

Highlights of Residential Eviction Defense and Tenant Claims in Minnesota  
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[http://povertylaw.homestead.com/files/Reading/Residential Eviction Defense in Minnesota.htm](http://povertylaw.homestead.com/files/Reading/Residential%20Eviction%20Defense%20in%20Minnesota.htm)

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This revision is in progress. New appendices beyond Appendix 628 will be posted at Pro Justice MN when done. Before then, new appendices are available from the author.

The manual adds important appellate and district court decisions.

New sections include:

Chapter I: Introduction To Unlawful Detainer (Eviction) Actions  
and Landlord-Tenant Relationships

History of Landlord and Tenant Laws in Minnesota

Preemption

Eviction Remedy in Other Actions

Definition of tenancy, lease or leasehold interest

Tenancy for life

Analyzing holder over tenancies

Lease interpretation and construction

Parol Evidence

Caretakers as tenants and landlords

Residency hotels

Shelters

Nursing homes residents are tenants

Assisted living and housing with services

Board and lodging

Residences with services under Minn. Stat. Ch. 245D

Group Residential Housing

Lease Requirements

Ethics Issues in Landlord and Tenant Representation

Chapter V: Procedure

Venue

Filing Fee Waivers: In Forma Pauperis (IFP)

Appearance of Counsel for Defendant Without Defendant As an Appearance by Defendant

Jurisdiction

Copies of court files

Judicial notice  
Business records

Reopening the Record  
Treatment of Pro Se Parties

Chapter VI: Defenses  
Filing Fee Waivers: In Forma Pauperis  
Verification Signed by Notary No Longer Required

C. Improper Service  
Challenges to affidavits of service  
Improper posting on commercial tenant  
No or untimely affidavit of service  
Incomplete service

D. Failure to Satisfy Preconditions to Recovery of the Premises  
Lack of subject matter jurisdiction  
Power of attorney  
Accord and satisfaction

E. Nonpayment of rent defenses  
McKnight Habitability Litigation Revolving Fund  
Housing inspectors as lay witnesses and not experts  
Quiet enjoyment  
Tenant awards beyond rent claimed credited against future rent  
Code violations are misdemeanors  
Acquiescence to notice to increase rent  
Other fees  
Bankruptcy and public housing rent  
Premature action that had not accrued  
Acceptance of rent before commencement of action  
Landlord rejected rent before filing action  
*De minimus* rent and fees  
Laches

F. Holding over after notice to quit defenses  
Year-to-year tenancies  
Purchase agreements and exercised options terminations  
Declaratory judgment action as alternative to eviction defense

G. Breach of lease defenses  
Regulation prohibiting Legal Services Corporation (LSC) recipients from representing tenants in certain  
drug allegation public housing cases  
Distinguishing between crimes and offenses: marijuana and other petty misdemeanors  
Crime-free ordinances

Drug paraphernalia  
Medical marijuana  
Registered sex offenders  
Admissibility of plea from criminal action

#### Chapter VIII: Post Trial Issues

Priority writs  
Notice to defendant  
Contemp for failing to vacate

#### 4. Motion for costs and attorney's fees

Jurisdiction  
Nonpayment of rent cases  
Collection through credited rent  
Calculation of attorney's fees  
Disbursements

#### 5. Motion to Seal or Expunge Court Records

Expungement distinguished with amending caption  
Good faith dispute  
Notice to tenant screening agencies  
In the future: automatic purging of older eviction files

#### Chapter XII: Other Landlord and Tenant Actions

##### B. Tenant Initiated Actions and Claims

Statutes of limitations

##### 1. Lockout Actions

Statutes  
History  
Current statutes  
Analysis of actions for tenant repossession of property and damages

##### Violation of Tenant's Privacy Rights

Quiet enjoyment  
Damages action

Forms:

Answers

<http://povertylaw.homestead.com/ResidentialUnlawfulDetainer.html>

Expungement motions

<http://minnhousingclinic.homestead.com/expungementforms.html>