

1.1 Senator moves to amend S.F. No. 558 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[500.35] REMEDY TO REMOVE UNAUTHORIZED PERSONS FROM**
1.4 **REAL PROPERTY.**

1.5 Subdivision 1. **Right to request removal.** A property owner or the authorized agent of
1.6 a property owner may request the sheriff of the county in which the property is located to
1.7 remove a person unlawfully occupying residential real property if the following conditions
1.8 are met:

1.9 (1) a person entered and remained on the owner's property without permission of an
1.10 owner or an agent of an owner;

1.11 (2) the unauthorized person is not an owner or co-owner of the property, is not listed on
1.12 the title to the property, and has no legal right to occupy the property;

1.13 (3) the property owner or agent of the owner has directed the unauthorized person to
1.14 leave the property and the person refuses to depart the property;

1.15 (4) the unauthorized person is not a current or former residential tenant, as defined in
1.16 section 504B.001, subdivision 12, of the property owner;

1.17 (5) the unauthorized person is not a family or household member, as defined in section
1.18 518B.01, subdivision 2, paragraph (b), of the property owner; and

1.19 (6) there is no pending litigation related to the residential real property between the
1.20 property owner and the unauthorized person.

1.21 Subd. 2. **Complaint.** To request the immediate removal of person unlawfully occupying
1.22 residential real property, the property owner or the property owner's authorized agent must
1.23 submit a complaint by presenting a completed and signed Complaint to Remove Persons
1.24 Unlawfully Occupying Residential Real Property to the sheriff of the county in which the
1.25 real property is located. The complaint must be in substantially the following form:

1.26 **COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING**
1.27 **RESIDENTIAL REAL PROPERTY**

1.28 I, the owner or authorized agent of the owner of the real property located at
1.29, declare under the penalty of perjury, under
1.30 Minnesota Statutes, section 609.48, that (initial each box):

1.31 I am the owner of the real property or the authorized agent of the owner of
1.32 1. the real property.

- 2.1 An unauthorized person or persons entered or are remaining on the real
2.2 2. property without my permission or the permission of any owner.
- 2.3 I have directed the unauthorized person or persons to leave the real property,
2.4 3. but they have not done so.
- 2.5 The person or persons are not current or former residential tenants as defined
2.6 in section 504B.001, subdivision 12, pursuant to any valid lease authorized
2.7 by the property owner, and any lease that may be produced by an occupant
2.8 4. is fraudulent.
- 2.9 The unauthorized person or persons sought to be removed are not an owner
2.10 or a co-owner of the property and are not listed on the title to the property
2.11 5. unless the person or persons have engaged in title fraud.
- 2.12 The unauthorized person or persons are not family or household members,
2.13 as defined in section 518B.01, subdivision 2, paragraph (b), of the property
2.14 6. owner.
- 2.15 There is no litigation related to the real property pending between the
2.16 7. property owner and any person sought to be removed.
- 2.17 I understand that a person or persons removed from the property pursuant
2.18 to this complaint may bring a cause of action against me for any false
2.19 statements made in this complaint, and that as a result of such action I may
2.20 8. be held liable for treble damages, costs, and reasonable attorney fees.
- 2.21 I am requesting the sheriff to immediately remove the unauthorized person
2.22 9. or persons from the residential property.
- 2.23 A copy of my valid government-issued identification is attached, and, if I
2.24 am an agent of the property owner, documents evidencing my authority to
2.25 10. act on the property owner's behalf are attached.

2.26 I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND EACH
2.27 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
2.28 MADE IN THIS COMPLAINT ARE BEING MADE UNDER PENALTY OF PERJURY.

2.29 ...(Signature of Property Owner or Agent of Owner)...

2.30 Subd. 3. **Verification; service; demand.** (a) Upon receipt of the complaint, the sheriff
2.31 shall verify that the person submitting the complaint is the record owner of the real property
2.32 or the authorized agent of the owner and appears otherwise entitled to relief under this
2.33 section.

2.34 (b) If verified, the sheriff shall serve a notice to immediately vacate on all the persons
2.35 unlawfully occupying the residential property. Service may be accomplished by hand delivery
2.36 of the notice to the person unlawfully occupying the property or by posting the notice on
2.37 the front door or entrance of the property. The sheriff shall attempt to verify the identities
2.38 of all persons unlawfully occupying the property and note the identities on the return of
2.39 service.

2.40 (c) The sheriff shall make a demand that the unauthorized person vacate the property.
2.41 If the unauthorized person refuses, the sheriff may take necessary actions to place the
2.42 property owner or authorized agent in possession of the property.

3.1 Subd. 4. **Fees.** The sheriff may charge to the property owner or the authorized agent of
3.2 the property owner a reasonable fee for:

3.3 (1) service of the notice to immediately vacate under this section; or

3.4 (2) if requested, stand by services to maintain the peace.

3.5 Subd. 5. **Immunity.** (a) A sheriff who, in good faith, relies on a complaint provided
3.6 under subdivision 2 and complies with this section to remove a person occupying residential
3.7 real property is not subject to any civil or criminal liability arising from the removal unless
3.8 the act or failure to act constitutes intentional or willful and wanton misconduct.

3.9 (b) The property owner or the authorized agent of the property owner who makes a
3.10 request under this section is not liable to any party for the loss, destruction, or damage to
3.11 personal property unless the property owner or authorized agent knowingly provided false
3.12 statements, documentation, or other evidence.

3.13 Subd. 6. **Civil action; wrongful removal.** A person may bring a civil cause of action
3.14 against the property owner or authorized agent of the property owner who signed a complaint
3.15 under subdivision 2 alleging that the person was removed in violation of this section. The
3.16 court may restore the prevailing plaintiff to possession of the real property and shall award
3.17 to the prevailing plaintiff an amount equal to three times the damages incurred, costs, and
3.18 reasonable attorney fees.

3.19 Subd. 7. **Criminal penalty.** A property owner or authorized agent of the property owner
3.20 who submits a complaint under subdivision 2 and provides to the sheriff false statements,
3.21 documentation, or other evidence under this section, knowing that the statement,
3.22 documentation, or other evidence is false and intending that the sheriff rely on it, is guilty
3.23 of a misdemeanor.

3.24 Subd. 8. **Other remedies; authority of peace officer.** (a) This section does not limit
3.25 any other the right or remedy available to a property owner or limit the authority of a peace
3.26 officer.

3.27 (b) Nothing in this section authorizes the use force in excess of what may be necessary
3.28 under the circumstances.

3.29 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to crimes
3.30 committed on or after that date, and causes of action accruing on or after that date.

4.1 Sec. 2. Minnesota Statutes 2024, section 504B.001, subdivision 12, is amended to read:

4.2 Subd. 12. **Residential tenant.** "Residential tenant" means a person who is occupying a
4.3 dwelling in a residential building under a lease or contract, whether oral or written, that
4.4 requires the payment of money or exchange of services, all other regular occupants of that
4.5 dwelling unit, or a resident of a manufactured home park. A residential tenant does not
4.6 include an unlawful occupant.

4.7 Sec. 3. Minnesota Statutes 2024, section 504B.001, is amended by adding a subdivision
4.8 to read:

4.9 Subd. 13c. **Unlawful occupant.** "Unlawful occupant" means a person occupying a
4.10 dwelling in a residential building who:

4.11 (1) is not a party to a lease with the landlord;

4.12 (2) is not occupying a dwelling with a residential tenant who is a party to the lease; and

4.13 (3) does not have written permission from the landlord to occupy the dwelling."

4.14 Amend the title accordingly