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S.F. No. 3553 - Landlord and tenant clarifications; modifying service of summons and complaints in eviction proceedings

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Overview

S.F. 3553 makes several clarifying changes to statutes governing landlord and tenant law and modifies service of the summons and complaint in eviction actions.

Summary

Section 1. Early renewal of lease. Clarifies that a landlord must wait six months from the *execution* of the current lease before requiring a tenant to renew the lease.

Section 2. Late fees. Provides that, with respect to housing assistance payment contracts, a late fee imposed by a landlord must be calculated and assessed only on the portion of rent payable by the tenant.

Section 3. Summons; how served.

Subdivision 1. Generally. Provides that the plaintiff must attempt to communicate to the defendant that an eviction hearing has been scheduled. Plaintiff must use at least one form of electronic written communication that the plaintiff uses regularly to communicate with the defendant, unless no electronic communication is used by the parties to communicate.

Subd. 2. Personal or substitute service. Provides that if the defendant can be found in the county, the summons and complaint must be served in the manner provided for service of a civil action in district court.

Subd. 3. Service by mail or posting. Provides that if attempts at personal or substitute service are unsuccessful, service by mail and posting may be made. Provides a list of all actions, in order of completion, that a plaintiff must complete to satisfy the requirement to serve by mail or posting, including mailing a copy of the summons and complaint to the defendant's last known address; filing an affidavit with the court; and posting the summons and complaint on the defendant's individual unit.

Subd. 4. Residential eviction. Provides that for residential evictions, the plaintiff may not claim that attempts at personal or substitute service were unsuccessful unless: (1) at least two attempts at service in the manner consistent with a civil action in district court are made; (2) at least one of the attempts was made between 6:00pm and 10:00pm; and (3) the attempts were made at the defendant's last known address.

Section 4. General. Removes a cross-reference to the statute governing eviction actions based on nonpayment of rent, thereby requiring the court to stay the writ of recovery of premises and order to vacate for a reasonable period, not to exceed seven days, for such eviction actions.