

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 338

(SENATE AUTHORS: DZIEDZIC, Latz, Hayden and Marty)

DATE	D-PG	OFFICIAL STATUS
01/22/2019	132	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
02/11/2019	340	Author added Marty

1.1 A bill for an act
 1.2 relating to real property; requiring tenant notice of grounds for eviction before
 1.3 action may be brought; amending Minnesota Statutes 2018, section 504B.321.

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

1.5 Section 1. Minnesota Statutes 2018, section 504B.321, is amended to read:

1.6 **504B.321 COMPLAINT AND SUMMONS.**

1.7 Subdivision 1. **Procedure.** (a) Before bringing an eviction action alleging a material
 1.8 breach of the lease under section 504B.285 or nonpayment of rent under section 504B.291,
 1.9 a landlord must provide written notice to the residential tenant specifying the allegations to
 1.10 be raised in the complaint. For any allegation of nonpayment of rent or other unpaid financial
 1.11 obligations in violation of the lease, the landlord must state the total amount due along with
 1.12 a specific accounting of the amount of the total that is comprised of outstanding amounts
 1.13 of unpaid rent or other unpaid charges under the lease. The notice must be delivered
 1.14 personally or mailed to the residential tenant at the address of the leased premises. If the
 1.15 alleged material breach of the lease or the rent delinquency is not corrected within 14 days
 1.16 of the delivery or mailing of the notice, the landlord may proceed with the filing of a
 1.17 complaint based on any allegations in the notice. The landlord must attach a copy of the
 1.18 notice to the complaint. The court must dismiss an action filed in violation of this paragraph
 1.19 and a record of the action must be expunged upon request of the tenant.

1.20 (b) To bring an eviction action, the person complaining shall file a complaint with the
 1.21 court no earlier than the day following expiration of the notice period specified in paragraph
 1.22 (a), stating the full name and date of birth of the person against whom the complaint is

2.1 made, unless it is not known, describing the premises of which possession is claimed, stating
2.2 the facts which authorize the recovery of possession, and asking for recovery thereof.

2.3 ~~(b)~~ (c) The lack of the full name and date of birth of the person against whom the
2.4 complaint is made does not deprive the court of jurisdiction or make the complaint invalid.

2.5 ~~(e)~~ (d) The court shall issue a summons, commanding the person against whom the
2.6 complaint is made to appear before the court on a day and at a place stated in the summons.

2.7 ~~(d)~~ (e) The appearance shall be not less than seven nor more than 14 days from the day
2.8 of issuing the summons, except as provided by subdivision 2.

2.9 ~~(e)~~ (f) A copy of the complaint shall be attached to the summons, which shall state that
2.10 the copy is attached and that the original has been filed.

2.11 Subd. 2. **Expedited procedure.** (a) In an eviction action brought under section 504B.171
2.12 or on the basis that the tenant is ~~causing a nuisance or other~~ engaging in illegal behavior
2.13 that seriously endangers the safety of other residents, their property, or the landlord's property,
2.14 the person filing the complaint shall file an affidavit stating specific facts and instances in
2.15 support of why an expedited hearing is required.

2.16 (b) The complaint and affidavit shall be reviewed by a referee or judge and scheduled
2.17 for an expedited hearing only if sufficient supporting facts are stated and they meet the
2.18 requirements of this paragraph.

2.19 (c) The appearance in an expedited hearing shall be not less than five days nor more
2.20 than seven days from the date the summons is issued. The summons, in an expedited hearing,
2.21 shall be served upon the tenant within 24 hours of issuance unless the court orders otherwise
2.22 for good cause shown.

2.23 (d) If the court determines that the person seeking an expedited hearing did so without
2.24 sufficient basis under the requirements of this subdivision, the court shall impose a civil
2.25 penalty of up to \$500 for abuse of the expedited hearing process.