

reduction in the limits of liability to the commissioner of such action and of the nature of and his possible eligibility for insurance through the Minnesota automobile insurance plan. Such notice shall accompany or be included in the notice of nonrenewal, cancellation or reduction in the limits of liability of coverage, and shall state that such notice of the insured's right of complaint to the commissioner and of the availability of insurance through the Minnesota automobile insurance plan is given pursuant to sections 65B.14 to 65B.21.

Sec. 2. Minnesota Statutes 1971, Section 65B.21, is amended to read:

**65B.21 OBJECTIONS; INVESTIGATION; DETERMINATION.** Subdivision 1. Any individual who believes such nonrenewal, cancellation or reduction in the limits of liability of coverage of his policy is arbitrary, capricious or otherwise in violation of this provision, or who believes such notice of nonrenewal and the reason or reasons therefor were not given as provided herein, may, within 14 30 days after receipt of notice thereof, file in writing an objection to such action with the commissioner ~~upon payment to the commissioner of a \$5 filing fee.~~

Subd. 2. Upon receipt of ~~a filing fee and~~ a written objection pursuant to the provisions herein, the commissioner shall notify the insurer of receipt of such objection and of the right of the insurer to file a written response thereto within ten days of receipt of such notification. The commissioner in his discretion may also order an investigation of the objection or complaint, the submission of additional information by the insured or the insurer about the action by the insurer or the objections of the insured, or such other procedure as he deems appropriate or necessary. Within 23 days of receipt of such written objection by an insured the commissioner shall approve or disapprove the insurer's action and shall notify the insured and insurer of his final decision. Either party may institute proceedings for judicial review of the commissioner's decision; provided, however, that the commissioner's final decision shall be binding pending judicial review.

Approved May 23, 1973.

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## CHAPTER 611—H.F.No.1059

[Coded in Part]

*An act relating to real estate; forcible entry and unlawful detainer; landlord and tenant; creating remedies for tenants of*

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*substandard housing; amending Minnesota Statutes 1971, Sections 487.17; 488.04, Subdivision 4; 488A.01, Subdivision 5; 488A.18, Subdivision 6; 488A.35, Subdivision 2; 566.01; 566.02; 566.05; 566.06; 566.09; 566.15; 566.16; and Chapter 566, by adding sections.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 487.17, is amended to read:

**487.17 LANDLORD AND TENANT; SUBSTANDARD HOUSING; FORCIBLE ENTRY AND UNLAWFUL DETAINER.** Whether or not title to real estate is involved, the county court has jurisdiction of actions of forcible entry and unlawful detainer involving land located wholly or partly within the county court district and of actions seeking relief for code violations pursuant to sections 13 to 28 of this act involving premises located wholly or partly within the county court district.

Sec. 2. Minnesota Statutes 1971, Section 488.04, Subdivision 4, is amended to read:

Subd. 4. The municipal court has jurisdiction of actions of forcible entry and unlawful detainer involving land wholly or partly within the county or counties in which it has jurisdiction and, notwithstanding any provision of section 488.05 to the contrary, of actions seeking relief for code violations pursuant to sections 13 to 28 of this act involving premises located wholly or partly within the county or counties in which it has jurisdiction.

Sec. 3. Minnesota Statutes 1971, Section 488A.01, Subdivision 5, is amended to read:

Subd. 5. **FORCIBLE ENTRY AND UNLAWFUL DETAINER.** Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer involving land located wholly or in part within Hennepin county and, notwithstanding any provision of subdivision 7 herein to the contrary, of actions seeking relief for code violations pursuant to sections 13 to 28 of this act involving premises located wholly or partly within Hennepin county.

Sec. 4. Minnesota Statutes 1971, Section 488A.18, Subdivision 6, is amended to read:

Subd. 6. **FORCIBLE ENTRY AND UNLAWFUL DETAINER.** Whether or not the title to real estate is involved, the court has jurisdiction of actions of forcible entry and unlawful detainer involving land located wholly or in part within Ramsey county and, notwithstanding any provision of subdivision 8 herein to the contrary, of actions seeking relief for code violations pursuant to

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sections 13 to 28 of this act involving premises located wholly or partly within Ramsey county.

Sec. 5. Minnesota Statutes 1971, Section 488A.35, Subdivision 2, is amended to read:

Subd. 2. **JURISDICTION.** Said court shall have jurisdiction to hear, try and determine civil actions and proceedings as follows:

(1) Any action arising on contract for the recovery of money only, if the sum claimed does not exceed \$4,000, exclusive of interest accruing after commencement of said action, and costs and disbursements.

(2) Any action for damages for an injury to the person, or to real property, or for taking, detaining or injuring personal property, if the damages claimed, or, in replevin, the value of the property in controversy, does not exceed \$4,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements.

(3) Any action for a penalty, given by statute, not exceeding \$4,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements.

(4) Any action upon a bond, conditioned for the payment of money, not exceeding \$4,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements, though the penalty exceeds that sum, the judgment to be given for the sum actually due. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

(5) Any action upon official bond, or bond taken in said court, if the penalty does not exceed \$4,000.

(6) To take and enter judgment on the confession of a defendant, when the amount does not exceed \$4,000, exclusive of interest accruing after the commencement of said action, and costs and disbursements.

(7) To hear and determine all questions that may arise in actions before it under Minnesota Statutes, Chapter 566 and the amendments thereto, relating to forcible entries and unlawful detainer, whether involving the title to real estate or otherwise and, notwithstanding any provision of subdivisions 4 and 5 herein to the contrary, actions seeking relief for code violations pursuant to sections 13 to 28 of this act.

(8) Said court shall also have all the powers of jurisdiction conferred by law upon justices of the peace in this state.

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Sec. 6. Minnesota Statutes 1971, Section 566.01, is amended to read:

**566.01 FORCIBLE ENTRY AND UNLAWFUL DETAINER.**

(1) No person shall make entry into lands or tenements except in cases where his entry is allowed by law, and in such cases he shall not enter by force, but only in a peaceable manner.

~~(2) When any person has made unlawful or forcible entry into lands or tenements, and detains the same, he is guilty of a misdemeanor.~~

~~(3) If he has been removed therefrom in proceedings under Minnesota Statutes, Chapter 566, or by other legal proceedings, and thereafter, contrary thereto, re-enters, he may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.~~

Sec. 7. Minnesota Statutes 1971, Section 566.02, is amended to read:

**566.02 UNLAWFUL DETENTION OF LANDS OR TENEMENTS SUBJECT TO FINE.** When any person has made unlawful or forcible entry into lands or tenements, and detains the same, or, having peaceably entered, unlawfully detains the same, ~~he shall be fined, and the person entitled to the premises may recover possession thereof in the manner hereinafter provided.~~

Sec. 8. Minnesota Statutes 1971, Section 566.05, is amended to read:

**566.05 COMPLAINT AND SUMMONS.** The person complaining shall file a complaint with a justice of the peace, describing the premises of which possession is claimed, stating the facts which authorize the recovery, and praying for restitution thereof. The justice shall thereupon issue a summons, ~~directed to the sheriff or any constable of the county, commanding him to summon~~ the person against whom such complaint is made to appear before him on a day and at a place in such summons named, which shall not be less than three, nor more than ten, days from the day of issuing the same. A copy of the complaint shall be attached to the summons, which shall state that it is so attached, and that the original has been filed.

Sec. 9. Minnesota Statutes 1971, Section 566.06, is amended to read:

**566.06 SUMMONS; HOW SERVED.** The summons shall be served at least three days before the return day thereof by delivering a copy to the person against whom it is issued or if such person be a corporation, a minor under 14 years of age or a person

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under guardianship, by delivering a copy as provided in the case of a service of summons in a civil action in the district court; but in case such person cannot be found in the county, the summons may be served on him at least six days before the return day thereof, by leaving a copy thereof at his last usual place of abode with a member of his family, or a person of suitable age and discretion residing at such place, or if he had no place of abode, by leaving a copy thereof upon the premises described in the complaint with a person of suitable age and discretion occupying the same or any part thereof. The summons may be served by the sheriff or any constable of the county or by any other person not a party to the action. In case the defendant has no usual place of abode and cannot be found in the county, of which the return of the ~~officer~~ sheriff or constable, shall be prima facie proof, and further that there is no person actually occupying the premises described in the complaint, then upon the filing of an affidavit by the plaintiff, or his attorney, in the court in which the action is brought stating that no person is actually occupying the premises and that he believes the defendant is not in this state, or cannot be found therein, and either that he has mailed a copy of the summons to the defendant at his last known address, or that such address is not known to him, service of the summons may be made upon such defendant by posting the summons in a conspicuous place on the premises one week and by one week's published notice thereof in some newspaper printed and published in the county wherein the action is brought, or, if there be no newspaper therein, then in some newspaper printed and published at the capitol of the state and if upon the return day the defendant, or his attorney, does not appear in court in the action then the trial thereof shall be continued for one week to enable the defendant to make his appearance and defend therein.

Sec. 10. Minnesota Statutes 1971, Section 566.09, is amended to read:

**566.09 JUDGMENT; FINE; EXECUTION.** If, upon the trial, the justice or jury find ~~the defendant or any of several defendants guilty of the allegations in the complaint for the plaintiff,~~ the justice shall thereupon enter judgment that the plaintiff have restitution of the premises, and tax the costs for him, ~~and, when the action is brought under section 566.02, shall impose such a fine against the defendant not exceeding \$100 as he may deem just.~~ The justice shall issue execution in favor of the plaintiff for such costs, and also issue a writ of restitution. If the justice or jury shall find that for the defendant is not guilty as aforesaid, he shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution therefor.

Sec. 11. Minnesota Statutes 1971, Section 566.15, is amended to read:

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FORM OF WRIT OF RESTITUTION

State of Minnesota )
County of ..... ) ss.

The State of Minnesota, to the Sheriff or Any Constable of the County Aforesaid:

Whereas, ....., plaintiff, of ....., in an action for an unlawful or forcible entry and detainer (or for an unlawful detainer, as the case may be), at a court held at ....., in the county aforesaid, on the ..... day of ....., 19....., before ....., a justice of the peace in and for said county, by the consideration of the court, recovered a judgment against ....., of ....., to have restitution of (here describe the premises as in the complaint):

Therefore, you are hereby commanded that, taking with you the force of the county, if necessary, you cause the said ..... to be immediately removed from the aforesaid premises, and the said ..... to have peaceable restitution of the same. You are also hereby commanded that of the goods and chattels of the said ..... within said county you cause to be levied, and, the same being disposed of according to law, to be paid to the said ..... the sum of ..... dollars, being the costs taxed against the said ..... for the said ....., at the court aforesaid, together with 25 cents for this writ; and thereof, together with this writ, make due return within 30 days from the date hereof, according to law.

Dated at ....., this ..... day of ....., 19.....

Justice of the Peace.

Sec. 13. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.18] REMEDIES FOR TENANTS OF SUBSTANDARD HOUSING; DEFINITIONS. Subdivision 1. As used in sections 13 to 28, the terms in this section shall have the meanings assigned to them.

Subd. 2. "Tenant" means any person who is occupying a dwelling in a building as defined in subdivision 7, under any agreement, lease, or contract, whether oral or written, and for whatever period of time, which requires the payment of moneys as rent for the use of the dwelling unit, and all other regular occupants of such dwelling unit.

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Subd. 3. "Owner" means the owner or owners of the freehold of the premises or lesser estate therein, contract vendee, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation directly or indirectly in control of a building subject to the provision of the act.

Subd. 4. "Commercial tenant" means any person paying rent in a building defined in subdivision 7 who is not a tenant, as defined in subdivision 2.

Subd. 5. "Person" means a natural person, corporation, partnership or unincorporated association.

Subd. 6. "Violation" means the violation of any state, county or city health, housing, building, fire prevention, or housing maintenance code applicable to the building which materially endangers the health or safety of the tenants of the building involved.

Subd. 7. "Building" means any building used in whole or in part as a dwelling, including single family homes, multiple family units such as apartments, and structures containing both dwelling units and units used for nondwelling purposes.

Subd. 8. "Inspector" means the person charged by the governing body of the political subdivision in which a building is situated, with the responsibility of enforcing provisions of local law, the breach of which could constitute a violation as defined in subdivision 6, or if no such person, the county health officer or the chairman of the board of county commissioners.

Sec. 14. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.19] INSPECTION, NOTICE. Subdivision 1. Upon demand by a tenant, an inspection shall be made by the local authority charged with enforcing the code claimed to be violated.

Subd. 2. After an inspection of a building has been made upon demand by a tenant, the owner or his agent and the complaining tenant shall be informed in writing by the inspector of any violations discovered and a reasonable period of time shall be allowed in which to correct such violations.

Subd. 3. Where such an inspection has been made, no action shall be brought pursuant to sections 13 to 28 of this act except on expiration of the time thus granted without satisfactory repairs being accomplished to remove the violations unless the tenant shall allege such time is excessive.

Sec. 15. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

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[566.20] SPECIAL PROCEEDING. Subdivision 1. An action may be brought in county court, or municipal court in the counties of Hennepin, Ramsey or St. Louis, by any tenant of a building in which a violation, as defined in section 13, subdivision 6, is alleged to exist, or by any state, county or local department, or authority, charged with the enforcement of codes relating to health, housing, or building maintenance.

Subd. 2. The venue of the action authorized by this section shall be within the county in which the building alleged to contain violations is located.

Subd. 3. The action shall be commenced by service of a complaint and summons, which summons may be issued only by a judge or clerk of the court.

Subd. 4. The complaint shall be verified and shall:

(a) Allege material facts showing that there then exists in the building a violation or violations;

(b) State the relief sought;

(c) List the rents due each month from each dwelling unit within the building, if known; and

(d) Be accompanied by a copy of the official report of inspection by any department of health, housing or buildings, certified by the custodian of records of such department stating

(1) when and by whom the building concerned was inspected,

(2) what violations were recorded, and

(3) that notice of the violations has been given to the building owner; or

(e) Be accompanied by a statement that a request for inspection was made to the appropriate state, county or municipal department and demand made upon the owner to correct the alleged violation and that a reasonable period of time has elapsed since such demand or request was made.

Sec. 16. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.21] SUMMONS. Subdivision 1. Upon receipt of the complaint, the clerk of court shall prepare a summons. Said summons shall:

(a) Specify the time and place of the hearing to be held on the complaint, which hearing shall be not less than five or more than ten days after receipt of the complaint by the clerk; and

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(b) State that if at that time a defense is not interposed and established by the defendant, judgment may be entered for the relief requested and authorized by this act.

Subd. 2. The summons and complaint shall be served upon the owner or his agent at least five and not more than ten days before the time at which the complaint is to be heard. Service shall be by personal service upon the defendant pursuant to the Minnesota rules of civil procedure except that if such service cannot be made with due diligence, service may be made by affixing a copy of the summons and complaint prominently to the building involved, and mailing at the same time a copy of the summons and complaint by certified mail to the last known address of the defendant.

Sec. 17. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.22] ANSWER. At or before the time when the petition is to be heard, the defendant may answer in writing. Defenses not set out in a written answer must be orally pleaded at the hearing prior to the taking of any testimony. No delays in the date of hearing shall be granted to allow time to prepare a written answer or reply except with the consent of all parties.

Sec. 18. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.23] DEFENSES. It shall be a sufficient defense that:

(a) The violation or violations alleged in the complaint do not in fact exist or that such violation or violations have been removed or remedied; or

(b) Such violations have been caused by the wilful, malicious, negligent or irresponsible conduct of a complaining tenant or anyone under his direction or control; or

(c) Any tenant of the building has unreasonably refused entry to the owner or his agent to a portion of the premises for the purpose of correcting such violation, and such effort to correct was made in good faith; or

(d) Such violation or violations alleged in the complaint do not materially endanger the health or safety of the tenants of the dwelling.

Sec. 19. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.24] HEARING. When issues of fact are raised, they shall be tried by the court without a jury at the time when issue is

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joined. The court may grant a postponement of such trial on its own motion or at the request of any party if it should determine that such postponements are necessary to enable any party to procure necessary witnesses, or evidence, but each postponement shall be for no more than ten days except by consent of all appearing parties.

Sec. 20. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.25] JUDGMENT. Upon finding the complaint proved, the court, may, in its discretion:

(a) Order the owner to remedy the violation or violations found by the court to exist if the court is satisfied that corrective action will be undertaken promptly; or

(b) Order the tenant to remedy the violation or violations found by the court to exist and deduct the cost thereof from his rent subject to such terms as the court determines to be just; or

(c) appoint an administrator with powers as set out in section 24, and

(1) direct that rents due:

(a) on and from the day of entry of judgment, in the case of petitioning tenants, and

(b) on and from the day of service of the judgment on all other tenants and commercial tenants of the building, if there be any, shall be deposited with the administrator appointed by the court, and

(2) direct that the administrator use the rents collected for the purpose of remedying the violations found to exist by the court paying the debt service, taxes and insurance, and providing the services necessary to the ordinary operation and maintenance of the building which the owner is obligated to provide but which he fails or refuses to provide; or

(d) Find the extent to which any uncorrected violations impair the tenants' use and enjoyment of the premises contracted for and order the rent therefor abated accordingly. Should the court choose to enter judgment under this paragraph the parties shall be informed and the court shall find the amount by which the rent shall be abated; and

(e) Grant such other relief as to the court may seem just and proper.

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Sec. 21. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.26] SERVICE OF JUDGMENT. A copy of the judgment shall be personally served on every tenant and commercial tenant of the building whose obligations will be affected by the judgment. If personal service cannot be had with due diligence service may be had by posting a notice of the judgment on the entrance door of the tenant's dwelling or commercial tenant's unit and by mailing a copy of the judgment to such tenant or commercial tenant by certified mail.

Sec. 22. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.27] OWNER'S RIGHT TO COLLECT RENT SUSPENDED. When an administrator has been appointed pursuant to section 20, clause (c), any right of the owner to rent moneys from the time of judgment or service of judgment as set out in section 16 shall be void and unenforceable until the administration is terminated.

Sec. 23. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.28] EVICTION PROCEEDINGS BY OWNER LIMITED. A tenant may not be evicted, nor may his obligations under his rental agreement be increased nor the services decreased, if the eviction or increase of obligations or decrease of services is intended as a penalty for the tenant's complaint of a violation. The burden of proving otherwise shall be on the owner if said eviction or increase of obligations or decrease of services occurs within 90 days after the filing of the complaint, unless it is found that the complaint was not made in good faith. After 90 days the burden of proof shall be on the tenant.

Sec. 24. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

[566.29] ADMINISTRATOR. Subdivision 1. The administrator may be any person, other than an owner of the building, the inspector, the complaining tenant or any person living in the complaining tenant's dwelling unit. If a state, court, or local agency is authorized by statute, ordinance or regulation to provide persons to act as administrators under this section, the court may appoint such persons as administrators to the extent they are available.

Subd. 2. Such person shall post bond to the extent of the rents expected by the court to be necessary to be collected to correct the violation or violations. Administrators appointed from the governmental agencies shall not be required to give bond.

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Subd. 3. The court may allow a reasonable amount for the services of administrators, and the expense of the administration from any rent moneys.

Subd. 4. The administrator shall be empowered to:

(a) Collect rents from tenants and commercial tenants, evict tenants and commercial tenants for nonpayment of rent or other cause, rent vacant dwelling units on a month to month basis, rent vacant commercial units with the consent of the owner and exercise all other powers necessary and appropriate to carry out the purposes of this act;

(b) Contract for the reasonable cost of such materials, labor and services as are necessary to remedy the violation or violations found by the court to exist, and make disbursements for payment therefor from funds available for the purpose;

(c) Provide any services to the tenants which the owner is obligated to provide but which he refuses or fails to provide, and to make disbursements for payment thereof from funds available for the purpose.

Subd. 5. At any time during the administration the administrator, or any party, may petition the court after notice to all parties for an order terminating the administration on the ground that the funds available to the administrator are insufficient to effect the prompt remedy of the violations. Upon finding the petition proved the court shall terminate the administration and proceed to judgment pursuant to the provisions of section 20, clause (d).

Sec. 25. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

**[566.30] REMOVAL OF ADMINISTRATOR. Subdivision 1.** The administrator may, upon notice to all parties, petition the court to be relieved of his duties, setting forth his reasons therefor. The court may, in its discretion, grant such petition and discharge the administrator upon approval of his accounts.

Subd. 2. Any party may, upon notice to the administrator and all other parties, petition the court to remove the administrator. Upon good cause shown, the court shall order the administrator removed and direct him to deliver to the court forthwith an accounting of his administration. The court may make any other order necessary and appropriate under the circumstances.

Subd. 3. In the event the administrator is removed, the court shall appoint a new administrator in accordance with the provisions of section 24, giving all parties an opportunity to be heard on the matter of the appointment.

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Sec. 26. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

**[566.31] TERMINATION OF ADMINISTRATION.** Subdivision 1. The administration shall be terminated upon the occurrence of one of the following:

(a) The securing of certification from the appropriate governmental agency that the violations found by the court to exist at the time of judgment have been remedied; or

(b) An order pursuant to section 24, subdivision 5.

Subd. 2. Upon the occurrence of any of the conditions for termination in subdivision 1, the administrator shall:

(a) Submit to the court an accounting of receipts and disbursements of his administration together with copies of all bills, receipts and other memoranda pertaining to all transactions reflected therein, and, where appropriate, a certification, by an appropriate governmental agency, that the violations found by the court to exist at the time of judgment have been remedied; and

(b) Comply with any other order the court shall make as a condition of discharge.

Subd. 3. Upon approval by the court of the administrator's accounts and compliance by the administrator with any other order the court may make as a condition of discharge, the court shall discharge the administrator from any further responsibilities pursuant to this act.

Sec. 27. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

**[566.32] WAIVER PROHIBITED.** Any provision, whether oral or written, of any lease or other agreement whereby any provision of this act is waived by a tenant shall be deemed contrary to public policy and void.

Sec. 28. Minnesota Statutes 1971, Chapter 566, is amended by adding a section to read:

**[566.33] PURPOSE TO PROVIDE ADDITIONAL REMEDIES.** The purpose of this act is to provide additional remedies and nothing herein contained shall alter the ultimate financial liability of the owner or tenant for repairs or maintenance of the building.

Approved May 23, 1973.

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