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Minnesota's common-sense legislative reforms increase fairness in rental housing.

BUT MORE NEEDS TO BE DONE.

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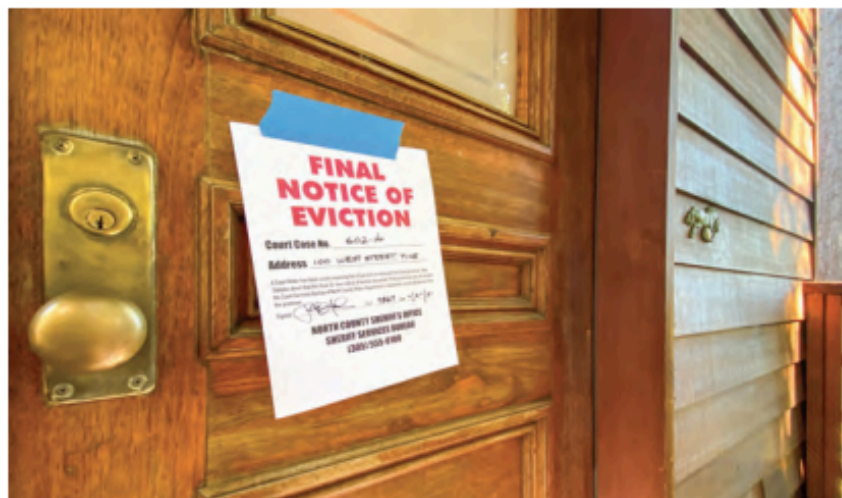
During the 2023 legislative session, the Minnesota Legislature enacted sweeping eviction reforms that aimed to bring fairness and transparency into the process by which renters are summarily removed from their homes. Among the important reforms enacted, Minnesota landlords are now obligated to provide a detailed 14-day pre-filing notice before filing an eviction action for non-payment of rent.¹ This notice requirement brings Minnesota in line with the 45 states across the country that require landlords to provide notice to tenants before filing a non-payment eviction. Additionally, the Legislature eliminated a harmful pay-to-defend practice by which courts required tenants to pay disputed rent balances into court to have their case heard on the merits.² And landlords are now required to plainly disclose all required fees in their leases to prevent hidden charges from forcing tenants into eviction.³

Our experience at Mid-Minnesota Legal Aid, which has represented low-income tenants in eviction cases since its founding in 1913—and likewise the experience of our partner legal aid offices across the state—has given us a keen insight into the dynamics involved in rental housing, particularly for marginalized communities such as low-income renters, communities of color, individuals with disabilities, and new Americans. We have seen the power imbalance inherent in all landlord-tenant relationships and recognize a continuing need to balance the scales.

We applaud the Minnesota Legislature for making meaningful strides to do so in recent years. Even so, while more laws are on the side of tenants, enforcement is not. While some Minnesota jurisdictions have committed to providing eviction defense to eligible renters, most counties simply do not have nearly enough civil legal aid or public sector attorneys to provide a true right to counsel in eviction cases. Statewide, we have a long way to go before this ideal is a reality for most Minnesotans. All Minnesota renters should know their rights and have a fair opportunity to defend evictions and remain in their homes.

TROUBLING TRENDS

More reform is needed. Eviction filing rates remained high throughout 2024. Other than a slight drop in January 2024, filing rates have far outpaced pre-pandemic levels.⁴ Identifying the precise cause of this trend is beyond the scope of this article, but high rents, lack of quality affordable housing, and increases in the cost of living likely each play a role.



Evictions for non-payment of rent continue to comprise the vast majority of filings statewide. Families are struggling simply to stay afloat.

The 2023 legislative session's expansion of Minnesota Statutes Chapter 504B was undoubtedly historic. Indeed, some of the statutes amended during the session had been untouched since Minnesota became a state in 1858. However, more reforms were already under way by the time these reforms went into effect in January 2024. During the 2024 session, legislators and stakeholders got back to work to enact additional reforms to continue balancing the scales. The infographic accompanying this article summarizes the significant reforms in effect as of January 1, 2025.

CONCLUSION

The evolving body of landlord-tenant law is complex and dynamic. Practitioners who represent both landlords and tenants should stay abreast of these changes and contribute to the ongoing conversation at the Legislature as new reforms are being considered.

Particularly for attorneys interested in pro bono work on behalf of renters facing eviction, MMLA and our partner organizations such as the Volunteer Lawyers Network welcome the opportunity to serve as a resource. Any contribution, large or small, can help to balance the scales. ▲

NOTES

¹ Minn. Stat. §504B.321, subd. 1a.

² Minn. Stat. §504B.335(e).

³ Minn. Stat. §504B.120, subd. 1.

⁴ See Princeton University, Eviction Lab, www.evictionlab.org/eviction-tracking/.



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MID-MINNESOTA LEGAL AID handles more than a thousand housing cases annually, including full representation and advice for tenants facing the devastating loss of their housing. We have logged countless hours in court defending tenants against illegal evictions or helping them reach amicable settlements to either keep their homes or help them on their way to finding new housing. We help renters when they are facing severe repair and safety emergencies in their homes or illegal lockouts. And we have a robust housing discrimination practice to enforce federal and state fair housing protections.

2025 updates for tenants and landlords

TENANT ABANDONMENT AND LANDLORD MITIGATION OF DAMAGES¹

- If a tenant abandons a dwelling during the lease term, the landlord shall make reasonable efforts to rent it at fair market value.
- The lease is terminated on the date the new tenancy begins or on the date the tenant abandons the unit if the landlord fails to use reasonable efforts to rent the dwelling.
- The tenant is not liable for rent after the agreement is terminated.



ENHANCING RESIDENTIAL TENANTS' RIGHT TO ENFORCE THEIR RIGHTS

Tenants' right to organize and prohibition on retaliation⁶

- Provides that tenants have a right to establish and operate a tenant association to address issues relating to their living environment and the terms and conditions of their lease.
- Requires landlords to permit tenants and tenant organizers to engage in organizing activity including distributing information, contacting tenants, and convening meetings.
- Prohibits retaliation for tenant organizing activities, among other protected conduct.
- Provides a penalty for bad faith retaliation of \$1,000 per occurrence plus attorney fees.



TENANT SCREENING PROTECTIONS

- No landlord may deny a rental application based on a pending eviction; an expunged, confidential, or destroyed case; or an eviction that has not resulted in a writ of recovery.²

- Establishes that residential tenant screening services have an affirmative duty to update and verify the current status of court files by accessing Minnesota Court Records Online no more than 24 hours before issuing a screening report.³



PROTECTIONS FOR RENTERS IN CRISIS

Emergency calls⁴

- Clarifies that landlords may not bar or limit a tenant's right to call police or emergency assistance for mental health or health crises.
- Clarifies that landlords may not impose a penalty due to the tenant calling the police or emergency assistance for mental health or health crises.



Protections for domestic violence survivors⁵

- Prohibits commencing an eviction against a tenant who has terminated their lease due to domestic abuse or harassment.
- Provides a \$2,000 penalty plus attorney fees and costs for landlords who disclose protected information of survivors of violence.
- Note: These protections became effective in Spring 2024.

Residential covenants expanded⁷

- Expands the habitability covenants under Minnesota Statute §504B.161 that establish the legal obligations imputed to landlords in all residential leases.
- Extends habitability protections to include common areas.
- Adds all statutory emergency repair categories and extermination of insects, rodents, vermin, or pests.
- Adds federal laws, housing discrimination laws, and rental licensing.

ADDITIONAL NOTICE IN EVICTION CASES⁸

- Clarifies that landlords must make a good faith attempt to communicate that an eviction hearing has been scheduled via electronic written communication (text, email, or rent portal) at least seven days before the initial court appearance.
- Clarifies that this requirement is in addition to service of process.



ATTORNEY GENERAL ENFORCEMENT⁹

Explicitly provides the Attorney General with authority to investigate and prosecute violations of Minnesota Statutes Chapter 504B, governing landlord-tenant laws.



¹ Minn. Stat. §504B.154

² Minn. Stat. §504B.173, subd. 3a

³ Minn. Stat. §504B.241, subd. 4

⁴ Minn. Stat. §504B.205

⁵ Minn. Stat. §504B.206

⁶ Minn. Stat. §504B.212

⁷ Minn. Stat. §504B.161

⁸ Minn. Stat. §504B.332

⁹ Minn. Stat. §504B.501