

Subject Eviction procedure; tenant screening reports

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## Overview

This bill provides changes to eviction procedures, including the form and content of summons and complaints, as well as amending various statutes related to evictions, appeals, and tenant screening.

## Summary

Section	Description
1	<b>Evict or eviction.</b> Technical changes.
2	<b>Court file information.</b> Provides that tenant screening reports shall not report on eviction cases where the tenant was not evicted and requires the tenant screening services to use current court records for reporting within 24 hours of providing the report.
3	<b>Tenant report; remedies.</b> Allows a tenant to recover damages, costs, and attorney fees if there is a violation of the tenant screening report requirements in statute. Removes the current law for enforcement, which allows the attorney general to enforce tenant screen provisions and requires tenant screening companies to comply with the federal Fair Credit Reporting Act.
4	<b>Complaint and summons.</b> <b>Subd. 1. Complaint.</b> Requires the phone number and email address to be included in a complaint for eviction. Removes existing summons requirements. <b>Subd. 2. Expedited procedure.</b> No changes. <b>Subd. 3. Contents of complaint.</b> Provides the requirements for the contents of a complaint to bring an eviction action against a residential tenant including attaching supporting documents for the basis of the claim.

Section	Description
	<p><b>Subd. 4. Summons.</b> Provides requirements for a court summons in a residential eviction action.</p> <p><b>Subd. 5. Hearing.</b> Requires hearings for evictions to be 14 days after the summons is issued, except in an expedited eviction procedure.</p> <p><b>Subd. 6. Defective filing or service.</b> Requires cases where the plaintiff failed to comply with the requirements in subdivisions 1 and 2 to be dismissed and expunged from the record.</p> <p><b>Subd. 7. Nonpublic record.</b> Prohibits an eviction action from being accessible to the public until after the court issues a final order.</p>
5	<p><b>Summons; how served.</b></p> <p>Amends the procedure to require a summons to be served with a copy of the complaint at least 14 days before the hearing, instead of seven days before the hearing which is current law. Allows the plaintiff bringing an eviction action to prove they have communicated with the information to the tenant through all regular communication channels including email and text message to prove notice of the hearing.</p>
6	<p><b>Answer; trial.</b></p> <p>Allows a tenant to answer a complaint orally instead of filing an answer. Provides the various ways the court can move forward on an action and provides that parties shall comply with reasonable discovery requests. Prohibits the court from requiring the defendant to pay a bond or pay money into court before the matter has been adjudicated.</p>
7	<p><b>Enforcement of settlement agreements.</b></p> <p><b>Subd. 1. Notice of compliance with settlement agreement.</b> Allows a party to seek judicial enforcement of a settlement agreement after notice to the other party of the breach.</p> <p><b>Subd. 2. Adjudication.</b> Requires the court to schedule a hearing on the breach of the agreement no sooner than 72 hours after the affidavit is filed, and requires the court to serve notice on all the parties and allow the respondent to respond orally or in writing.</p> <p><b>Subd. 3. Stay of writ of recovery.</b> Prevents a writ of recovery for the property to be issued until the hearing is complete and the court has ruled on the case.</p>

Section	Description
8	<b>General.</b> Allows the court to provide relief in section 504B.425, including directing either the tenant or landlord to remedy a violation and allow rent to be used to remedy a violation through rent escrow. This section also requires the court to provide at least seven days to a tenant after the writ of recovery is issued, except when the tenant has seriously endangered the safety of others or caused a nuisance.
9	<b>Motion to vacate a judgment.</b> Allows the tenant in an eviction action to appeal an order denying a motion to vacate judgment in the same manner as a party in any other civil action.
10	<b>Summons and writ.</b> Provides the requirements for the court forms on summons and writs of recovery in eviction actions.
11	<b>Statement of intention to appeal.</b> Removes reference to a section being repealed by this bill.
12	<b>Stay pending appeal.</b> Removes reference to a section repealed by this bill.
13	<b>Stay of writ issued before appeal.</b> Removes references to a section of statute repealed by this bill.
14	<b>Repealer.</b> Repeals the existing statute governing continuances in housing eviction actions, and special appeals proceedings in hold over evictions and termination of lease cases where a bond is provided for the appeal case.
15	<b>Effective date.</b> Provides that all the sections of this bill are effective on August 1, 2021, and applies to actions filed on or after that day with the court.



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