

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 591

(SENATE AUTHORS: HAYDEN)

| DATE | D-PG | OFFICIAL STATUS |
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| 02/21/2013 | 343 | Introduction and first reading Referred to Judiciary |

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A bill for an act

relating to tenant's rights; creating a notice to quit or pay prior to filing an eviction action; amending Minnesota Statutes 2012, sections 504B.285, subdivision 1; 504B.291, by adding a subdivision; 504B.321, by adding a subdivision.

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

Section 1. Minnesota Statutes 2012, section 504B.285, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** The person entitled to the premises may recover possession by eviction when:

(1) any person holds over real property:

(i) after a sale of the property on an execution or judgment; or

(ii) after the expiration of the time for redemption on foreclosure of a mortgage, or after termination of contract to convey the property;

(2) any person holds over real property after termination of the time for which it is demised or leased to that person or to the persons under whom that person holds possession, contrary to the conditions or covenants of the lease or agreement under which that person holds, or after any rent becomes due according to the terms of such lease or agreement, provided the person entitled to the premises first complies with the provisions set forth in section 504B.291, subdivision 1a, as applicable; or

(3) any tenant at will holds over after the termination of the tenancy by notice to quit.

Sec. 2. Minnesota Statutes 2012, section 504B.291, is amended by adding a subdivision to read:

2.1 Subd. 1a. **Residential tenant's right to cure or vacate prior to eviction for**
2.2 **nonpayment.** (a) If the tenant is a residential tenant, a landlord must provide the tenant
2.3 with a written notice and opportunity to cure or vacate at least seven days prior to bringing
2.4 an action under subdivision 1.

2.5 (b) The notice must inform the residential tenant of the amount necessary to cure
2.6 the breach for nonpayment, the amount of any rent that will become due in the following
2.7 month, and that the landlord may proceed with an eviction following the expiration of the
2.8 seven-day period if the tenant neither pays the full amount necessary to cure the breach for
2.9 nonpayment nor vacates.

2.10 (c) The right to cure set out in this subdivision is available to a residential tenant
2.11 defending an eviction brought under subdivision 1. A residential tenant may exercise
2.12 that right two times in any 12-month period, and may exercise that right more than two
2.13 times by paying the landlord's actual reasonable attorney fees as part of each additional
2.14 exercise of that right during a 12-month period.

2.15 Sec. 3. Minnesota Statutes 2012, section 504B.321, is amended by adding a
2.16 subdivision to read:

2.17 Subd. 1a. **Requirement to attach quit or pay notice.** In an eviction brought
2.18 against a residential tenant under section 504B.291, subdivision 1, the person filing the
2.19 complaint shall attach to the complaint a copy of the notice given pursuant to section
2.20 504B.291, subdivision 1a.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to cases
2.22 filed on or after that date.