.

39.16 Sec. 20. Minnesota Statutes 2020, section 504B.335, is amended to read:

39.17 **504B.335 ANSWER; TRIAL.**

39.18 (a) At the court appearance specified in the summons, the defendant may answer the
39.19 complaint, either orally or in writing, and the court shall ~~hear and decide the action, unless~~
39.20 ~~it grants a continuance of the trial as provided in section 504B.341.:~~

39.21 (1) dismiss the action;

39.22 (2) approve a settlement between the parties;

39.23 (3) schedule a trial for no fewer than ten days after the appearance; or

39.24 (4) continue the matter for other hearings the court deems appropriate.

39.25 (b) If any defendant fails to appear at the scheduled court appearance, the court shall
39.26 review the court records and determine whether the complaint was properly served pursuant
39.27 to section 504B.331. The court shall:

39.28 (1) dismiss the case for improper service;

39.29 (2) proceed with a trial on the allegations in the complaint; or

39.30 (3) schedule and provide notice to all parties of the date and time of a trial.

40.1 (c) When scheduling a trial, the court must consider all aspects of the case, including
40.2 the complexity of the matter; the need for parties to obtain discovery; the need for parties
40.3 to secure the presence of witnesses; the opportunity for the defendant to seek legal counsel,
40.4 apply for any emergency financial assistance that may be available, or both; and any
40.5 extenuating factors enumerated under section 504B.171.

40.6 (d) The parties shall cooperate with reasonable informal discovery requests by another
40.7 party.

40.8 ~~(b)~~ (e) Either party may demand a trial by jury.

40.9 ~~(e)~~ (f) The proceedings in the action are the same as in other civil actions, except as
40.10 provided in sections 504B.281 to 504B.371.

40.11 ~~(d) The court, in scheduling appearances and hearings under this section, shall give~~
40.12 ~~priority to any eviction brought under section 504B.171, or on the basis that the defendant~~
40.13 ~~is a tenant and is causing a nuisance or seriously endangers the safety of other residents,~~
40.14 ~~their property, or the landlord's property.~~

40.15 (g) Nothing in this section affects the rights of a landlord under section 504B.321,
40.16 subdivision 2.

40.17 (h) The court may not require the defendant to pay any amount of money into court,
40.18 post a bond, or by any other means post security for any purpose prior to final disposition
40.19 of the action, except for appeals as provided in section 504B.371.

40.20 Sec. 21. **[504B.337] ENFORCEMENT OF SETTLEMENT AGREEMENTS.**

40.21 Subdivision 1. Notice of compliance with settlement agreement. A party who believes
40.22 the other party has failed to comply with a court-approved settlement agreement may seek
40.23 judicial enforcement of the agreement after serving upon the other party an affidavit. A
40.24 party may file an affidavit that sets forth the specific facts constituting the alleged settlement
40.25 violation. The party must serve this affidavit on all other parties.

40.26 Subd. 2. Adjudication. The court may schedule a hearing on the evidence or make a
40.27 determination based on any filings and evidence submitted by the parties on the issue.

40.28 Subd. 3. Stay of writ of recovery. No writ of recovery shall be issued until the hearing
40.29 has been held and a judgment on the matter entered.

41.1 Sec. 22. Minnesota Statutes 2020, section 504B.345, subdivision 1, is amended to read:

41.2 Subdivision 1. **General.** (a) If the court or jury finds for the plaintiff, the court shall
41.3 immediately enter judgment that the plaintiff shall have recovery of the premises, and shall
41.4 tax the costs against the defendant. The court shall issue execution in favor of the plaintiff
41.5 for the costs and also immediately issue a writ of recovery of premises and order to vacate.

41.6 (b) The court shall give priority in issuing a writ of recovery of premises and order to
41.7 vacate for an eviction action brought under section 504B.171 or on the basis that the tenant
41.8 is causing a nuisance or seriously endangers the safety of other residents, their property, or
41.9 the landlord's property.

41.10 (c) If the court or jury finds for the defendant, the court:

41.11 (1) ~~the court~~ shall enter judgment for the defendant, tax the costs against the plaintiff,
41.12 and issue execution in favor of the defendant; ~~and~~

41.13 (2) ~~the court may~~ must expunge the records relating to the action under the provisions
41.14 of section 484.014 or under the court's inherent authority at the time judgment is entered
41.15 or after that time upon motion of the defendant; and

41.16 (3) may order relief as provided in section 504B.425, including retroactive rent abatement.

41.17 (d) Except in actions brought: (1) under section 504B.291 as required by section
41.18 609.5317, subdivision 1; (2) under section 504B.171; or (3) on the basis that the tenant is
41.19 causing a nuisance or seriously endangers the safety of other residents, their property, or
41.20 the landlord's property, ~~upon a showing by the defendant that immediate restitution of the~~
41.21 ~~premises would work a substantial hardship upon the defendant or the defendant's family,~~
41.22 the court shall stay the writ of recovery of premises and order to vacate for ~~a reasonable~~
41.23 ~~period, not to exceed seven days~~ a minimum of seven days. In establishing the period of
41.24 the stay, the court must consider extenuating circumstances or any hardships that would be
41.25 suffered by the defendant.

41.26 (e) This section applies to any writ of recovery issued at the conclusion of a trial pursuant
41.27 to section 504B.335, paragraph (a) or (b).

41.28 Sec. 23. Minnesota Statutes 2020, section 504B.345, is amended by adding a subdivision
41.29 to read:

41.30 Subd. 3. **Motion to vacate judgment.** Notwithstanding any other law to the contrary,
41.31 the defendant may bring a motion to vacate a judgment in an eviction action and may appeal

42.1 an order denying a motion to vacate a judgment to the same extent and under the same
42.2 guidelines as a party to any other civil action.

42.3 Sec. 24. Minnesota Statutes 2020, section 504B.361, subdivision 1, is amended to read:

42.4 Subdivision 1. **Summons and writ.** The state court administrator shall develop a uniform
42.5 form for the summons and writ of recovery of premises and order to vacate. The summons
42.6 shall conform to the requirements enumerated under section 504B.321, subdivision 1a. The
42.7 writ of recovery of premises and order to vacate must include:

42.8 (1) the following statement: "If you want to seek legal help and can't afford a lawyer,
42.9 free legal help may be available. Contact your local Legal Aid office or visit the LawHelpMN
42.10 website at www.LawHelpMn.org for information and referrals"; and

42.11 (2) the following statement: "To apply for financial assistance or other social services,
42.12 contact your local county or Tribal social services office or call the United Way toll-free
42.13 information line by dialing 211."

42.14 Sec. 25. Minnesota Statutes 2020, section 504B.371, subdivision 4, is amended to read:

42.15 Subd. 4. **Stay pending appeal.** After the appeal is taken, all further proceedings in the
42.16 case are stayed, ~~except as provided in subdivision 7.~~

42.17 Sec. 26. Minnesota Statutes 2020, section 504B.371, subdivision 5, is amended to read:

42.18 Subd. 5. **Stay of writ issued before appeal.** ~~(a) Except as provided in subdivision 7,~~ If
42.19 the court issues a writ for recovery of premises and order to vacate before an appeal is taken,
42.20 the appealing party may request that the court stay further proceedings and execution of the
42.21 writ for possession of premises and order to vacate, and the court shall grant a stay.

42.22 (b) If the party appealing remains in possession of the premises, that party must give a
42.23 bond under subdivision 3.

42.24 (c) When the officer who has the writ for possession of premises and order to vacate is
42.25 served with the order granting the stay, the officer shall cease all further proceedings. If the
42.26 writ for possession of premises and order to vacate has not been completely executed, the
42.27 defendant shall remain in possession of the premises until the appeal is decided.

42.28 Sec. 27. Minnesota Statutes 2020, section 504B.371, subdivision 7, is amended to read:

42.29 Subd. 7. **Exception.** Subdivisions 1, 4, and 6 do not apply in an action ~~on a lease, against~~
42.30 ~~a tenant holding over after the expiration of the term of the lease, or a termination of the~~

43.1 ~~lease by a notice to quit,~~ where the plaintiff has prevailed on a claim pursuant to section
43.2 504B.171, subdivision 2, if the plaintiff gives a bond conditioned to pay all costs and damages
43.3 if on the appeal the judgment of restitution is reversed and a new trial ordered. In such a
43.4 case, the court shall issue a writ for recovery of premises and order to vacate notwithstanding
43.5 the notice of appeal, as if no appeal had been taken, and the appellate court shall issue all
43.6 needful writs and processes to carry out any judgment which may be rendered in the court.

43.7 Sec. 28. Minnesota Statutes 2020, section 504B.375, subdivision 1, is amended to read:

43.8 Subdivision 1. **Unlawful exclusion or removal.** (a) This section applies to actual or
43.9 constructive removal or exclusion of a residential tenant which may include the termination
43.10 of utilities or the removal of doors, windows, or locks. A residential tenant to whom this
43.11 section applies may recover possession of the premises as described in paragraphs (b) to
43.12 (e).

43.13 (b) The residential tenant shall present a verified petition to the district court of the
43.14 judicial district of the county in which the premises are located that:

43.15 (1) describes the premises and the landlord;

43.16 (2) specifically states the facts and grounds that demonstrate that the exclusion or removal
43.17 was unlawful, including a statement that no writ of recovery of the premises and order to
43.18 vacate has been issued under section 504B.345 in favor of the landlord and against the
43.19 residential tenant and executed in accordance with section 504B.365; and

43.20 (3) asks for possession.

43.21 (c) If it clearly appears from the specific grounds and facts stated in the verified petition
43.22 or by separate affidavit of the residential tenant or the residential tenant's attorney or agent
43.23 that the exclusion or removal was unlawful, the court shall immediately order that the
43.24 residential tenant have possession of the premises.

43.25 (d) The residential tenant shall furnish security, if any, that the court finds is appropriate
43.26 under the circumstances for payment of all costs and damages the landlord may sustain if
43.27 the order is subsequently found to have been obtained wrongfully. In determining the
43.28 appropriateness of security, the court shall consider the residential tenant's ability to afford
43.29 monetary security.

43.30 (e) The court shall direct the order to the sheriff of the county in which the premises are
43.31 located and the sheriff shall execute the order immediately by making a demand for
43.32 possession on the landlord, if found, or the landlord's agent or other person in charge of the
43.33 premises. If the landlord fails to comply with the demand, the officer shall take whatever

44.1 assistance may be necessary and immediately place the residential tenant in possession of
44.2 the premises. If the landlord, the landlord's agent, or other person in control of the premises
44.3 cannot be found and if there is no person in charge, the officer shall immediately enter into
44.4 and place the residential tenant in possession of the premises. The officer shall also serve
44.5 the order and verified petition or affidavit immediately upon the landlord or agent, in the
44.6 same manner as a summons is required to be served in a civil action in district court.

44.7 (f) The court administrator may charge a filing fee in the amount set for complaints and
44.8 counterclaims in conciliation court, subject to the filing of an inability to pay affidavit.

44.9 Sec. 29. Minnesota Statutes 2020, section 504B.381, subdivision 1, is amended to read:

44.10 Subdivision 1. **Petition.** A person authorized to bring an action under section 504B.395,
44.11 subdivision 1, may petition the court for relief ~~in cases of emergency involving the loss of~~
44.12 ~~running water, hot water, heat, electricity, sanitary facilities, or other essential services or~~
44.13 ~~facilities that the landlord is responsible for providing;~~

44.14 (1) when a unit of government has issued a condemnation order or a notice of intent to
44.15 condemn; or

44.16 (2) in cases of emergency involving the following services and facilities when the landlord
44.17 is responsible for providing them:

44.18 (i) a serious infestation;

44.19 (ii) the loss of running water;

44.20 (iii) the loss of hot water;

44.21 (iv) the loss of heat;

44.22 (v) the loss of electricity;

44.23 (vi) the loss of sanitary facilities;

44.24 (vii) a nonfunctioning refrigerator;

44.25 (viii) if included in the lease, a nonfunctioning air conditioner;

44.26 (ix) if included in the lease, no functioning elevator;

44.27 (x) any conditions, services, or facilities that pose a serious and negative impact on
44.28 health or safety; or

44.29 (xi) other essential services or facilities.

45.1 Sec. 30. Minnesota Statutes 2020, section 504B.381, subdivision 5, is amended to read:

45.2 Subd. 5. **Relief; service of petition and order.** Provided proof that the petitioner has
45.3 given the notice required in subdivision 4 to the landlord, if the court finds based on the
45.4 petitioner's emergency ex parte motion for relief, affidavit, and other evidence presented
45.5 that the landlord violated subdivision 1, then the court shall order that the landlord
45.6 immediately begin to remedy the violation and may order relief as provided in section
45.7 504B.425. The court and petitioner shall serve the petition and order on the landlord
45.8 personally or by mail as soon as practicable. The court shall include notice of a hearing and,
45.9 at the hearing, shall consider evidence of alleged violations, defenses, compliance with the
45.10 order, and any additional relief available under section 504B.425. The court and petitioner
45.11 shall serve the notice of hearing on the ex parte petition and emergency order personally or
45.12 by mail as soon as practicable.

45.13 Sec. 31. Minnesota Statutes 2020, section 504B.381, is amended by adding a subdivision
45.14 to read:

45.15 Subd. 8. **Filing fee.** The court administrator may charge a filing fee in the amount set
45.16 for complaints and counterclaims in conciliation court, subject to the filing of an inability
45.17 to pay affidavit.

45.18 Sec. 32. **REPEALER.**

45.19 Minnesota Statutes 2020, section 504B.341, is repealed.

45.20 Sec. 33. **EFFECTIVE DATE.**

45.21 Sections 5, 14, 15, 19 to 27, and 32 are effective August 1, 2021, and apply to actions
45.22 filed on or after that date.

45.23 ARTICLE 7

45.24 MANUFACTURED HOMES

45.25 Section 1. **[168A.1411] MANUFACTURED HOME AFFIXED TO REAL PROPERTY**
45.26 **OWNED BY COOPERATIVE.**

45.27 Subdivision 1. **Certificates surrendered for cancellation; cooperatives.** (a) When a
45.28 manufactured home is to be affixed or is affixed, as defined in section 273.125, subdivision
45.29 8, paragraph (b), to real property owned by a Minnesota nonprofit corporation or a Minnesota
45.30 cooperative, the owner of the manufactured home may surrender the manufacturer's certificate
45.31 of origin or certificate of title to the department for cancellation so that the manufactured

46.1 home becomes an improvement to real property and is no longer titled as personal property.
46.2 The department must not issue a certificate of title for a manufactured home under chapter
46.3 168A if the manufacturer's certificate of origin is or has been surrendered under this
46.4 subdivision, except as provided in section 168A.142. Upon surrender of the manufacturer's
46.5 certificate of origin or the certificate of title, the department must issue notice of surrender
46.6 to the owner and upon recording an affidavit of affixation, which the county recorder or
46.7 registrar of titles, as applicable, must accept, the manufactured home is deemed to be an
46.8 improvement to real property. An affidavit of affixation by the owner of the manufactured
46.9 home must include the following information:

46.10 (1) the name, residence address, and mailing address of owner or owners of the
46.11 manufactured home;

46.12 (2) the legal description of the real property in which the manufactured home is, or will
46.13 be, located;

46.14 (3) a copy of the surrendered manufacturer's certificate of origin or certificate of title
46.15 and the notice of surrender;

46.16 (4) a written statement from the county auditor or county treasurer of the county where
46.17 the manufactured home is located stating that all property taxes payable in the current year,
46.18 as provided under section 273.125, subdivision 8, paragraph (b), have been paid or are not
46.19 applicable; and

46.20 (5) the signature of the person who executes the affidavit, properly executed before a
46.21 person authorized to authenticate an affidavit in this state.

46.22 (b) A certified copy of the affidavit must be delivered to the county auditor of the county
46.23 in which the real property to which the manufactured home was affixed is located.

46.24 (c) The department is not liable for any errors, omissions, misstatements, or other
46.25 deficiencies or inaccuracies in documents presented to the department under this section if
46.26 the documents presented appear to satisfy the requirements of this section. The department
46.27 has no obligation to investigate the accuracy of statements contained in the documents.

46.28 Subd. 2. **Affidavit form; cooperatives.** An affidavit of affixation must be in substantially
46.29 the following form and must contain the following information:

46.30 **MANUFACTURED HOME AFFIDAVIT OF AFFIXATION IN A COOPERATIVE**

46.31 PURSUANT TO MINNESOTA STATUTES, SECTION 168A.1411

46.32 Homeowner, being duly sworn, on his or her oath, states as follows:

47.1 1. Homeowner owns the manufactured home ("home") described as follows:

47.2

47.3			<u>Manufacturer's</u>	<u>Model Name or</u>	<u>Manufacturer's</u>	
47.4	<u>New/Used</u>	<u>Year</u>	<u>Name</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Length/Width</u>

47.5 2. A copy of the surrendered manufacturer's certificate of origin or certificate of title is
47.6 attached.

47.7 3. A copy of the notice of surrender issued from the Minnesota Department of Public Safety
47.8 Driver and Vehicle Services is attached.

47.9 4. The home is or will be located at the following "Property Address":

47.10

47.11 Street or Route City County State Zip Code

47.12 5. The legal description of the property address ("land") is as follows or as attached hereto:

47.13

47.14

47.15

47.16 6. The owner of the land is a Minnesota nonprofit corporation or Minnesota cooperative
47.17 that owns the land and whose membership entitles the homeowner to occupy a specific
47.18 portion of the land.

47.19 7. The home is, or will be promptly upon delivery, anchored to the land by
47.20 attachment to a permanent foundation and connected to appropriate residential utilities (e.g.,
47.21 water, gas, electricity, sewer).

47.22 8. The homeowner intends that the home be an immovable permanent improvement to the
47.23 land, free of any personal property security interest.

47.24 9. A copy of the written statement from the county auditor or county treasurer of the county
47.25 in which the manufactured home is then located, stating that all property taxes payable in
47.26 the current year (pursuant to Minnesota Statutes, section 273.125, subdivision 8, paragraph
47.27 (b)), have been paid, or are not applicable, is attached.

47.28 10. The home is intended to be assessed and taxed as an improvement to the land.

47.29 Signed and sworn to (or affirmed) before me on (date) by (names of homeowner(s))

47.30

47.31 Homeowner Signature Address

47.32

48.1 Printed Name City, State

48.2

48.3 Homeowner Signature (if applicable)

48.4

48.5 Printed Name

48.6 This instrument was drafted by, and when recorded return to:

48.7

48.8

48.9

48.10 Subscribed and sworn to before me this day of,

48.11

48.12 Signature of Notary Public or Other Official

48.13 Notary Stamp or Seal

48.14 (optional)

48.15 Lender's Statement of Intent:

48.16 The undersigned ("lender") intends that the home be immovable and a permanent
48.17 improvement to the land free of any personal property security interest.

48.18

48.19 Lender

48.20 By:

48.21 Authorized Signature

48.22 STATE OF

48.23) ss:

48.24 COUNTY OF

48.25 On the day of in the year before me, the undersigned, a Notary Public in and
48.26 for said state, personally appeared

48.27

48.28 personally known to me or proved to me on the basis of satisfactory evidence to be the
48.29 individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged
48.30 to me that he/she/they executed the same in his/her/their capacity(ies), and that by
48.31 his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of
48.32 which the individual(s) acted, executed the instrument.

49.1

49.2 Notary Signature

49.3

49.4 Notary Printed Name

49.5 Notary Public, State of

49.6 Qualified in the County of

49.7 My commission expires

49.8 Official seal:

49.9 [only if the owner of the land is a Minnesota nonprofit corporation or cooperative]:

49.10 The undersigned is the of, a Minnesota [nonprofit
49.11 corporation or cooperative], which owns the land described above. I hereby certify that the
49.12 homeowner described above is a member of the [nonprofit corporation or cooperative]
49.13 whose membership entitles the homeowner to occupy [insert legal description of the
49.14 homeowner's lot or, if the corporation or cooperative has filed a scaled drawing as permitted
49.15 by Minnesota Statutes, section 168A.1411, subdivision 5, Lot shown on such
49.16 scaled drawing].

49.17

49.18 Signature block for nonprofit or cooperative

49.19

49.20 Acknowledgment of officer of nonprofit or
49.21 cooperative

49.22 Subd. 3. **Perfected security interest prevents surrender.** The department may not
49.23 cancel a certificate of title if, under this chapter, a security interest has been perfected on
49.24 the manufactured home. If a security interest has been perfected, the department must notify
49.25 the owner that each secured party must release or satisfy the security interest prior to
49.26 proceeding with surrender of the manufacturer's certificate of origin or certificate of title to
49.27 the department for cancellation. Permanent attachment to real property or the recording of
49.28 an affidavit of affixation does not extinguish an otherwise valid security interest in or tax
49.29 lien on the manufactured home, unless the requirements of subdivisions 1 to 3, including
49.30 the release of any security interest, have been satisfied.

49.31 Subd. 4. **Notice of security interest.** When a perfected security interest exists, or will
49.32 exist, on the manufactured home at the time the manufactured home is affixed to real
49.33 property, and the owner has not satisfied the requirements of subdivision 1, the owner of
49.34 the manufactured home, or its secured party, may record a notice with the county recorder,
49.35 or with the registrar of titles, if the land is registered, stating that the manufactured home

50.1 located on the property is encumbered by a perfected security interest and is not an
50.2 improvement to real property. The notice must state the name and address of the secured
50.3 party as set forth on the certificate of title, the legal description of the real property, and the
50.4 name and address of the record fee owner of the real property on which the manufactured
50.5 home is affixed. When the security interest is released or satisfied, the secured party must
50.6 attach a copy of the release or satisfaction to a notice executed by the secured party containing
50.7 the county recorder or registrar of titles document number of the notice of security interest.
50.8 The notice of release or satisfaction must be recorded with the county recorder, or registrar
50.9 of titles, if the land is registered. Neither the notice described in this subdivision nor the
50.10 security interest on the certificate of title is deemed to be an encumbrance on the real
50.11 property. The notices provided for in this subdivision need not be acknowledged.

50.12 Subd. 5. **Scaled drawing.** (a) If the portion of the land occupied by the homeowner has
50.13 not been subdivided, the nonprofit or cooperative owner shall have prepared and recorded
50.14 against the land a scaled drawing prepared by a licensed professional land surveyor who
50.15 shall certify that:

50.16 (1) the scaled drawing accurately depicts all information required by this subdivision;
50.17 and

50.18 (2) the work was undertaken by, or reviewed and approved by, the certifying land
50.19 surveyor.

50.20 (b) The scaled drawing shall show:

50.21 (1) the dimensions and location of all existing material structural improvements and
50.22 roadways;

50.23 (2) the extent of any encroachments by or upon any portion of the land;

50.24 (3) the location and dimensions of all recorded easements within the land burdening any
50.25 portion of the land;

50.26 (4) the distance and direction between noncontiguous parcels of real estate;

50.27 (5) the location and dimensions of the front, rear, and side boundaries of each lot that a
50.28 member of the cooperative or nonprofit corporation has a right to occupy and that lot's
50.29 unique lot number; and

50.30 (6) the legal description of the land.

51.1 **Sec. 2. [168A.1412] MANUFACTURED HOME AFFIXED TO REAL PROPERTY.**

51.2 **Subdivision 1. Manufactured home as real property.** A manufactured home may be
51.3 made an improvement to real property, and no longer titled as personal property, pursuant
51.4 to this section. A manufactured home constitutes an improvement to real property when:

51.5 (1) the manufactured home is to be affixed or is affixed, as defined in section 273.125,
51.6 subdivision 8, paragraph (b), to the real property;

51.7 (2) the certificate of title is surrendered and canceled pursuant to subdivision 2, or the
51.8 manufacturer's certificate or statement of origin is canceled pursuant to subdivision 3; and

51.9 (3) an affidavit of affixation pursuant to subdivision 5 is recorded with the county recorder
51.10 or registrar of titles, as applicable.

51.11 **Subd. 2. Surrender of certificate of title.** (a) The owner of the manufactured home
51.12 may surrender the manufacturer's certificate of title to the commissioner for cancellation.
51.13 Upon receipt of the certificate of title, the commissioner must issue notice of cancellation
51.14 to the owner of the manufactured home. In the event the certificate of title is lost, stolen,
51.15 mutilated, destroyed, or becomes illegible, the owner may submit a written request for
51.16 cancellation of the title which includes the serial number of the manufactured home and
51.17 states that the certificate of title is lost, stolen, mutilated, destroyed, or has become illegible.
51.18 Upon receipt of the request and verification of ownership in Driver and Vehicle Services
51.19 Division records, the commissioner must issue notice of cancellation to the owner of the
51.20 manufactured home and must not require the owner to deliver the certificate of title or obtain
51.21 a duplicate certificate of title. After canceling a certificate of title, the commissioner must
51.22 not allow transfer of the title to the manufactured home as personal property. The
51.23 commissioner must not require the owner of the manufactured home to deliver the affidavit
51.24 of affixation described in subdivision 5 in order for the commissioner to issue notice of
51.25 cancellation.

51.26 (b) The commissioner must not cancel a certificate of title if, under this chapter, a security
51.27 interest has been perfected on the manufactured home. If a security interest has been
51.28 perfected, the commissioner must notify the owner of the manufactured home that each
51.29 secured party must release or satisfy the security interest prior to cancellation of the certificate
51.30 of title by the commissioner. Affixing the manufactured home to real property or recording
51.31 an affidavit of affixation without cancellation of the certificate of title does not extinguish
51.32 an otherwise valid security interest in or tax lien on the manufactured home.

51.33 **Subd. 3. Surrender of manufacturer's certificate of origin.** The owner of the
51.34 manufactured home may surrender the manufacturer's certificate of origin to the

52.1 commissioner for cancellation. Upon delivery of the original certificate of origin, the
 52.2 commissioner must issue notice of cancellation to the owner of the manufactured home.
 52.3 The commissioner must not issue a certificate of title for a manufactured home if the
 52.4 manufacturer's certificate of origin is or has been canceled under this subdivision, except
 52.5 as provided in section 168A.142. The commissioner must not require the owner of the
 52.6 manufactured home to deliver the affidavit of affixation described in subdivision 5 in order
 52.7 for the commissioner to cancel the certificate of origin.

52.8 Subd. 4. **Verification.** The commissioner is not liable for any errors, omissions,
 52.9 misstatements, or other deficiencies or inaccuracies in documents presented to the
 52.10 commissioner under this section if the documents presented appear to satisfy the requirements
 52.11 of this section. The commissioner has no obligation to investigate the accuracy of statements
 52.12 contained in the documents to verify that the manufactured home has been affixed to the
 52.13 real property.

52.14 Subd. 5. **Affidavit of affixation.** An affidavit of affixation must be in substantially the
 52.15 following form and must contain the following information and attachments described in
 52.16 the form. The county recorder or registrar of titles, as applicable, must accept any such
 52.17 affidavit. The county recorder or registrar of titles, as applicable, must provide a copy of
 52.18 the recorded affidavit of affixation to the county auditor of the county for the real property
 52.19 described therein or otherwise inform the county auditor that the home is to be taxed as an
 52.20 improvement to the real property to which it is affixed:

52.21 **MANUFACTURED HOME AFFIDAVIT OF AFFIXATION**

52.22 **PURSUANT TO MINNESOTA STATUTES, SECTION 168A.1412**

52.23 ("Affiant"), being first duly sworn, on oath states, or affirms
 52.24 under penalties of perjury that:

52.25 1. I am an owner of the manufactured home ("Manufactured Home") described as follows:

52.26 Manufacturer's name:

52.27 Make:

52.28 Model number:

52.29 Model year:

52.30 Serial number:

52.31 Dimensions:

52.32 Other descriptive information (if any):

53.1 2. The Manufactured Home is or will be (check one) affixed, in accordance with
 53.2 Minnesota Statutes, section 273.125, subdivision 8, to real property in
 53.3 County, Minnesota, with the street address of:

53.4 Street or route:

53.5 City:

53.6 State:

53.7 Zip code:

53.8 and legally described as follows ("Land"):

53.9

53.10

53.11

53.12 Check here if all or part of the described real property is Registered (Torrens)

53.13 3. A copy of the notice of cancellation issued from the Minnesota Department of Public
 53.14 Safety Driver and Vehicle Services pursuant to Minnesota Statutes, section 168A.1412,
 53.15 subdivision 2 or 3, is attached.

53.16 4. The owner(s) of the Manufactured Home is/are the owner(s) of the Land.

53.17 5. The Affiant makes this affidavit to demonstrate that the Manufactured Home is an
 53.18 improvement to real property, no longer titled as personal property, and free of any personal
 53.19 property security interest.

53.20 Affiant

53.21

53.22 (Signature)

53.23 Signed and sworn to (or affirmed) before me this day of,

53.24 Notary Stamp or Seal

53.25

53.26 Signature of notarial officer Title (and Rank):

53.27 My commission expires:

53.28 This instrument was drafted by, and when
 53.29 recorded return to

53.30

53.31 Subd. 6. Notice of security interest. When a perfected security interest exists, or will
 53.32 exist, on the manufactured home at the time the manufactured home is affixed to real
 53.33 property, and the owner has not satisfied the requirements of subdivision 1, the owner of
 53.34 the manufactured home, or its secured party, may record a notice with the county recorder,

54.1 or with the registrar of titles, if the land is registered, stating that the manufactured home
54.2 located on the property is encumbered by a perfected security interest and is not an
54.3 improvement to real property. The notice must state the name and address of the secured
54.4 party as set forth on the certificate of title, the legal description of the real property, and the
54.5 name and address of the record fee owner of the real property on which the manufactured
54.6 home is affixed. When the security interest is released or satisfied, the secured party must
54.7 attach a copy of the release or satisfaction to a notice executed by the secured party containing
54.8 the county recorder or registrar of titles document number of the notice of security interest.
54.9 The notice of release or satisfaction must be recorded with the county recorder, or registrar
54.10 of titles, if the land is registered. Neither the notice described in this subdivision nor the
54.11 security interest on the certificate of title is deemed to be an encumbrance on the real
54.12 property. The notices provided for in this subdivision need not be acknowledged.

54.13 Sec. 3. Minnesota Statutes 2020, section 273.125, subdivision 8, is amended to read:

54.14 Subd. 8. **Manufactured homes; sectional structures.** (a) In this section, "manufactured
54.15 home" means a structure transportable in one or more sections, which is built on a permanent
54.16 chassis, and designed to be used as a dwelling with or without a permanent foundation when
54.17 connected to the required utilities, and contains the plumbing, heating, air conditioning, and
54.18 electrical systems in it. Manufactured home includes any accessory structure that is an
54.19 addition or supplement to the manufactured home and, when installed, becomes a part of
54.20 the manufactured home.

54.21 (b) Except as provided in paragraph (c), a manufactured home that meets each of the
54.22 following criteria must be valued and assessed as an improvement to real property, the
54.23 appropriate real property classification applies, and the valuation is subject to review and
54.24 the taxes payable in the manner provided for real property:

54.25 (1) ~~the owner of the unit holds title to the land on which it is situated~~ is held by: (i) the
54.26 owner of the unit; or (ii) a Minnesota nonprofit corporation or a Minnesota cooperative to
54.27 which the owner is a member;

54.28 (2) the unit is affixed to the land by a permanent foundation or is installed at its location
54.29 in accordance with the Manufactured Home Building Code in sections 327.31 to 327.34,
54.30 and rules adopted under those sections, or is affixed to the land like other real property in
54.31 the taxing district; and

54.32 (3) the unit is connected to public utilities, has a well and septic tank system, or is serviced
54.33 by water and sewer facilities comparable to other real property in the taxing district.

55.1 (c) A manufactured home that meets each of the following criteria must be assessed at
55.2 the rate provided by the appropriate real property classification but must be treated as
55.3 personal property, and the valuation is subject to review and the taxes payable in the manner
55.4 provided in this section:

55.5 (1) the owner of the unit is a lessee of the land under the terms of a lease, or the unit is
55.6 located in a manufactured home park but is not the homestead of the park owner;

55.7 (2) the unit is affixed to the land by a permanent foundation or is installed at its location
55.8 in accordance with the Manufactured Home Building Code contained in sections 327.31 to
55.9 327.34, and the rules adopted under those sections, or is affixed to the land like other real
55.10 property in the taxing district; and

55.11 (3) the unit is connected to public utilities, has a well and septic tank system, or is serviced
55.12 by water and sewer facilities comparable to other real property in the taxing district.

55.13 (d) Sectional structures must be valued and assessed as an improvement to real property
55.14 if the owner of the structure holds title to the land on which it is located or is a qualifying
55.15 lessee of the land under section 273.19. In this paragraph "sectional structure" means a
55.16 building or structural unit that has been in whole or substantial part manufactured or
55.17 constructed at an off-site location to be wholly or partially assembled on site alone or with
55.18 other units and attached to a permanent foundation.

55.19 (e) The commissioner of revenue may adopt rules under the Administrative Procedure
55.20 Act to establish additional criteria for the classification of manufactured homes and sectional
55.21 structures under this subdivision.

55.22 (f) A storage shed, deck, or similar improvement constructed on property that is leased
55.23 or rented as a site for a manufactured home, sectional structure, park trailer, or travel trailer
55.24 is taxable as provided in this section. In the case of property that is leased or rented as a site
55.25 for a travel trailer, a storage shed, deck, or similar improvement on the site that is considered
55.26 personal property under this paragraph is taxable only if its total estimated market value is
55.27 over \$10,000. The property is taxable as personal property to the lessee of the site if it is
55.28 not owned by the owner of the site. The property is taxable as real estate if it is owned by
55.29 the owner of the site. As a condition of permitting the owner of the manufactured home,
55.30 sectional structure, park trailer, or travel trailer to construct improvements on the leased or
55.31 rented site, the owner of the site must obtain the permanent home address of the lessee or
55.32 user of the site. The site owner must provide the name and address to the assessor upon
55.33 request.

56.1 Sec. 4. [327C.097] OPPORTUNITY TO PURCHASE.

56.2 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
56.3 the meanings given.

56.4 (b) "Cooperative" means a cooperative organized under chapter 308A or 308B.

56.5 (c) "Nonprofit" means a nonprofit organization under chapter 317A.

56.6 (d) "Representative" has the meaning given in section 327C.01, subdivision 8a.

56.7 Subd. 2. Scope. This section does not apply where the conveyance of the manufactured
56.8 home park is by a:

56.9 (1) taking by eminent domain;

56.10 (2) transfer by a corporation to an affiliate;

56.11 (3) foreclosure;

56.12 (4) transfer by a partnership to one or more of its partners; or

56.13 (5) sale or transfer to a person who would be an heir of the owner who dies intestate.

56.14 Subd. 3. Notice of sale. (a) No park owner may accept any offer for the sale, lease, or
56.15 transfer of a manufactured home park without first giving 60 days' written notice by certified
56.16 mail, return receipt requested, of the proposed sale, lease, or transfer to:

56.17 (1) each resident of the manufactured home park; and

56.18 (2) the Minnesota Housing Finance Agency.

56.19 (b) The notice required under this subdivision must be dated and indicate the price,
56.20 terms, and conditions of an acceptable offer the park owner has received to sell, lease, or
56.21 transfer the manufactured home park. The notice must include the following verbatim
56.22 statement: "The park owner has received and is prepared to accept an outside offer to [sell,
56.23 lease, transfer] this park. The price, terms, and conditions of the offer are listed below.
56.24 Before accepting the offer for the [sale, lease, transfer], the park owner will consider any
56.25 offer submitted within 60 days of the date of this notice by a representative. The owner will
56.26 negotiate in good faith with the representative. [List of price, terms, and conditions.]"

56.27 (c) An owner must make available upon the request of a resident a copy of any acceptable
56.28 agreement to sell, lease, or transfer the manufactured home park for a period of 60 days
56.29 following the date of the notice required under this subdivision. The owner must provide
56.30 the copy within three days of the request by the resident.

57.1 Subd. 4. Residents' representative offer to purchase. (a) A representative may submit
57.2 a written offer to the park owner to purchase the manufactured home park subject to the
57.3 conditions required under subdivision 7. The offer must be submitted within 60 days of the
57.4 postmark date of the notice required under subdivision 3, by certified mail, return receipt
57.5 requested.

57.6 (b) If the owner rejects the representative's offer, the owner must provide written notice
57.7 to the representative of, and an explanation of the reasons for, rejection of the offer. The
57.8 notice of rejection must be delivered to the representative by certified mail within five days
57.9 of receipt of the offer from the representative. No owner may accept a final, unconditional
57.10 offer for the sale, lease, or transfer of a manufactured home park earlier than on the 31st
57.11 day following the certified delivery date of the notice of rejection.

57.12 Subd. 5. Optional recording. (a) A park owner may record with the county recorder or
57.13 registrar of titles in the county where the park is located an affidavit, with a copy of the
57.14 notice required under subdivision 3 attached, attesting:

57.15 (1) the park owner has complied with the requirements of this section; or

57.16 (2) the sale, lease, or transfer of the manufactured home park is exempt from this section
57.17 pursuant to subdivision 2.

57.18 (b) An affidavit filed in accordance with this subdivision shall be presumptive evidence
57.19 of compliance for purposes of conveying good title to a bona fide purchaser.

57.20 (c) The representative who makes an offer to purchase the park as provided under
57.21 subdivision 4 may record notice of the offer in the county recorder's office.

57.22 Subd. 6. Good faith obligations. All transactions governed by, and all actions taken
57.23 pursuant to, this section must be conducted in good faith.

57.24 Subd. 7. Requirement of affordable housing preservation. (a) A representative who
57.25 purchases a park under this section shall maintain the property for a period of at least 50
57.26 years following the closing date of the purchase as:

57.27 (1) a manufactured home park;

57.28 (2) a combination of manufactured homes and nonmanufactured home single dwelling
57.29 units contained in one-family, two-family, or multifamily dwellings affordable for
57.30 low-income households; or

57.31 (3) all nonmanufactured home single dwelling units contained in one-family, two-family,
57.32 or multifamily dwellings affordable for low-income households.

58.1 (b) For the purposes of this section:

58.2 (1) "affordable" has the meaning given in Code of Federal Regulations, title 24, section
58.3 81.15; and

58.4 (2) "low-income households" has the meaning given in Code of Federal Regulations,
58.5 title 24, section 570.3.

58.6 (c) The deed to the representative must contain a covenant running with the land that
58.7 requires the property to meet at least one of the conditions specified in paragraph (a) for at
58.8 least 50 years from the date of the deed transfer.

58.9 Subd. 8. **Challenge to petition.** In any action challenging the validity of the signatories
58.10 of the petition authorizing a representative to represent residents in negotiations to purchase
58.11 a manufactured home park, there shall be a rebuttable presumption that the challenged
58.12 party's signature is sufficient evidence that the party is a valid signatory.

58.13 Subd. 9. **Remedies.** (a) A park owner who violates subdivision 3, 4, or 6 is liable to each
58.14 resident for actual, incidental, or consequential damages, plus attorney fees and costs.

58.15 (b) In addition to the remedies that a resident is entitled to under paragraph (a), a court
58.16 may grant declaratory, injunctive, or equitable relief.

58.17 (c) The remedies provided under this subdivision are cumulative, not exclusive, and do
58.18 not restrict any remedy that is otherwise available to a plaintiff at law or in equity.

58.19 Subd. 10. **List of interested organizations.** The Minnesota Housing Finance Agency
58.20 must:

58.21 (1) within ten days of receipt of a notice received under subdivision 3, distribute a copy
58.22 of the notice to nonprofit organizations that register with the Minnesota Housing Finance
58.23 Agency to receive such notices; and

58.24 (2) make the list of nonprofit organizations that have so registered publicly available on
58.25 the Minnesota Housing Finance Agency's website.

58.26 Sec. 5. **REVISOR INSTRUCTION.**

58.27 The revisor of statutes must change all cross-references to Minnesota Statutes, section
58.28 168A.141, to instead reference Minnesota Statutes, section 168A.1412.

58.29 Sec. 6. **REPEALER.**

58.30 (a) Minnesota Statutes 2020, section 327C.096, is repealed.

59.1 (b) Minnesota Statutes 2020, section 168A.141, is repealed.

APPENDIX
Repealed Minnesota Statutes: H1077-2

No active language found for: 168A.141

327C.096 NOTICE OF SALE.

When a park owner offers to sell a manufactured home park to the public through advertising in a newspaper or by listing the park with a real estate broker licensed by the Department of Commerce, the owner must provide concurrent written notice to a resident of each manufactured home in the park that the park is being offered for sale. Written notice provided once within a one-year period satisfies the requirement under this section. The notice provided by the park owner to a resident of each manufactured home does not grant any property rights in the park and is for informational purposes only. This section does not apply in the case of a taking by eminent domain, a transfer by a corporation to an affiliate, a transfer by a partnership to one or more of its partners, or a sale or transfer to a person who would be an heir of the owner if the owner were to die intestate. If at any time a manufactured home park owner receives an unsolicited bona fide offer to purchase the park that the owner intends to consider or make a counter offer to, the owner is under no obligation to notify the residents as required under this section.

504B.341 CONTINUANCE OF TRIAL.

(a) In an eviction action, the court, in its discretion, may grant a continuance of the trial for no more than six days unless all parties consent to longer continuance.

(b) However, in all actions brought under section 504B.285, other than actions on a written lease signed by both parties, the court shall continue the trial as necessary but for no more than three months if the defendant or the defendant's agent or attorney:

(1) states under oath that the defendant cannot proceed to trial because a material witness is not present;

(2) names the witness;

(3) states under oath that the defendant has made due exertion to obtain the witness;

(4) states the belief that if the continuance is allowed the defendant will be able to procure the attendance of the witness at the trial or to obtain the witness's deposition; and

(5) gives a bond that the plaintiff will be paid all rent that accrues during the pendency of the action and all costs and damages that accrue due to the adjournment.