

CHAPTER 566

FORCIBLE ENTRY AND UNLAWFUL DETAINER

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566.05 COMPLAINT AND SUMMONS.

(a) The person complaining shall file a complaint with the court, stating the full name and date of birth of the person against whom the complaint is made, unless it is not known, describing the premises of which possession is claimed, stating the facts which authorize the recovery, and praying for restitution thereof. The lack of the full name and date of birth of the person against whom the complaint is made does not deprive the court of jurisdiction or make the complaint invalid. The court shall issue a summons, commanding the person against whom the complaint is made to appear before the court on a day and at a place stated in the summons. The appearance shall be not less than seven nor more than 14 days from the day of issuing the summons, except as provided by paragraph (b). A copy of the complaint shall be attached to the summons, which shall state that the copy is attached and that the original has been filed.

(b) In an unlawful detainer action brought under section 504.181 or on the basis that the tenant is causing a nuisance or other illegal behavior that seriously endangers the safety of other residents, their property, or the landlord's property, the person filing the complaint shall file an affidavit stating specific facts and instances in support of why an expedited hearing is required. The complaint and affidavit shall be reviewed by a referee or judge and scheduled for an expedited hearing only if sufficient supporting facts are stated and they meet the requirements of this paragraph. The appearance in an expedited hearing shall be not less than five days nor more than seven days from the date the summons is issued. The summons, in an expedited hearing, shall be served upon the tenant within 24 hours of issuance unless the court orders otherwise for good cause shown. If the court determines that the person seeking an expedited hearing did so without sufficient basis under the requirements of this paragraph, the court shall impose a civil penalty of up to \$500 for abuse of the expedited hearing process.

History: 1997 c 239 art 12 s 5

566.18 REMEDIES FOR TENANTS; DEFINITIONS.

[For text of subs 1 to 5, see M.S.1996]

Subd. 6. Violation. "Violation" means:

(a) a violation of any state, county or city health, safety, housing, building, fire prevention, or housing maintenance code applicable to the building;

(b) a violation of any of the covenants set forth in section 504.18, subdivision 1, clauses (a) or (b), or in section 504.181, subdivision 1;

(c) a violation of an oral or written agreement, lease or contract for the rental of a dwelling in a building.

[For text of subs 7 to 9, see M.S.1996]

History: 1997 c 239 art 12 s 6

566.25 JUDGMENT.

Upon finding the complaint proved, the court may, in its discretion, do any or all of the following, either alone or in combination:

(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 from the rent subject to the terms as the court determines to be just; or

(c) Appoint an administrator with powers as set out in section 566.29, and

(1) direct that rents due:

(i) on and from the day of entry of judgment, in the case of petitioning tenants or neighborhood organizations, and

(ii) on and from the day of service of the judgment on all other tenants and commercial tenants of the building, if 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 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 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;

(e) After termination of administration, continue the jurisdiction of the court over the building for a period of one year and order the owner to maintain the building in compliance with all applicable state, county, and city health, safety, housing, building, fire prevention, and housing maintenance codes; and

(f) Grant any other relief the court deems just and proper, including a judgment against the owner for reasonable attorney fees, not to exceed \$500, in the case of a prevailing tenant or neighborhood organization. The \$500 limitation does not apply to awards made under section 549.211 or other specific statutory authority.

History: 1997 c 213 art 2 s 2