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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 265

- 01/21/2021 Authored by Hassan; Agbaje; Gomez; Xiong, J.; Becker-Finn and others
- 02/22/2021 The bill was read for the first time and referred to the Committee on Housing Finance and Policy
- Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to housing; expanding eligibility for discretionary and mandatory

1.3 expungements for eviction case court files; limiting public access to pending

1.4 eviction case court actions; amending Minnesota Statutes 2020, sections 484.014,

1.5 subdivisions 2, 3; 504B.321, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2020, section 484.014, subdivision 2, is amended to read:

1.8 Subd. 2. **Discretionary expungement.** The court may order expungement of an eviction

1.9 case court file ~~only upon motion of a defendant and decision by the court, if the court finds~~

1.10 ~~that the plaintiff's case is sufficiently without basis in fact or law, which may include lack~~

1.11 ~~of jurisdiction over the case, that~~ if the court makes the following findings: (1) the eviction

1.12 case court file is no longer a reasonable predictor of future tenant behavior; or (2) the

1.13 expungement is clearly in the interests of justice and those interests are not outweighed by

1.14 the public's interest in knowing about the record.

1.15 Sec. 2. Minnesota Statutes 2020, section 484.014, subdivision 3, is amended to read:

1.16 Subd. 3. **Mandatory expungement.** The court shall order expungement of an eviction

1.17 case:

1.18 (1) commenced solely on the grounds provided in section 504B.285, subdivision 1,

1.19 clause (1), if the court finds that the defendant occupied real property that was subject to

1.20 contract for deed cancellation or mortgage foreclosure and:

1.21 ~~(1)~~ (i) the time for contract cancellation or foreclosure redemption has expired and the

1.22 defendant vacated the property prior to commencement of the eviction action; or

2.1 ~~(2)~~ (ii) the defendant was a tenant during the contract cancellation or foreclosure
 2.2 redemption period and did not receive a notice under section 504B.285, subdivision 1a, 1b,
 2.3 or 1c, to vacate on a date prior to commencement of the eviction case;

2.4 (2) if the defendant prevailed on the merits;

2.5 (3) if the court dismissed the plaintiff's complaint for any reason;

2.6 (4) if the parties to the action have agreed to an expungement;

2.7 (5) if the court finds an eviction was filed at least three years ago; or

2.8 (6) upon motion of a defendant, if the case is settled and the defendant fulfills the terms
 2.9 of the settlement.

2.10 Sec. 3. Minnesota Statutes 2020, section 504B.321, is amended by adding a subdivision
 2.11 to read:

2.12 Subd. 3. **Nonpublic record.** An eviction action is not accessible to the public until the
 2.13 court enters a final judgment.