



S.F. No. 558 – Remedy to remove unauthorized persons from real property, as amended by the SCS0558A-2 amendment

Author: Senator Eric Lucero

Prepared by: Priyanka Premo, Senate Counsel (priyanka.premo@mnsenate.gov)

Date: January 29, 2025

Overview

The **SCS0558A-2** amendment establishes a complaint process to request the sheriff to remove a person who is occupying real property without the permission of the property owner. This amendment also modifies the definition of “residential tenant” for purposes of landlord and tenant law.

Summary

Section 1. [500.35] Remedy to remove authorized persons from real property.

Subd. 1. Right to request removal. Provides that a property owner or their authorized agent may request the sheriff remove a person from the property if: the person has entered and remained on the owner’s property without permission; the person has no legal right to occupy the property; the owner or agent has told the person to leave, but the person refuses; the person is not a tenant or a family or household member; and there is no pending litigation related to the property between the owner and the person.

Subd. 2. Complaint. Provides a statutory form for the property owner or agent to submit to the sheriff that requires the owner or agent to declare under penalty of perjury that the requirements under subdivision 1 are met.

Subd. 3. Verification; service; demand. Requires the sheriff to verify that the complainant is the record owner of the property or the authorized agent of the owner. Requires service on the unauthorized occupant who is the subject of the complaint.

Subd. 4. Fees. Permits the sheriff to charge reasonable fees for service of the notice and standby services.



Subd. 5. Immunity. Provides civil and criminal immunity to a sheriff for their good faith reliance on a complaint and compliance with this section unless the act or failure to act constitutes intentional or willful and wanton misconduct. Provides that the owner or agent who makes a request under this section is not liable for personal property damage unless the owner or agent knowingly provided false information.

Subd. 6. Civil action; wrongful removal. Permits a civil action against the owner or agent if the person was removed in violation of this section. Permits the court to restore the prevailing plaintiff to possession of the property and requires the court to award treble damages, costs, and reasonable attorney fees to the prevailing plaintiff.

Subd. 7. Criminal penalty. Provides that an owner or agent who knowingly provides false information to the sheriff, and intends that the sheriff rely on it, is guilty of a misdemeanor.

Subd. 8. Other remedies; authority of peace officer. Provides that this section does not limit any other rights or remedies available to the owner; does limit the authority of a peace officer; and does not authorize use of force more than what may be necessary.

Effective date. This section is effective August 1, 2025, and applies to crimes committed on or after that date and causes of actions accruing on or after that date.

Section 2. [504B.001; subd. 12] Residential tenant. Provides that an unlawful occupant is not a residential tenant for purposes of Chapter 504B, the chapter governing landlords and tenants.

Section 3. [504B.001; subd. 13c] Unlawful occupant. Defines an unlawful occupant as a person who is not a party to a lease with the landlord, is not occupying the dwelling with a residential tenant who is a party to the lease; and does not have written permission from the landlord to occupy the dwelling.