

Subject Rental Evictions; Complaint; Answer; Appeals

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Overview

This bill makes changes to chapter 504B governing eviction actions including updates to the form and procedure for summons and complaints in eviction actions, the procedure for the hearings in eviction actions, when court records can be accessed by the public, and how expedited evictions can occur.

Summary

Section	Description
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| 1 | Evict or eviction.
Technical changes. |
| 2 | Combining allegations.
Changes the procedure when an eviction alleges material lease violations and rent owed in an eviction, and allows 15 days, instead of seven days, to pay the owed rent if the tenant is not found to have committed a material lease violation. |
| 3 | Action to recover.
Alters existing procedure in eviction actions for nonpayment of rent, and provides the tenant with 15 days to pay costs and rent owed to the landlord in an eviction action for nonpayment of rent. |
| 4 | Complaint and summons.
Provides a new procedure for the summons in an eviction action, including a notice for how to get legal and financial assistance, and provides for an updated list of information that must be included when a complaint is filed for an eviction, including attaching a copy of the lease and details of the lease breach or unpaid rents.

This section also provides that expedited evictions should only proceed as expedited matters if there is a threat of an ongoing violation of section 504B.171 (unlawful and dangerous activities). |

Section	Description
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This section states that a hearing on the summons and complaint must be 14 days after they are served on the tenant, and the court must dismiss and expunge an eviction that doesn't follow the procedure for a summons and complaint under this section.

Provides that court records for eviction actions are nonpublic unless the landlord prevails, and writ of recovery is issued for the rental unit.

5 Summons; how served.

Requires that hearing on an eviction complaint must occur 14 days after the summons and complaint are served, and expands options for notifying a tenant of an eviction action when the tenant cannot be found, including phone calls, texts, and emails.

6 Answer; trial.

Allows tenants to answer eviction complains orally, and provides a specific list of actions that the court can do in an eviction case. This section requires the court to schedule a hearing for a trial date when the eviction is contested and to select a trial date based on the facts and circumstances of the case, except in an expedited eviction case.

This section requires parties to exchange documents and answer questions for discovery in the case and prevents a bond from being posted by a tenant, except when the case is being appealed.

7 General.

Allows the court to issue an expungement when the tenant prevails in an eviction action and allows them to seek relief for retroactive rent abatement. This section also requires a seven-day stay when the tenant is evicted, unless the action was brought for an unlawful or dangerous action or when the tenant has created a nuisance endangering others. This section requires the court to stay the eviction for 15 days when the eviction is for nonpayment for rent.

8 Motion to vacate judgment.

Allows a party to bring a motion to vacate a judgment in an eviction action for situations such as where the judgment was entered as a result of mistake, inadvertence, surprise, or excusable neglect, fraud, misconduct, or new evidence was discovered that could not have been reasonably discovered previously.

Section	Description
9	Summons and writ. Provides new requirements for the summons on a writ of recovery and order to vacate a rental unit including notice on how to seek assistance with legal or financial help.
10	General. Allows the office executing an order to vacate to demand a tenant leave, with their property, within five days.
11	Appeal bond. Clarifies what the court can require in an appeal case for the bond.
12	Stay pending appeal. Requires a stay for all appeals.
13	Stay of writ issued before appeal. Technical and conforming changes.
14	Exception. Amends an exception for certain actions in an appeal proceeding, and provides the exceptions apply in claims where a plaintiff prevailed on an action related to breach of the lease by unlawful activity.
15	Repealer. Repeals a section of chapter 504B related to court continuances in hearings and trials for eviction actions.
16	Effective date. Provides the sections of this bill are effective on August 1, 2023, and apply to eviction court actions filed with the court on or after that date.



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