

## HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **398**

01/28/2021 Authored by Her, Vang, Long, Hassan, Winkler and others  
The bill was read for the first time and referred to the Committee on Housing Finance and Policy  
02/11/2021 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law  
03/08/2021 Adoption of Report: Placed on the General Register  
Read for the Second Time  
05/17/2021 Pursuant to Rule 4.20, returned to the Committee on Judiciary Finance and Civil Law

- 1.1 A bill for an act
- 1.2 relating to housing; amending the covenants implied in a residential lease; providing
- 1.3 for tenants remedies against landlords for repairs; allowing a tenant to request
- 1.4 emergency repairs from the court; amending Minnesota Statutes 2020, sections
- 1.5 504B.161, subdivision 1; 504B.375, subdivision 1; 504B.381, subdivisions 1, 5,
- 1.6 by adding a subdivision.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2020, section 504B.161, subdivision 1, is amended to read:
- 1.9 Subdivision 1. **Requirements.** (a) In every lease or license of residential premises, the
- 1.10 landlord or licensor covenants:
- 1.11 (1) that the premises and all common areas are fit for the use intended by the parties;
- 1.12 (2) to keep the premises in reasonable repair during the term of the lease or license,
- 1.13 except when the disrepair has been caused by the willful, malicious, or irresponsible conduct
- 1.14 of the tenant or licensee or a person under the direction or control of the tenant or licensee;
- 1.15 (3) to make the premises reasonably energy efficient by installing weatherstripping,
- 1.16 caulking, storm windows, and storm doors when any such measure will result in energy
- 1.17 procurement cost savings, based on current and projected average residential energy costs
- 1.18 in Minnesota, that will exceed the cost of implementing that measure, including interest,
- 1.19 amortized over the ten-year period following the incurring of the cost; ~~and~~
- 1.20 (4) to maintain the premises in compliance with the applicable health and safety laws
- 1.21 of the state, and of the local units of government where the premises are located during the
- 1.22 term of the lease or license, except when violation of the health and safety laws has been

caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a person under the direction or control of the tenant or licensee; and

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

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

Sec. 2. Minnesota Statutes 2020, section 504B.375, subdivision 1, is amended to read:

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

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

(1) describes the premises and the landlord;

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

(3) asks for possession.

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

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

(e) The court shall direct the order to the sheriff of the county in which the premises are located and the sheriff shall execute the order immediately by making a demand for

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

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

Sec. 3. Minnesota Statutes 2020, section 504B.381, subdivision 1, is amended to read:

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

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

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

(i) a serious infestation;

(ii) the loss of running water;

(iii) the loss of hot water;

(iv) the loss of heat;

(v) the loss of electricity;

(vi) the loss of sanitary facilities;

(vii) a nonfunctioning refrigerator;

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

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

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

4.1 (xi) other essential services or facilities.

4.2 Sec. 4. Minnesota Statutes 2020, section 504B.381, subdivision 5, is amended to read:

4.3 Subd. 5. **Relief; service of order.** Provided proof that the petitioner has given the notice  
4.4 required in subdivision 4 to the landlord, if the court finds based on the petitioner's emergency  
4.5 ex parte motion for relief, affidavit, and other evidence presented that the landlord violated  
4.6 subdivision 1, then the court shall order that the landlord immediately remedy the violation  
4.7 and may order relief as provided in section 504B.425. The court and petitioner shall serve  
4.8 the order on the landlord personally or by mail as soon as practicable. The court shall include  
4.9 notice of a hearing and, at the hearing, shall consider evidence of alleged violations, defenses,  
4.10 compliance with the order, and any additional relief available under section 504B.425. The  
4.11 court and petitioner shall serve the notice of hearing on the ex parte petition and emergency  
4.12 order personally or by mail as soon as practicable.

4.13 Sec. 5. Minnesota Statutes 2020, section 504B.381, is amended by adding a subdivision  
4.14 to read:

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