

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3415

(SENATE AUTHORS: DZIEDZIC, Hawj and Dibble)

DATE
02/20/2020

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
 1.2 relating to housing; prohibiting landlords from imposing certain fees; restricting
 1.3 entry by a landlord and amending fees for improper entry; authorizing court
 1.4 administrator to set conciliation court filing fees for recovery of possession actions;
 1.5 amending Minnesota Statutes 2018, sections 504B.211, subdivisions 2, 6; 504B.375,
 1.6 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504B.

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

1.8 Section 1. **[504B.120] PROHIBITED FEES.**

1.9 Subdivision 1. **Prohibited fees.** Except for actual services rendered for an optional
 1.10 service offered by the landlord, a landlord shall not charge a tenant any nonrefundable fee
 1.11 in relation to a residential tenancy.

1.12 Subd. 2. **Penalties.** A landlord who violates this section is liable to the residential tenant
 1.13 for each unenforceable fee for three times the amount of each fee imposed that was not for
 1.14 an actual optional service or \$500, whichever is greater, and the court may award the tenant
 1.15 reasonable attorney's fees.

1.16 **EFFECTIVE DATE.** This section applies to leases signed before, on, or after August
 1.17 1, 2020.

1.18 Sec. 2. Minnesota Statutes 2018, section 504B.211, subdivision 2, is amended to read:

1.19 Subd. 2. **Entry by landlord.** Except as provided in subdivision 5, a landlord may enter
 1.20 the premises rented by a residential tenant only for a reasonable business purpose and after
 1.21 making a good faith effort to give the residential tenant reasonable notice under the
 1.22 circumstances of not less than 24 hours in advance of the intent to enter. The landlord may
 1.23 only enter between the hours of 8:00 a.m. and 8:00 p.m. A residential tenant may not waive

2.1 and the landlord may not require the residential tenant to waive the residential tenant's right
2.2 to prior notice of entry under this section as a condition of entering into or maintaining the
2.3 lease.

2.4 Sec. 3. Minnesota Statutes 2018, section 504B.211, subdivision 6, is amended to read:

2.5 Subd. 6. **Penalty.** If a landlord ~~substantially~~ violates ~~subdivision 2~~ this section, the
2.6 residential tenant is entitled to a penalty which may include a rent reduction up to full
2.7 rescission of the lease, recovery of any damage deposit less any amount retained under
2.8 section 504B.178, and ~~up to a \$100 civil penalty for each violation. If a landlord violates~~
2.9 ~~subdivision 5, the residential tenant is entitled to up to a \$100 civil penalty for each violation~~
2.10 damages not less than an amount equal to one month's rent and reasonable attorney fees. A
2.11 residential tenant ~~shall~~ may follow the procedures in sections 504B.381, 504B.385, and
2.12 504B.395 to 504B.471 to enforce the provisions of this section. A violation of this section
2.13 by the landlord is a violation of section 504B.161.

2.14 **EFFECTIVE DATE.** This section applies to matters commenced on or after August
2.15 1, 2020.

2.16 Sec. 4. Minnesota Statutes 2018, section 504B.375, subdivision 1, is amended to read:

2.17 Subdivision 1. **Unlawful exclusion or removal.** (a) This section applies to actual or
2.18 constructive removal or exclusion of a residential tenant which may include the termination
2.19 of utilities or the removal of doors, windows, or locks. A residential tenant to whom this
2.20 section applies may recover possession of the premises as described in paragraphs (b) to
2.21 (e).

2.22 (b) The residential tenant shall present a verified petition to the district court of the
2.23 judicial district of the county in which the premises are located that:

2.24 (1) describes the premises and the landlord;

2.25 (2) specifically states the facts and grounds that demonstrate that the exclusion or removal
2.26 was unlawful, including a statement that no writ of recovery of the premises and order to
2.27 vacate has been issued under section 504B.345 in favor of the landlord and against the
2.28 residential tenant and executed in accordance with section 504B.365; and

2.29 (3) asks for possession.

2.30 (c) If it clearly appears from the specific grounds and facts stated in the verified petition
2.31 or by separate affidavit of the residential tenant or the residential tenant's attorney or agent

3.1 that the exclusion or removal was unlawful, the court shall immediately order that the
3.2 residential tenant have possession of the premises.

3.3 (d) The residential tenant shall furnish security, if any, that the court finds is appropriate
3.4 under the circumstances for payment of all costs and damages the landlord may sustain if
3.5 the order is subsequently found to have been obtained wrongfully. In determining the
3.6 appropriateness of security, the court shall consider the residential tenant's ability to afford
3.7 monetary security.

3.8 (e) The court shall direct the order to the sheriff of the county in which the premises are
3.9 located and the sheriff shall execute the order immediately by making a demand for
3.10 possession on the landlord, if found, or the landlord's agent or other person in charge of the
3.11 premises. If the landlord fails to comply with the demand, the officer shall take whatever
3.12 assistance may be necessary and immediately place the residential tenant in possession of
3.13 the premises. If the landlord, the landlord's agent, or other person in control of the premises
3.14 cannot be found and if there is no person in charge, the officer shall immediately enter into
3.15 and place the residential tenant in possession of the premises. The officer shall also serve
3.16 the order and verified petition or affidavit immediately upon the landlord or agent, in the
3.17 same manner as a summons is required to be served in a civil action in district court.

3.18 (f) The court administrator may charge a filing fee in the amount set for complaints and
3.19 counterclaims in conciliation court, subject to the filing of an inability to pay affidavit.