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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 4351

04/12/2018 Authored by Moran
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to local government; amending the eviction statutes to allow for just cause
1.3 evictions when they are enacted by local government; repealing the prohibition
1.4 on rent controls; amending Minnesota Statutes 2016, section 504B.291, subdivision
1.5 1; Minnesota Statutes 2017 Supplement, section 504B.285, subdivision 1; repealing
1.6 Minnesota Statutes 2016, section 471.9996, subdivisions 1, 2.

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

1.8 Section 1. Minnesota Statutes 2017 Supplement, section 504B.285, subdivision 1, is
1.9 amended to read:

1.10 Subdivision 1. **Grounds.** (a) Except where a local ordinance has been implemented to
1.11 provide for a just cause eviction procedure, the person entitled to the premises may recover
1.12 possession by eviction when:

1.13 (1) any person holds over real property:

1.14 (i) after a sale of the property on an execution or judgment;

1.15 (ii) after the expiration of the time for redemption on foreclosure of a mortgage, or after
1.16 termination of contract to convey the property; or

1.17 (iii) after the expiration of the time for redemption on a real estate tax judgment sale;

1.18 (2) any person holds over real property after termination of the time for which it is
1.19 demised or leased to that person or to the persons under whom that person holds possession,
1.20 contrary to the conditions or covenants of the lease or agreement under which that person
1.21 holds, or after any rent becomes due according to the terms of such lease or agreement; or

1.22 (3) any tenant at will holds over after the termination of the tenancy by notice to quit.

2.1 (b) A landlord may not commence an eviction action against a tenant or authorized
2.2 occupant solely on the basis that the tenant or authorized occupant has been the victim of
2.3 any of the acts listed in section 504B.206, subdivision 1, paragraph (a). Nothing in this
2.4 paragraph should be construed to prohibit an eviction action based on a breach of the lease.

2.5 Sec. 2. Minnesota Statutes 2016, section 504B.291, subdivision 1, is amended to read:

2.6 Subdivision 1. **Action to recover.** (a) Except where a local ordinance has been
2.7 implemented to provide for a just cause eviction procedure, a landlord may bring an eviction
2.8 action for nonpayment of rent irrespective of whether the lease contains a right of reentry
2.9 clause. Such an eviction action is equivalent to a demand for the rent. There is a rebuttable
2.10 presumption that the rent has been paid if the tenant produces a copy or copies of one or
2.11 more money orders or produces one or more original receipt stubs evidencing the purchase
2.12 of a money order, if the documents: (i) total the amount of the rent; (ii) include a date or
2.13 dates approximately corresponding with the date rent was due; and (iii) in the case of copies
2.14 of money orders, are made payable to the landlord. This presumption is rebutted if the
2.15 landlord produces a business record that shows that the tenant has not paid the rent. The
2.16 landlord is not precluded from introducing other evidence that rebuts this presumption. In
2.17 such an action, unless the landlord has also sought to evict the tenant by alleging a material
2.18 violation of the lease under section 504B.285, subdivision 5, the tenant may, at any time
2.19 before possession has been delivered, redeem the tenancy and be restored to possession by
2.20 paying to the landlord or bringing to court the amount of the rent that is in arrears, with
2.21 interest, costs of the action, and an attorney's fee not to exceed \$5, and by performing any
2.22 other covenants of the lease.

2.23 (b) If the tenant has paid to the landlord or brought into court the amount of rent in
2.24 arrears but is unable to pay the interest, costs of the action, and attorney's fees required by
2.25 paragraph (a), the court may permit the tenant to pay these amounts into court and be restored
2.26 to possession within the same period of time, if any, for which the court stays the issuance
2.27 of the order to vacate under section 504B.345.

2.28 (c) Prior to or after commencement of an action to recover possession for nonpayment
2.29 of rent, the parties may agree only in writing that partial payment of rent in arrears which
2.30 is accepted by the landlord prior to issuance of the order granting restitution of the premises
2.31 pursuant to section 504B.345 may be applied to the balance due and does not waive the
2.32 landlord's action to recover possession of the premises for nonpayment of rent.

2.33 (d) Rental payments under this subdivision must first be applied to rent claimed as due
2.34 in the complaint from prior rental periods before applying any payment toward rent claimed

3.1 in the complaint for the current rental period, unless the court finds that under the
3.2 circumstances the claim for rent from prior rental periods has been waived.

3.3 Sec. 3. **REPEALER.**

3.4 Minnesota Statutes 2016, section 471.9996, subdivisions 1 and 2, are repealed.

471.9996 RENT CONTROL PROHIBITED.

Subdivision 1. **In general.** No statutory or home rule charter city, county, or town may adopt or renew by ordinance or otherwise any law to control rents on private residential property except as provided in subdivision 2. This section does not impair the right of any statutory or home rule charter city, county, or town:

- (1) to manage or control property in which it has a financial interest through a housing authority or similar agency;
- (2) to contract with a property owner;
- (3) to act as required or authorized by laws or regulations of the United States government or this state; or
- (4) to mediate between property owners and tenants for the purpose of negotiating rents.

Subd. 2. **Exception.** Subdivision 1 does not preclude a statutory or home rule charter city, county, or town from controlling rents on private residential property to the extent that the city, county, or town has the power to adopt an ordinance, charter amendment, or law to control these rents if the ordinance, charter amendment, or law that controls rents is approved in a general election. Subdivision 1 does not limit any power or authority of the voters of a statutory or home rule charter city, county, or town to petition for an ordinance or charter amendment to control rents on private residential property to the extent that the power or authority is otherwise provided for by law, and if the ordinance or charter amendment is approved in a general election. This subdivision does not grant any additional power or authority to the citizens of a statutory or home rule charter city, county, or town to vote on any question beyond that contained in other law.