

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1629

(SENATE AUTHORS: DIBBLE)

DATE
02/13/2023

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to civil law; providing for a tenant's right to counsel in eviction proceedings;
1.3 proposing coding for new law in Minnesota Statutes, chapter 504B.

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

1.5 Section 1. **[504B.268] RIGHT TO COUNSEL IN EVICTION PROCEEDINGS.**

1.6 Subdivision 1. **Right to counsel.** A tenant subject to an eviction action under this chapter
1.7 who is financially unable to obtain counsel has the right to counsel appointed by the court.
1.8 The complaint required by section 504B.321 shall include the following notice on the first
1.9 page of the complaint in bold 12-point type: "If financially unable to obtain counsel, the
1.10 tenant has the right to a court-appointed attorney." At the initial hearing, the court shall:

1.11 (1) ask the tenant if the tenant wants court-appointed counsel;

1.12 (2) explain what such appointed counsel may accomplish for the tenant; and

1.13 (3) explain that the counsel shall be appointed at no cost to the tenant.

1.14 Subd. 2. **Qualifications.** Counsel appointed by the court must:

1.15 (1) have a minimum of two years' experience handling housing evictions;

1.16 (2) have training and knowledge in handling housing evictions; or

1.17 (3) be supervised by an attorney who meets the minimum qualifications under clause

1.18 (1) or (2).

1.19 Subd. 3. **Compensation.** By January 15, 2023, and every year thereafter, the chief judge
1.20 of the judicial district, after consultation with housing attorneys, legal aid attorneys, and
1.21 members of the private bar in the district, shall establish a compensation rate for attorney

- 2.1 fees and costs associated with representation under subdivision 1. The compensation to be
2.2 paid to an attorney for such service rendered to a tenant under this section may not exceed
2.3 \$5,000, exclusive of reimbursement for expenses reasonably incurred, unless payment in
2.4 excess of that limit is certified by the chief judge of the district as necessary to provide fair
2.5 compensation for services of an unusual character or duration.