

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3748

(SENATE AUTHORS: GUSTAFSON, Marty, Oumou Verbeten and Pappas)

DATE	D-PG	OFFICIAL STATUS
02/15/2024	11608	Introduction and first reading Referred to Housing and Homelessness Prevention
02/22/2024	11697a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
02/26/2024	11697	Rule 12.10: report of votes in committee
03/20/2024	11825	Author added Marty
	12426a	Comm report: To pass as amended
	12427	Rule 12.10: report of votes in committee
	12443	Second reading
	12453	Authors added Oumou Verbeten; Pappas

1.1 A bill for an act

1.2 relating to civil law; prohibiting a landlord from initiating an eviction action against

1.3 a tenant who terminates a lease based on status as a crime victim; modifying

1.4 expungements of eviction records; amending Minnesota Statutes 2022, sections

1.5 504B.206, subdivisions 1, 2, 3, 6; 504B.285, subdivision 1; Minnesota Statutes

1.6 2023 Supplement, section 484.014, subdivision 3.

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

1.8 Section 1. Minnesota Statutes 2023 Supplement, section 484.014, subdivision 3, is amended

1.9 to read:

1.10 Subd. 3. **Mandatory expungement.** (a) ~~Except for clause (6),~~ The court shall, without

1.11 motion by any party except for clauses (6) and (7), order expungement of an eviction case:

1.12 (1) commenced solely on the grounds provided in section 504B.285, subdivision 1,

1.13 clause (1), if the court finds that the defendant occupied real property that was subject to

1.14 contract for deed cancellation or mortgage foreclosure and:

1.15 (i) the time for contract cancellation or foreclosure redemption has expired and the

1.16 defendant vacated the property prior to commencement of the eviction action; or

1.17 (ii) the defendant was a tenant during the contract cancellation or foreclosure redemption

1.18 period and did not receive a notice under section 504B.285, subdivision 1a, 1b, or 1c, to

1.19 vacate on a date prior to commencement of the eviction case;

1.20 (2) if the defendant prevailed on the merits;

1.21 (3) if the court dismissed the plaintiff's complaint for any reason;

1.22 (4) if the parties to the action have agreed to an expungement;

2.1 (5) three years after the eviction was ordered; ~~or~~

2.2 (6) upon motion of a defendant, if an eviction action has been filed in violation of section
 2.3 504B.206, subdivision 3a; or

2.4 (7) upon motion of a defendant, if the case is settled and the defendant fulfills the terms
 2.5 of the settlement.

2.6 (b) If a tenant brings a motion for the expungement of an eviction, the court shall order
 2.7 the expungement of an eviction case that was commenced on the grounds of a violation of
 2.8 section 504B.171 or any other claim of breach regardless of when the original eviction was
 2.9 ordered, if the tenant could receive an automatic expungement under section 609A.055, or
 2.10 if the breach was based solely on the possession of marijuana or tetrahydrocannabinols.

2.11 Sec. 2. Minnesota Statutes 2022, section 504B.206, subdivision 1, is amended to read:

2.12 Subdivision 1. **Right to terminate; procedure.** (a) A tenant to a residential lease may
 2.13 terminate a lease agreement in the manner provided in this section without penalty or liability,
 2.14 if the tenant or another authorized occupant fears imminent violence after being subjected
 2.15 to:

2.16 (1) domestic abuse, as that term is defined under section 518B.01, subdivision 2;

2.17 (2) criminal sexual conduct under sections 609.342 to 609.3451;

2.18 (3) sexual extortion under section 609.3458; or

2.19 (4) harassment under section 609.749.

2.20 (b) The tenant must provide signed and dated advance written notice to the landlord:

2.21 (1) stating the tenant fears imminent violence from a person as indicated in a qualifying
 2.22 document against the tenant or an authorized occupant if the tenant or authorized occupant
 2.23 remains in the leased premises;

2.24 (2) stating that the tenant needs to terminate the tenancy;

2.25 (3) providing the date by on which the tenant will vacate lease will terminate; and

2.26 (4) providing written instructions for the disposition of any remaining personal property
 2.27 in accordance with section 504B.271.

2.28 (c) The written notice must be delivered before the termination of the tenancy by mail,
 2.29 ~~fax, or~~ in person, or by a form of written communication the plaintiff regularly uses to
 2.30 communicate with the landlord, and be accompanied by a qualifying document. The tenancy
 2.31 terminates for the tenant who exercises the right granted under this subdivision, including

3.1 the right of possession of the premises, on the date provided in the notice required under
 3.2 paragraph (b). Vacation of the premises under this section by the tenant prior to the date
 3.3 provided in the notice does not constitute termination of the tenancy for the purposes of this
 3.4 section.

3.5 (d) The landlord may request that the tenant disclose the name of the perpetrator and, if
 3.6 a request is made, inform the tenant that the landlord seeks disclosure to protect other tenants
 3.7 in the building. The tenant may decline to provide the name of the perpetrator for safety
 3.8 reasons. Disclosure shall not be a precondition of terminating the lease.

3.9 ~~(e) The tenancy terminates, including the right of possession of the premises, as provided~~
 3.10 ~~in subdivision 3.~~

3.11 Sec. 3. Minnesota Statutes 2022, section 504B.206, subdivision 2, is amended to read:

3.12 Subd. 2. **Treatment of information.** (a) A landlord must not disclose:

3.13 (1) any information provided to the landlord by a tenant in the written notice required
 3.14 under subdivision 1, paragraph (b);

3.15 (2) any information contained in the qualifying document;

3.16 (3) the address or location to which the tenant has relocated; or

3.17 (4) the status of the tenant as a victim of violence.

3.18 (b) The information referenced in paragraph (a) must not be entered into any shared
 3.19 database or provided to any person or entity but may be used when required as evidence in
 3.20 an eviction proceeding, action for unpaid rent or damages arising out of the tenancy, claims
 3.21 under section 504B.178, with the consent of the tenant, or as otherwise required by law.

3.22 (c) A landlord who violates this section is liable to the tenant for statutory damages of
 3.23 \$2,000, plus reasonable attorney fees and costs.

3.24 Sec. 4. Minnesota Statutes 2022, section 504B.206, subdivision 3, is amended to read:

3.25 Subd. 3. **Liability for rent; termination of tenancy.** (a) A tenant who is a sole tenant
 3.26 and is terminating a lease under subdivision 1 is responsible for the rent payment for the
 3.27 full month in which the tenancy terminates. The tenant ~~forfeits~~ relinquishes all claims for
 3.28 the return of the security deposit under section 504B.178 and is relieved of any other
 3.29 contractual obligation for payment of rent or any other charges for the remaining term of
 3.30 the lease, except as provided in this section. In a sole tenancy, the tenancy terminates on
 3.31 the date specified in the notice provided to the landlord as required under subdivision 1.

4.1 (b) In a tenancy with multiple tenants, one of whom is terminating the lease under
 4.2 subdivision 1, any lease governing all remaining tenants is terminated at the later of the end
 4.3 of the month or the end of the rent interval in which one tenant terminates the lease under
 4.4 subdivision 1. All tenants are responsible for the rent payment for the full month in which
 4.5 the tenancy terminates. Upon termination, all tenants ~~forfeit~~ relinquish all claims for the
 4.6 return of the security deposit under section 504B.178 and are relieved of any other contractual
 4.7 obligation for payment of rent or any other charges for the remaining term of the lease,
 4.8 except as provided in this section. Any tenant whose tenancy was terminated under this
 4.9 paragraph may reapply to enter into a new lease with the landlord.

4.10 (c) This section does not affect a tenant's liability for delinquent, unpaid rent or other
 4.11 amounts owed to the landlord before the lease was terminated by the tenant under this
 4.12 section.

4.13 (d) Except as provided in section 504B.285, subdivision 1, paragraph (b), a landlord
 4.14 may not commence an eviction action against a tenant who has terminated a lease as provided
 4.15 in this section.

4.16 Sec. 5. Minnesota Statutes 2022, section 504B.206, subdivision 6, is amended to read:

4.17 Subd. 6. **Definitions.** For purposes of this section, the following terms have the meanings
 4.18 given:

4.19 (1) "court official" means a judge, referee, court administrator, prosecutor, probation
 4.20 officer, or victim's advocate, whether employed by or under contract with the court, who
 4.21 is authorized to act on behalf of the court;

4.22 (2) "qualified third party" means a person, acting in an official capacity, who has ~~had~~
 4.23 ~~in-person contact with~~ provided professional services to the tenant and is:

4.24 (i) a licensed health care professional operating within the scope of the license;

4.25 (ii) a domestic abuse advocate, as that term is defined in section 595.02, subdivision 1,
 4.26 paragraph (l); or

4.27 (iii) a sexual assault counselor, as that term is defined in section 595.02, subdivision 1,
 4.28 paragraph (k);

4.29 (3) "qualifying document" means:

4.30 (i) a valid order for protection issued under chapter 518B;

4.31 (ii) a no contact order currently in effect, issued under section 629.75 or chapter 609;

5.1 (iii) a writing produced and signed by a court official, acting in an official capacity,
 5.2 documenting that the tenant or authorized occupant is a victim of domestic abuse, as that
 5.3 term is defined under section 518B.01, subdivision 2, criminal sexual conduct under sections
 5.4 609.342 to 609.3451, sexual extortion under section 609.3458, or harassment under section
 5.5 609.749, and naming the perpetrator, if known;

5.6 (iv) a writing produced and signed by a city, county, state, or tribal law enforcement
 5.7 official, acting in an official capacity, documenting that the tenant or authorized occupant
 5.8 is a victim of domestic abuse, as that term is defined under section 518B.01, subdivision 2,
 5.9 criminal sexual conduct under sections 609.342 to 609.3451, sexual extortion under section
 5.10 609.3458, or harassment under section 609.749, and naming the perpetrator, if known; or

5.11 (v) a statement by a qualified third party, in the following form:

5.12 STATEMENT BY QUALIFIED THIRD PARTY

5.13 I, (name of qualified third party), do hereby verify as follows:

5.14 1. I am a licensed health care professional, domestic abuse advocate, as that term is
 5.15 defined in section 595.02, subdivision 1, paragraph (l), or sexual assault counselor, as that
 5.16 term is defined in section 595.02, subdivision 1, paragraph (k), who has ~~had in-person~~
 5.17 ~~contact with~~ provided professional services to (name of victim(s)).

5.18 2. I have a reasonable basis to believe (name of victim(s)) is a victim/are
 5.19 victims of domestic abuse, criminal sexual conduct, sexual extortion, or harassment and
 5.20 fear(s) imminent violence against the individual or authorized occupant if the individual
 5.21 remains (the individuals remain) in the leased premises.

5.22 3. I understand that the person(s) listed above may use this document as a basis for
 5.23 gaining a release from the lease.

5.24 I attest that the foregoing is true and correct.

5.25 (Printed name of qualified third party)

5.26 (Signature of qualified third party)

5.27 (Business address and business telephone)

5.28 (Date)

5.29 Sec. 6. Minnesota Statutes 2022, section 504B.285, subdivision 1, is amended to read:

5.30 Subdivision 1. **Grounds.** (a) The person entitled to the premises may recover possession
 5.31 by eviction when:

6.1 (1) any person holds over real property:

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

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

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

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

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

6.11 (b) A landlord may not commence an eviction action against a tenant or authorized
6.12 occupant solely on the basis that the tenant or authorized occupant has been the victim of
6.13 any of the acts listed in section 504B.206, subdivision 1, paragraph (a). A landlord may not
6.14 commence an eviction action against a residential tenant who has terminated a lease as
6.15 provided in section 504B.206. Nothing in this paragraph should be construed to prohibit an
6.16 eviction action based on a breach of the lease or where a tenant has provided the written
6.17 notice under section 504B.206, subdivision 1, but failed to vacate on or before the date
6.18 provided in that notice. A landlord violating this paragraph is liable to the tenant for
6.19 reasonable attorney fees and costs incurred by the tenant for obtaining an expungement as
6.20 provided under section 484.014, subdivision 3.

6.21 **Sec. 7. EFFECTIVE DATE.**

6.22 Except for section 3, this act is effective the day following final enactment.