

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 859
Version: As introduced

DATE: February 27, 2013

Authors: Simon and others

Subject: Landlord and tenant remedies related to victims of violence

Analyst: Mary Mullen

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill modifies existing law on evictions, eviction expungements, tenant screen provisions, lease terminations, and damage deposit remedies as they relate to victims of violence.

Section

- 1** **Violence.** Requires the court to issue an expungement for an eviction when the breach of a lease or nonpayment of rent was due to an incident of violence and the defendant was a victim pursuant to the definition provided in this bill, *see section 4*.
- 2** **Personally identifying information.** Creates a new definition for “personally identifying information.” The terms includes information that could reveal the location of a victim, including: their name, address, telephone, fax, email, Social Security number, date of birth, race, ethnicity, religious affiliation, or any other information that identifies them as a victim.
- 3** **Qualifying document.** Creates a new definition for “qualifying document” meaning a document that states the tenant or tenant’s family or household member is a victim and the perpetrator, if known, and which is signed by a court official, law enforcement official, licensed health care professional, clergy member, or victim’s advocate or service provider.
- 4** **Victim.** Creates a new definition for the term “victim” meaning a person or person’s family or household member who has been subjected by another, regardless of the relationship between the perpetrator of violence and the victim of violence, to violence. The definition includes a list of acts that constitute violence.

Section

- 5 **Damage due to unlawful destruction.** Modifies a statute allowing an action against a person or persons who willfully destroys a leased residential rental property to exclude a victim when the damage is done in a violence incident.
- 6 **Bad faith retention.** Adding to existing law on bad faith on the retention of a damage or security deposits. Presumes that retention of a victim's deposit when the damage is a result of the incident of violence against a victim, is presumed to be in bad faith.
- 7 **Right to terminate; procedure.** Changes the current statute allowing a victim of domestic violence to end their lease early to apply to any victim of violence.
- 8 **Liability of rent; termination of tenancy.** Removes the requirement that to terminate a lease as a victim of violence the victim has to pay an additional month's rent and adds that the tenant forfeits their claim on any security deposit.
- 9 **Conflicts with other laws.** Requires landlords to follow any federal statutes or regulations for termination of a tenancy in subsidized or federal programs.
- 10 **Disclosure of information related to an incident of violence.** Prohibits a tenant screening service from disclosing to anyone except the victim any rental history with personally identifying information if the rental history is related to an incident of violence as defined in the chapter.
- 11 **Use of information related to victims of violence.** Prevents a landlord from deciding an application for tenancy, the continuation of the tenancy, or the renewal of the lease based on information in a tenant's file related to an incident of violence with the victim or their family or household member.
- 12 **Grounds for an eviction.** Prevents a landlord from starting an eviction against a victim for a breach resulting from an incident of violence. Allows for an eviction against a tenant who has engaged in violence against another tenant.
- 13 **Action to recover.** Provides extended time for repayment of rent when the tenant is a victim and the nonpayment is a result of the violence against the victim in an eviction for nonpayment of rent.
- 14 **Expedited procedure.** Allows a landlord to expedite an eviction if the eviction of a tenant is based on that tenant having committed an act of violence against a victim.