

Subject Landlord and Tenant Laws; COVID-19 Peacetime Emergency

Authors Hausman and others

Analyst Mary Mullen

Date April 26, 2021

Overview

This bill provides regulations on evictions and lease renewals for residential tenancies during the COVID-19 peacetime emergency and for 12 months after, and remedies for violations of those regulations.

This bill also provides a moratorium on foreclosures and the cancellation of contracts for deeds by vendors during the peacetime emergency, and for 60 days after.

Summary

Section	Description
---------	-------------

1 Peacetime emergency; eviction and nonrenewal of lease.

Prohibits evictions, nonrenewal of leases, execution of writs of recovery, increasing rent, and termination of rental agreements for manufactured home residents in certain circumstances for residential units during the peacetime emergency related to COVID-19.

- Prohibits evictions for residential tenants during the COVID-19 peacetime emergency, except in cases where there has been destruction of the rental property, criminal activity, or for a substantial breach of the lease that defeats the purpose of the lease and is not the failure to pay rent.
- Requires the landlord to include with an eviction filing the basis for the eviction and the facts that support the filing.
- Prohibits the nonrenewal of a lease for a residential tenant unless the landlord needs to move family members into the unit, or the tenant has requested to end the lease. The landlord can also refuse to renew the lease when there has been destruction of the rental property, criminal activity, or for a substantial breach of the lease that defeats the purpose of the lease and is not the failure to pay rent.

Section Description

- Prohibits the execution of a writ of recovery for a residential property except in certain circumstances consistent with evictions under this section.
- Prohibits raising rent more than six percent, and only allows one rent increase in a 12-month period.
- Prohibits the termination of a rental agreement or an eviction for a manufactured home, or for the delivery of a default notice by owners of a secured interest in a manufactured home, or any attempt to remove the occupants of the manufactured home.
- Requires a written notice seven days before an eviction, and requires that notice to be attached to the eviction filing.
- Provides that these provisions related to residential tenancy do not affect orders for protection or no contact orders and that all residential tenants still owe rent and landlords can still collect rent.

Provides that this section is effective the day following final enactment.

2 Evictions and Nonrenewal at the conclusion of a peacetime emergency.

Provides that for the period of 12 months after the peacetime emergency related to the COVID-19 pandemic, a landlord must provide a written notice 60 days before filing an eviction on a residential tenancy and must not assess late fees during that time.

This section provides the notice and service requirements, and provides that the notice is proof of an emergency for the purposes of county emergency assistance and the landlord must cooperate with the tenant to get assistance.

This section also requires the landlord to file the notice with any subsequent eviction filing and if the landlord fails to comply with the requirements in a case, then the court must dismiss the case and expunge the action.

Provides that this section is effective the day following final enactment.

3 District court petition review; dismissal and expungement of actions.

Requires the court to review all filings for eviction. This section requires that if the 60-day notice requirement required in the 12 months after the peacetime emergency is not attached to the filing than the court must reject the filing.

This section requires that if the eviction was filed after March 23, 2020, and it violates or fails to show proof of compliance with either the Governor's executive orders related to evictions, or section 1 of the bill providing for evictions in certain circumstances with a seven-day notice when applicable, or section 2 allowing

Section Description

evictions after a 60-day notice, than the court must dismiss the eviction action and expunge the record.

Provides that this section is effective the day following final enactment.

4 Foreclosure; contract for deed; during and 60 days after peacetime emergency.

Provides that during the peacetime emergency related to COVID-19 and for 60 days after, the procedure for beginning a foreclosure on a residential property cannot start except to protect the bonds issued by the Minnesota Housing Finance Agency. This section also prevents a termination for a contract for deed by the seller of the home during the peacetime emergency or 60 days after. This section does not change or release any of the debts owed on secured interests or to lien holders, including a common interest community or to a mortgage holder.

This section is effective the day following final enactment and applies to actions taken on or after that date.



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155