

CHAPTER 504

LANDLORDS AND TENANTS

504.181 Covenant of lessor and lessee not to allow unlawful activities.

504.215 Tenant's right to seek police and emergency assistance.

504.181 COVENANT OF LESSOR AND LESSEE NOT TO ALLOW UNLAWFUL ACTIVITIES.

Subdivision 1. **Terms of covenant.** In every lease or license of residential premises, whether in writing or parol, the lessor or licensor and the lessee or licensee covenant that:

(1) neither will:

(i) unlawfully allow controlled substances in those premises or in the common area and curtilage of the premises;

(ii) allow prostitution or prostitution-related activity as defined in section 617.80, subdivision 4, to occur on the premises or in the common area and curtilage of the premises; or

(iii) allow the unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a, 609.67, or 624.713, on the premises or in the common area and curtilage of the premises; and

(2) the common area and curtilage of the premises will not be used by either the lessor or licensor or the lessee or licensee or others acting under the control of either to manufacture, sell, give away, barter, deliver, exchange, distribute, purchase, or possess a controlled substance in violation of any criminal provision of chapter 152.

The covenant is not violated when a person other than the lessor or licensor or the lessee or licensee possesses or allows controlled substances in the premises, common area, or curtilage, unless the lessor or licensor or the lessee or licensee knew or had reason to know of that activity.

[For text of subds 2 and 3, see M.S.1996]

History: 1997 c 239 art 12 s 4

504.215 TENANT'S RIGHT TO SEEK POLICE AND EMERGENCY ASSISTANCE.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(c) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or a person acting under the owner's direction and control.

(d) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. Emergency calls permitted. (a) A landlord may not:

(1) bar or limit a tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) impose a penalty on a tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct.

(b) A tenant may not waive and a landlord may not require the tenant to waive the tenant's right to call for police or emergency assistance.

Subd. 3. Local preemption. This section preempts any inconsistent local ordinance or rule including, without limitation, any ordinance or rule that:

(1) requires an eviction after a specified number of calls by a tenant for police or emergency assistance in response to domestic abuse or any other conduct; or

(2) provides that calls by a tenant for police or emergency assistance in response to domestic abuse or any other conduct may be used to penalize or charge a fee to a landlord.

This subdivision shall not otherwise preempt any local ordinance or rule that penalizes a landlord for, or requires a landlord to abate, conduct on the premises that constitutes a nuisance or other disorderly conduct as defined by local ordinance or rule.

Subd. 4. Tenant responsibility. This section shall not be construed to condone or permit any breach of a lease or of law by a tenant including, but not limited to, disturbing the peace and quiet of other tenants, damage to property, and disorderly conduct.

Subd. 5. Tenant remedies. A tenant may bring a civil action for a violation of this section and recover from the landlord \$250 or actual damages, whichever is greater, and reasonable attorney's fees.

Subd. 6. Attorney general authority. The attorney general has authority under section 8.31 to investigate and prosecute violations of this section.

History: 1997 c 133 s 1