

Approved February 20, 1976.

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**CHAPTER 17—H.F.No.1145**

*An act relating to landlords and tenants; retaliatory evictions; amending Minnesota Statutes 1974, Section 566.03.*

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

Section 1. Minnesota Statutes 1974, Section 566.03, is amended to read:

**566.03 LANDLORD AND TENANT; RETALIATORY EVICTIONS; RECOVERY OF POSSESSION; DEFENSES.** Subdivision 1. When any person holds over lands or tenements after a sale thereof on an execution or judgment, or on foreclosure of a mortgage and expiration of the time for redemption, or after termination of contract to convey the same, or after termination of the time for which they are demised or let to him or to the persons under whom he holds possession, or contrary to the conditions or covenants of the lease or agreement under which he holds, or after any rent becomes due according to the terms of such lease or agreement, or when any tenant at will holds over after the determination of any such estate by notice to quit, in all such cases the person entitled to the premises may recover possession thereof in the manner hereinafter provided.

Subd. 2. *It shall be a defense to an action for recovery of premises following the alleged termination of a tenancy by notice to quit for the defendant to prove by a fair preponderance of the evidence that:*

(1) The alleged termination was intended in whole or part as a penalty for the defendant's good faith attempt to secure or enforce rights under a lease or contract, oral or written, or under the laws of the state, any of its governmental subdivisions, or of the United States; or

(2) The alleged termination was intended in whole or part as a penalty for the defendant's good faith report to a governmental authority of the plaintiff's violation of any health, safety, housing or building codes or ordinances.

If the notice to quit was served within 90 days of the date of any act of the tenant coming within the terms of clauses (1) or (2) the burden of proving that the notice to quit was not served in whole or part for a retaliatory purpose shall rest with the plaintiff.

Subd. 3. In any proceeding for the restitution of premises upon the ground of nonpayment of rent, it shall be a defense thereto if the

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tenant establishes by a preponderance of the evidence that the plaintiff increased the tenant's rent or decreased the services as a penalty in whole or part for any lawful act of the tenant as described in subdivision 2, providing that the tenant tender to the court or to the plaintiff the amount of rent due and payable under his original obligation.

*Subd. 4. Nothing contained herein shall limit the right of the lessor pursuant to the provisions of subdivision 1 to terminate a tenancy for a violation by the tenant of a lawful, material provision of a lease or contract, whether written or oral, or to hold the tenant liable for damage to the premises caused by the tenant or a person acting under his direction or control.*

Approved February 20, 1976.

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## CHAPTER 18—H.F.No.1977

*An act relating to the operation of government; changing the qualification for community school programs aid and for certain proceeds of the supplementary tax on taconite and iron sulphides; clarifying the provisions for certain reductions of foundation aid; sanctioning the reduction of certain levies and authorizing certain transfers of funds; amending Minnesota Statutes, 1975 Supplement, Sections 124.271, Subdivision 1; and 298.244, Subdivision 1.*

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

**Section 1. EDUCATION; SCHOOLS AND SCHOOL DISTRICTS; STATE AID.** Notwithstanding the provisions of Minnesota Statutes, Section 645.02, for districts which received payments under sections 294.21 to 294.28, 298.23 to 298.28, 298.32, 298.34 to 298.39, 298.391 to 298.396, 298.405, 298.51 to 298.67, any law imposing a tax upon severed mineral values, or any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties, the provisions of Laws 1975, Chapter 432, Section 30, shall apply to the reduction of foundation aid for fiscal year 1975 by a portion of these payments and shall supersede the provisions of Minnesota Statutes 1974, Section 124.212, Subdivision 8a, with respect to the reduction of foundation aid for fiscal year 1975 by a portion of these payments.

**Sec. 2. Subdivision 1.** On or before March 1, 1976, the commissioner of education shall certify to each qualifying district the amount of post-secondary vocational debt service aid which it will receive in fiscal year 1977 pursuant to Minnesota Statutes, 1975 Supplement, Section 124.564.

**Subd. 2.** Notwithstanding the provisions of Minnesota Statutes, Section 475.61, Subdivisions 1 and 3, the reduction of the 1975, collectible 1976, post-secondary vocational debt service levy of any district,

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