

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 829  
**Version:** As introduced

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**Subject:** Tenant's rights in residential housing

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### Overview

This bill modifies and adds provisions to help tenants on different housing issues including: expungements, evictions, late fees, notifications from the landlord, entry by landlords, emergency relief, and rent escrow cases.

#### Section

- 1 Hearing on motion.** Allows a defendant in a foreclosure to request an expungement while an eviction case is still pending and requires the court to rule on the request at the eviction hearing after making a determination on the eviction. The motion for the expungement can only be to expunge the case that the court is deciding and the court can hear the expungement issue at a later time for good cause.
- 2 Payment of rent into court.** Current law requires residential premises to be fit for their intended use and repairs to be made, including weatherizing and keeping the residence up to the health code. This section will remove the requirement a tenant pay rent into court during an eviction if they could show that the landlord was not complying with the requirements of section 504B.161 and keeping the premises maintained and properly repaired.
- 3 Late fees.** Replaces previous language related to late fees and provides that any discount for paying early rent is deemed to be the rent and a higher amount owed after that is considered to be rent and a late fee.
- 4 Disclosure to tenant.** Clarifies what information must be provided to tenants in the rental agreement or prior to the beginning of the tenancy, including the name of the landlord, name and street address of the property manager, and the address of the landlord or someone authorized to receive service of process for the landlord.

## Section

- 5**        **Responsibilities and rights following conveyance of rental property.** Adds a subdivision to the notices and information that is required to be provided to tenants. This new subdivision requires that when a property is sold the new owner will inform the tenant that the property has a new owner, the name and address of the person who owns it, where rent is to be paid to, and any updates to the information that is required in subdivision 1 of this section. It also creates a mechanism for the tenant to put rent into escrow if it appears more than one person is trying to demand rent from them and that they have a reasonable belief that someone else is legally due the rent. This section also creates a presumption that rent is paid even if it is to the previous owner if the tenant did not receive the notice required in this subdivision until after the rent was due.
- 6**        **Entry by landlord.** Requires a landlord to notify a tenant 24 hours before entering the residence and to provide a five hour window of when they will be at the residence.
- 7**        **Penalty.** Increases the civil penalty against a landlord for entering a residence without notice from \$100 to \$500 and allows a \$500 penalty for each violation. The bill expands the remedy for enforcing this civil penalty to also allow an action in district court or conciliation court for relief.
- 8**        **Single metered residential building.** Modifies the definition of a “single metered residential building” to be any building having a single meter to measure utilities to both the tenant’s dwelling unit and any area outside their dwelling unit.
- 9**        **Grounds for eviction; foreclosed residential property.** Removes the sunset provision for these eviction proceedings.
- 10**       **Grounds for eviction-contract for deed.** Removes the sunset provision for these eviction proceedings.
- 11**       **Action to recover.** Requires the court to reduce the amount of money the tenant owes in a nonpayment of rent eviction by the \$500 civil penalty for violations by the landlord for entering a residence without notice.
- 12**       **Time for appeal.** Expands the timeline to appeal in an eviction action from ten to 15 days.
- 13**       **Petition for emergency relief.** Expands the reasons provided in the statute that a tenant could file an action against a landlord for relief in the case of an emergency, including when the residence is condemned or declared unfit for human occupancy or violations of local codes or orders of government.
- 14**       **Escrow of rent.** Provides specific provisions for how the court administrator shall release escrowed rent to a landlord, either by order of the court or with a signed release from the tenant.
- 15**       **Notice of hearing.** Allows a hearing to be scheduled in a rent escrow case for violations in a residential building even when the tenant files the required notice and no rent is currently due to the landlord.

**Section**

**16**      **Repealer.** Repeals a section of the eviction statute that was going to become effective on January 1, 2015, that would have replaced the existing eviction statutes that would sunset on December 31, 2014. The repealer is effective the day following final enactment.