

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 28

(SENATE AUTHORS: HOWE, Draheim, Jasinski and Weber)		
DATE	D-PG	OFFICIAL STATUS
01/11/2021	77	Introduction and first reading Referred to Civil Law and Data Practices Policy
01/14/2021	102	Author stricken Dahms
03/15/2021	900a	Comm report: To pass as amended
	902	Second reading
	4795	Rule 47, returned to Civil Law and Data Practices Policy
02/17/2022	5017	Comm report: To pass
	5038	Second reading

1.1

A bill for an act

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relating to real property; landlord and tenant; requiring payment of reasonable

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attorney fees to redeem the tenancy in an eviction action for nonpayment;

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authorizing agents to represent landlords in housing proceeding; amending

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Minnesota Statutes 2020, section 504B.291, subdivision 1; proposing coding for

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new law in Minnesota Statutes, chapter 504B.

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

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

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Subdivision 1. **Action to recover.** (a) A landlord may bring an eviction action for

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nonpayment of rent irrespective of whether the lease contains a right of reentry clause. Such

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an eviction action is equivalent to a demand for the rent. There is a rebuttable presumption

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that the rent has been paid if the tenant produces a copy or copies of one or more money

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

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order, if the documents: (i) total the amount of the rent; (ii) include a date or dates

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approximately corresponding with the date rent was due; and (iii) in the case of copies of

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money orders, are made payable to the landlord. This presumption is rebutted if the landlord

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produces a business record that shows that the tenant has not paid the rent. The landlord is

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not precluded from introducing other evidence that rebuts this presumption. In such an

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action, unless the landlord has also sought to evict the tenant by alleging a material violation

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

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

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

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costs of the action, and ~~an attorney's fee not to exceed \$5~~ reasonable attorney fees, and by

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performing any other covenants of the lease.

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

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

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

Sec. 2. [504B.316] LANDLORDS; ATTORNEY REPRESENTATION NOT REQUIRED.

Notwithstanding any law or rule to the contrary, a court shall not require a landlord to make an appearance or proceed in an action under this chapter solely with representation by a licensed attorney if the landlord proceeds pro se or is represented by an agent.