

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4467

(SENATE AUTHORS: XIONG)

DATE
03/04/2024

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to civil law; amending the notice periods related to the abandoned property
- 1.3 of a tenant; amending Minnesota Statutes 2022, sections 504B.271, subdivision
- 1.4 1; 504B.365, subdivision 3.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 504B.271, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Abandoned property.** (a) If a tenant abandons rented premises, the
- 1.8 landlord may take possession of the tenant's personal property remaining on the premises,
- 1.9 and shall store and care for the property. The landlord has a claim against the tenant for
- 1.10 reasonable costs and expenses incurred in removing the tenant's property and in storing and
- 1.11 caring for the property.
- 1.12 (b) The landlord may sell or otherwise dispose of the property ~~28~~ 14 days after the
- 1.13 landlord receives actual notice of the abandonment, or ~~28~~ 14 days after it reasonably appears
- 1.14 to the landlord that the tenant has abandoned the premises, ~~whichever occurs last.~~
- 1.15 (c) The landlord may apply a reasonable amount of the proceeds of a sale to the removal,
- 1.16 care, and storage costs and expenses or to any claims authorized pursuant to section
- 1.17 504B.178, subdivision 3, paragraphs (a) and (b). Any remaining proceeds of any sale shall
- 1.18 be paid to the tenant upon written demand.
- 1.19 (d) Prior to a sale, the landlord shall make reasonable efforts to notify the tenant of the
- 1.20 sale at least 14 days prior to the sale, by personal service in writing or sending written
- 1.21 notification of the sale by first class and certified mail to the tenant's last known address or
- 1.22 usual place of abode, if known by the landlord, and by posting notice of the sale in a
- 1.23 conspicuous place on the premises at least two weeks prior to the sale. If notification by

2.1 mail is used, the 14-day period shall be deemed to start on the day the notices are deposited
2.2 in the United States mail.

2.3 Sec. 2. Minnesota Statutes 2022, section 504B.365, subdivision 3, is amended to read:

2.4 Subd. 3. **Removal and storage of property.** (a) If the defendant's personal property is
2.5 to be stored in a place other than the premises, the officer shall remove all personal property
2.6 of the defendant at the expense of the plaintiff.

2.7 (b) The defendant must make immediate payment for all expenses of removing personal
2.8 property from the premises. If the defendant fails or refuses to do so, the plaintiff has a lien
2.9 on all the personal property for the reasonable costs and expenses incurred in removing,
2.10 caring for, storing, and transporting it to a suitable storage place.

2.11 (c) The plaintiff may enforce the lien by detaining the personal property until paid. If
2.12 no payment has been made for ~~60~~ 14 days after the execution of the order to vacate, the
2.13 plaintiff may hold a public sale as provided in sections 514.18 to 514.22.

2.14 (d) If the defendant's personal property is to be stored on the premises, the officer shall
2.15 enter the premises, breaking in if necessary, and the plaintiff may remove the defendant's
2.16 personal property. Section 504B.271 applies to personal property removed under this
2.17 paragraph. The plaintiff must prepare an inventory and mail a copy of the inventory to the
2.18 defendant's last known address or, if the defendant has provided a different address, to the
2.19 address provided. The inventory must be prepared, signed, and dated in the presence of the
2.20 officer and must include the following:

2.21 (1) a list of the items of personal property and a description of their condition;

2.22 (2) the date, the signature of the plaintiff or the plaintiff's agent, and the name and
2.23 telephone number of a person authorized to release the personal property; and

2.24 (3) the name and badge number of the officer.

2.25 (e) The officer must retain a copy of the inventory.

2.26 (f) The plaintiff is responsible for the proper removal, storage, and care of the defendant's
2.27 personal property and is liable for damages for loss of or injury to it caused by the plaintiff's
2.28 failure to exercise the same care that a reasonably careful person would exercise under
2.29 similar circumstances.

2.30 (g) The plaintiff shall notify the defendant of the date and approximate time the officer
2.31 is scheduled to remove the defendant, family, and personal property from the premises. The
2.32 notice must be sent by first class mail. In addition, the plaintiff must make a good faith

- 3.1 effort to notify the defendant by telephone. The notice must be mailed as soon as the
- 3.2 information regarding the date and approximate time the officer is scheduled to enforce the
- 3.3 order is known to the plaintiff, except that the scheduling of the officer to enforce the order
- 3.4 need not be delayed because of the notice requirement. The notice must inform the defendant
- 3.5 that the defendant and the defendant's personal property will be removed from the premises
- 3.6 if the defendant has not vacated the premises by the time specified in the notice.