

1.1 **Senator Port from the Committee on Housing and Homelessness Prevention, to**  
1.2 **which was referred**

1.3 **S.F. No. 3553:** A bill for an act relating to civil law; clarifying landlord and tenant  
1.4 provisions; modifying service of summons and complaint; amending Minnesota Statutes  
1.5 2022, section 504B.177; Minnesota Statutes 2023 Supplement, sections 504B.144; 504B.331;  
1.6 504B.345, subdivision 1.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Page 2, line 11, delete "1437(f)" and insert "1437f"

1.9 Page 2, delete section 3 and insert:

1.10 "Sec. 3. Minnesota Statutes 2023 Supplement, section 504B.331, is amended to read:

1.11 **504B.331 SUMMONS; HOW SERVED.**

1.12 (a) The summons and complaint must be served at least seven days before the date of  
1.13 the court appearance specified in section 504B.321, in the manner provided for service of  
1.14 a summons in a civil action in district court.

1.15 (b) If the defendant cannot be found in the county, the summons and complaint may be  
1.16 served at least seven days before the date of the court appearance by:

1.17 (1) leaving a copy at the defendant's last usual place of abode with a person of suitable  
1.18 age and discretion residing there; or

1.19 (2) if the defendant had no place of abode, by leaving a copy at the property described  
1.20 in the complaint with a person of suitable age and discretion occupying the premises.

1.21 (c) Failure of the sheriff to serve the defendant is prima facie proof that the defendant  
1.22 cannot be found in the county.

1.23 (d) Where the defendant cannot be found in the county, service of the summons and  
1.24 complaint may be made upon the defendant by posting the summons in a conspicuous place  
1.25 on the property for not less than one week if:

1.26 (1) the property described in the complaint is:

1.27 (i) nonresidential and no person actually occupies the property; or

1.28 (ii) residential and service has been attempted at least twice on different days, with at  
1.29 least one of the attempts having been made between the hours of 6:00 p.m. and 10:00 p.m.;  
1.30 and

1.31 (2) the plaintiff or the plaintiff's attorney has signed and filed with the court an affidavit  
1.32 stating that:

2.1 (i) the defendant cannot be found, or that the plaintiff or the plaintiff's attorney believes  
2.2 that the defendant is not in the state;

2.3 (ii) a copy of the summons has been mailed to the defendant at the defendant's last known  
2.4 address if any is known to the plaintiff; ~~or~~ and

2.5 (iii) the plaintiff or plaintiff's attorney has communicated to the defendant that an eviction  
2.6 hearing has been scheduled, including the date, time, and place of the hearing specified in  
2.7 the summons, by at least one form of written communication the plaintiff regularly uses to  
2.8 communicate with the defendant that have a date and time stamp.

2.9 (e) If the defendant or the defendant's attorney does not appear in court on the date of  
2.10 the appearance, the trial shall proceed."

2.11 And when so amended the bill do pass and be re-referred to the Committee on Judiciary  
2.12 and Public Safety. Amendments adopted. Report adopted.



2.13 .....  
2.14 (Committee Chair)

2.15 February 20, 2024.....  
2.16 (Date of Committee recommendation)