

CHAPTER 504

LANDLORDS AND TENANTS

504.183 Tenant's right to privacy.
504.185 Emergency conditions: loss of essential services.

504.33 Repealed.
504.34 Repealed.
504.35 Repealed.

504.183 TENANT'S RIGHT TO PRIVACY.

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Building" has the meaning given in section 566.18, subdivision 7.

(b) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or other person acting under the owner's direction and control.

(c) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. **Entry by landlord.** Except as provided in subdivision 4, a landlord may enter the premises rented by a tenant only for a reasonable business purpose and after making a good faith effort to give the tenant reasonable notice under the circumstances of the intent to enter. A tenant may not waive and the landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

Subd. 3. **Reasonable purpose.** For purposes of subdivision 2, a reasonable business purpose includes, but is not limited to:

- (1) showing the unit to prospective tenants during the notice period before the lease terminates or after the current tenant has given notice to move to the owner or owner's agent;
- (2) showing the unit to a prospective buyer or to an insurance representative;
- (3) performing maintenance work;
- (4) allowing inspections by state, county, or city officials charged in the enforcement of health, housing, building, fire prevention, or housing maintenance codes;
- (5) the tenant is causing a disturbance within the unit;
- (6) the landlord has a reasonable belief that the tenant is violating the lease within the tenant's unit;
- (7) the landlord has a reasonable belief that the unit is being occupied by an individual without a legal right to occupy it; or
- (8) the tenant has vacated the unit.

Subd. 4. **Exception to notice requirement.** Notwithstanding subdivision 2, a landlord may enter the premises rented by a tenant to inspect or take appropriate action without prior notice to the tenant if the landlord reasonably suspects that:

- (1) immediate entry is necessary to prevent injury to persons or property because of conditions relating to maintenance, building security, or law enforcement;
- (2) immediate entry is necessary to determine a tenant's safety; or
- (3) immediate entry is necessary in order to comply with local ordinances regarding unlawful activity occurring within the tenant's premises.

Subd. 5. **Entry without tenant's presence.** If the landlord enters when the tenant is not present and prior notice has not been given, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subd. 6. **Penalty.** If a landlord substantially violates subdivision 2, the tenant is entitled to a penalty which may include a rent reduction up to full rescission of the lease, recovery of any damage deposit less any amount retained under section 504.20, and up to a \$100 civil penalty for each violation. If a landlord violates subdivision 5, the tenant is entitled to up to a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to 566.33 to enforce the provisions of this section.

Subd. 7. **Exemption.** This section does not apply to tenants and landlords of manufactured home parks as defined in section 327C.01.

History: 1995 c 226 art 4 s 21

504.185 EMERGENCY CONDITIONS; LOSS OF ESSENTIAL SERVICES.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given to them.

(a) "Owner" has the meaning given to it in section 566.18, subdivision 3.

(b) "Tenant" has the meaning given to it in section 566.18, subdivision 2.

(c) "Building" has the meaning given to it in section 566.18, subdivision 7.

(d) "Single-metered residential building" means a multiunit rental building with one or more separate residential living units where the utility service measured through a single meter provides service to an individual unit and to all or parts of common areas or other units.

Subd. 1a. **Single-meter utility service payments.** In a residential leasehold contract entered into or renewed on or after August 1, 1995, the owner 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 owner must advise the utility provider that the utility services apply to a single-metered residential building. A failure by the owner to comply with this subdivision is a violation of sections 504.18, subdivision 1, clause (a), and 504.26. This subdivision may not be waived by contract or otherwise. This subdivision does not require an owner to contract and pay for utility service provided to each residential unit through a separate meter which accurately measures that unit's use only.

[For text of subs 2 and 3, see M.S.1994]

History: 1995 c 192 s 1,2

504.33 [Repealed, 1995 c 255 art 2 s 17]

NOTE: Subdivision 2 was also amended by Laws 1995, chapter 224, section 117, to read as follows:

"Subd. 2. **City.** "City" means any statutory or home rule charter city located within the metropolitan area as defined in section 473.121, subdivision 2, and any city of the first class as defined in section 410.01. The term "city" also includes, where applicable, a port authority, economic development authority, a housing and redevelopment authority, or any development agency established under chapter 469 which share common boundaries with the city."

NOTE: Subdivision 3 was also amended by Laws 1995, chapter 224, section 118, to read as follows:

"Subd. 3. **Displace.** "Displace" means to demolish, acquire for or convert to a use other than low-income housing, or to provide or spend money that directly results in the demolition, acquisition, or conversion of housing to a use other than low-income housing.

"Displace" does not include providing or spending money that directly results in: (i) housing improvements made to comply with health, housing, building, fire prevention, housing maintenance, or energy codes or standards of the applicable government unit; (ii) housing improvements to make housing more accessible to a handicapped person; or (iii) the demolition, acquisition, or conversion of housing for the purpose of creating owner-occupied housing that consists of no more than four units per structure.

"Displace" does not include downsizing large apartment complexes by demolishing less than 25 percent of the units in the complex or by eliminating units through reconfiguration and expansion of individual units for the purpose of expanding the size of the remaining low-income units. For the purpose of this section, "large apartment complex" means two or more adjacent buildings containing a total of 100 or more units per complex.

In any city in the metropolitan area, as defined in section 473.121, subdivision 2, which has met its housing affordability goals under the metropolitan council's metropolitan development guide, adopted under section 473.145, "displace" means the demolition, acquisition, or conversion of housing only for purposes other than the construction or rehabilitation of housing."

504.34 [Repealed, 1995 c 255 art 2 s 17]

NOTE: Subdivision 1 was also amended by Laws 1995, chapter 224, section 119, to read as follows:

"Subdivision 1. **Annual report required.** A government unit, or in the case of a government unit located in the metropolitan area as defined in section 473.121, the metropolitan council, shall prepare a housing impact report either:

(1) for each year in which the government unit displaces ten or more units of low-income housing in a city of the first class as defined in section 410.01; or

(2) when a specific project undertaken by a government unit for longer than one year displaces a total of ten or more units of low-income housing in a city of the first class as defined in section 410.01."

NOTE: Subdivision 2 was also amended by Laws 1995, chapter 224, section 120, to read as follows:

"Subd. 2. **Draft annual housing impact report.** As provided in subdivision 1, a government unit or in the case of a government unit located in the metropolitan area, as defined in section 473.121, subdivision 2, the metropolitan council subject to this section must prepare a draft annual housing impact report for review and comment by interested persons. The draft report must be completed by January 31 of the year immediately following a year in which the government unit has displaced ten or more units of low-income housing in a city. For a housing impact report required under subdivision 1, clause (2), the draft report must be completed by January 31 of the year immediately following the year in which the government unit has displaced a cumulative total of ten units of low-income housing in a city."

504.35 [Repealed, 1995 c 255 art 2 s 17]

NOTE: This section was also amended by Laws 1995, chapter 224, section 121, to read as follows:

"504.35 **Replacement housing required.**

A government unit which displaces ten or more units of low-income housing in a city of the first class as defined in section 410.01 or in any city located within the metropolitan area as defined in section 473.121, subdivision 2, must provide the replacement housing within 36 months following the date of the final annual housing impact report, unless there is an adequate supply of available and unoccupied low-income housing units to meet the demand for the replacement housing in the city where housing has been displaced by the government unit."