

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Landlord-Tenant

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### Overview

This bill makes a number of miscellaneous changes to landlord-tenant law, including requirements related to utility service, and a new provision allowing early termination of a lease for specified medical reasons.

#### Section

- 1**      **Single-meter utility services.** Clarifies an existing provision of law related to the landlord's responsibility for utilities in a single-metered building. The clarification specifies that a landlord is not otherwise required to pay for services in a building where there are separate, utility-provided meters for each unit.
- 2**      **Conditions of separate billing in a single-metered building.** Expands the requirements of landlords who bill for utilities separately from rent in a single-metered building. The landlord would be required to install a submeter for each unit to measure utility use. Standards for the submeter are provided.

This section also defines what constitutes an "equitable method of apportionment" when the landlord bills tenants for the costs of the utility service.

A landlord would be prohibited from imposing an extra fee or charge for billing, and may not collect more than the amount representing the actual utility usage in the building or the estimated amount based on the apportionment formula. If an apportionment formula will be used, the landlord must provide written notice of the actual costs for the unit during the 12 months preceding the start of the tenant's lease.

The landlord may also not impose an additional charge for tenants choosing to pay bills under an annualized budget plan.

- 3**      **Disconnection of utilities; procedure.** Makes organizational changes to a provision of law related to posting of a building if utilities are to be disconnected for a landlord's failure to pay. The changes do not substantively change the rights or responsibilities of a landlord,

tenant, or utility provider.

- 4 **Limitations; waiver.** Provides that a landlord who violates a provision of law related to utility billing and single-metered buildings is liable to the tenant for treble (triple) damages, or \$500, whichever is greater, plus reasonable attorney's fees.
- 5 **Court file information.** Prohibits a tenant screening service from referencing a court file that does not contain a final decision, and eliminates a knowledge requirement related to the tenant screening service's deletion of a record that has been expunged by a court.
- 6 **Termination of lease; infirmity.** Adds a new provision permitting a tenant to terminate a lease early if the tenant is required to move to another facility for medical reasons. The process for terminating the lease would be the same as that provided upon the death of a tenant, except that a termination for medical reasons would require the additional payment of one month's rent.  
  
Termination for medical reasons would only apply to leases entered into or renewed on or after January 1, 2011.
- 7 **Grounds; recovery by eviction.** Modifies certain notice requirements related to foreclosed properties where recovery of possession is sought through an eviction proceeding.
- 8 **Tenant's right to cure or vacate.** Requires a landlord to provide a tenant with notice and an opportunity to cure the defect or vacate the premises at least seven days prior to filing an eviction action, following content and procedural requirements contained in the bill.
- 9 **Procedure; eviction action.** Provides a cross reference to the new requirement for notice of a tenant's opportunity to cure or vacate contained in section 8.
- 10 **Escrow of rent.** Reduces the window for corrective action by a landlord for violations of a required covenant or provision of an oral agreement or lease related to rental of a unit from 14 days to seven days. If the violation is not corrected within that time, the tenant may deposit the amount of rent due in an escrow account with the court administrator.
- 11 **Landlord must be informed.** Requires a landlord to be informed within 7 days, rather than 14 days, of an alleged violation that requires corrective action. This is a conforming change to reflect the changes contained in section 10 of the bill.