

(vi) (viii) a personal representative of the estate of the subject or a successor of the subject, as defined in section 524.1-201, if the subject is deceased;

(vii) (ix) a representative authorized by a person under clauses (1) to (3); or

(viii) (x) a person or entity who demonstrates that a certified copy of the certificate is necessary for the determination or protection of a personal or property right, pursuant to rules adopted by the commissioner;

(2) to any local, state, or federal governmental agency upon request if the certified certificate is necessary for the governmental agency to perform its authorized duties. An authorized governmental agency includes the department of human services, the department of revenue, and the United States Immigration and Naturalization Service; or

(3) pursuant to a court order issued by a court of competent jurisdiction. For purposes of this section, a subpoena does not constitute a court order.

Presented to the governor March 20, 2000

Signed by the governor March 23, 2000, 10:40 a.m.

CHAPTER 268—H.F.No. 979

An act relating to landlords and tenants; providing that landlords may apportion utility payments among residential units; amending Minnesota Statutes 1999 Supplement, section 504B.215, subdivision 2, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1999 Supplement, section 504B.215, subdivision 2, is amended to read:

Subd. 2. **SINGLE-METER UTILITY SERVICE PAYMENTS.** In a residential leasehold contract entered into or renewed on or after August 1, 1995, the landlord of a single-metered residential building shall be the bill payer responsible, and shall be the customer of record contracting with the utility for utility services. The landlord must advise the utility provider that the utility services apply to a single-metered residential building. A failure by the landlord to comply with this subdivision is a violation of sections 504B.161, subdivision 1, clause (1), and 504B.221. This subdivision may not be waived by contract or otherwise. This subdivision does not require a landlord to contract and pay for utility service provided to each residential unit through a separate meter which accurately measures that unit's use only. This subdivision does not prohibit a landlord from apportioning utility service payments among residential units and either including utility costs in a unit's rent or billing for utility charges separate from rent.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 1999 Supplement, section 504B.215, is amended by adding a subdivision to read:

Subd. 2a. CONDITIONS OF SEPARATE UTILITY BILLING TO TENANT IN SINGLE-METER BUILDINGS. If the landlord of a single-metered residential building bills for utility charges separate from the rent, the following conditions apply:

(1) prospective tenants must be provided notice of the total utility cost for the building for each month of the most recent calendar year; and

(2) an equitable method of apportionment and the frequency of billing by the landlord must be predetermined and put in writing for all leases.

The lease must contain a provision that, upon a tenant's request, a landlord must provide a copy of the actual utility bill for the building along with each apportioned utility bill. Upon a tenant's request, a landlord must also provide past copies of actual utility bills for any period of the tenancy for which the tenant received an apportioned utility bill. Past copies of utility bills must be provided for the preceding two years or from the time the current landlord acquired the building, whichever is most recent.

The landlord of a single-metered residential building who bills separately for utilities may if the landlord and tenant agree provide tenants with a lease term of one year or more the option to pay those bills under an annualized budget plan providing for level monthly payments based on a good-faith estimate of the annual bill.

By September 30 of each year, a landlord of a single-metered residential building who bills for gas and electric utility charges separate from rent shall inform tenants in writing of the possible availability of energy assistance from the low income home energy assistance program. The information must contain the toll-free telephone number of the administering agency.

Sec. 3. **EFFECTIVE DATE.**

Section 1 is effective August 1, 2000, except that as of the date following final enactment it is retroactive to August 1, 1995, only for leases which already included a provision that a tenant will pay for utility charges separately from the rent, provided no judicial or administrative court has rendered a decision pertaining to that lease provision.

Section 2 is effective August 1, 2000, and applies to all leases entered into, renewed, or modified after August 1, 2000, which contain a provision that the tenant will be billed for utility costs separate from rent.

Presented to the governor March 20, 2000

Signed by the governor March 23, 2000, 10:40 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.