

Legal Pitfalls for the Small Landlord

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Dakota County Law Library, March 19, 2026

Anne W. Grande Hennepin County Law Library, March 20, 2026

Revised March 25, 2026

Corporate landlords have the time and money to hire attorneys. Small landlords, like those renting out a former residence or renting out half of a duplex, might not. Attorneys who do not specialize in landlord and tenant law sometimes are contacted by small landlords. Learn how small landlords can comply with landlord and tenant law and how general practice attorneys can help them.

Presenter

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Housing Law in Minnesota

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

Biography

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

Resources: Landlords and Attorneys

- Minnesota Attorney General, Landlords and Tenants: Rights and Responsibilities (Minnesota Attorney General Booklet)
<https://www.ag.state.mn.us/consumer/handbooks/lt/default.asp>
- HousingLink, Education for Rental Properties
<https://www.housinglink.org/list/landlord-education>
- Minnesota Judicial Branch, Landlord Resources
<https://mncourts.gov/help-topics/landlords>
- City of Minneapolis, Rental Property Owners
<https://www.minneapolismn.gov/resident-services/property-housing/housing/renting/rental-property-owners/>
- City of Saint Paul, Renting Property
<https://www.stpaul.gov/departments/safety-inspections/rent-buy-sell-property/renting-property>

Resources: Tenants and Attorneys

- Housing Law in Minnesota: Manuals, forms and slide shows
<http://povertylaw.homestead.com/HousingLawinMinnesota.html>
- Minnesota Legal Services Coalition Education for Justice, Tenants' Rights in Minnesota
<https://www.lawhelpmn.org/self-help-library/booklet/tenants-rights-minnesota>
- Law Help: Answers to legal questions, finding legal aid offices, and court information
<http://www.lawhelpmn.org/>
- HOME Line: Tenant hot line, advocacy, training, slide shows, and recordings
<https://homelinemn.org/>
- Minnesota Attorney General, Landlords and Tenants: Rights and Responsibilities
<https://www.ag.state.mn.us/consumer/handbooks/lt/default.asp>

Resources: Finding an Attorney

Free Legal Services: To be eligible for pro bono service, your income can be up to 125% of the Poverty Guidelines for legal aid and up to 300% for Volunteer Lawyers Network.

<http://www.projusticemn.org/fedpovertyguidelines/>

- Law Help <http://www.lawhelpmn.org/>

Over Income for Pro Bono

- The Minnesota Lawyer Referral and Information Service (MNLIRIS)

<https://www.mnlawyerreferral.org/>

- Minnesota Unbundled Law Project <https://mnunbundled.org/>

- LegalWise: Collaborative Community Law Initiative <https://www.legalwisemn.org/>

Private Attorneys: Minnesota State Bar Association, Find a Lawyer

<https://mnbars.org/?pg=FindALawyer>

When Property Owners Landlords

Owners and residents might or might not be in a landlord and tenant relationship.

The issue is whether the person residing on the property pays rent or provides services in lieu of rent under Minn. Stat. § 504B.001.

Tenant

- Minn. Stat. § 504B.001, Subd. 12. Residential tenant. "Residential tenant" means a person who is occupying a dwelling in a residential building under a lease or contract, whether oral or written, that requires the payment of money or exchange of services, all other regular occupants of that dwelling unit, or a resident of a manufactured home park.

<https://www.revisor.mn.gov/statutes/cite/504B.001>

Licensee

- “Black's Law Dictionary 932 (7th ed.1999) (defining licensee as ‘[o]ne who has permission to enter or use another's premises, but only for one's own purposes and not for the occupier's benefit’) ... appellant was entitled to reasonable notice.” *Lee v. Regents of the University of Minnesota*, 672 N.W.2d 366, 374 (Minn. Ct. App. 2003).

Guest

- “Black's Law Dictionary 714 (7th ed.1999) (defining guest as ‘a] person who is entertained or to whom hospitality is extended’). *Id.*

When Property Owners Landlords

Scenarios

- If the resident agrees to pay rent or provide services in lieu of rent, the resident is a tenant, even if the resident does not comply with the agreement. The owner must follow landlord and tenant law and Minn. Stat. Chapter 504B.

<https://www.revisor.mn.gov/statutes/cite/504B>

- If a person rents the garage for use but does not reside in it, the person is a licensee entitled to reasonable notice. *See Lee*. Some of Chapter 504B applies to licensees. The words license, licensor, and licensee occur 65 times in Chapter 504B (search for “licens”).

<https://www.revisor.mn.gov/statutes/cite/504B/full>

- If the resident does not pay rent or provide services in lieu of rent, the resident is not a tenant. The resident is guest. The options for the owner are trespass, lockout, harassment restraining order if there is harassment, and eviction for unlawful detention under Minn. Stat. § 504B.301.

<https://www.revisor.mn.gov/statutes/cite/504B.301>

For more information on excluding non-tenants, *see* Remedies for Homeowners When a Friend or Relative Refuses to Leave.

<https://povertylaw.homestead.com/LandlordandTenantRightsinAlternativeHousing.html>

Before Renting

Residential leasing is a regulated industry. Learn the law. See [Resources](#).

Maintain the property in proper condition.

- Minn. Stat. § 504B.161. <https://www.revisor.mn.gov/statutes/cite/504B.161>
- Minn. Stat. § 504B.381. <https://www.revisor.mn.gov/statutes/cite/504B.381>

Local Housing Codes

- Mpls. Code of Ord. Chapter 244.
https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=COOR_TIT12HO_CH244MACO
- Saint Paul Code of Ord. Chapter 33
https://library.municode.com/mn/st._paul/codes/code_of_ordinances?nodeId=PTIILECO_TITVIBUHO_CH33BUCOIN

Before Renting

Obtain a rental license if required by the city.

- Minneapolis

- Mpls. Code of Ord. § 244.1800 et seq.

https://library.municode.com/mn/minneapolis/codes/code_of_ordinances?nodeId=COOR_TIT12HO_CH244MACO_ARTXVIREDWLI

- Application <https://www2.minneapolismn.gov/business-services/licenses-permits-inspections/rental-licenses/>

- Saint Paul

- Saint Paul Code of Ord. Chapter 33

https://library.municode.com/mn/st._paul/codes/code_of_ordinances?nodeId=PTIILECO_TITVIBUHO_CH40FICEOC

- Application

<https://www.stpaul.gov/sites/default/files/Media%20Root/Safety%20%26%20Inspections/CO%20application.pdf>

Finding Tenants

Do not illegally discriminate.

- Federal law: race, color, national origin, religion, sex, familial status, and disability. [United States Department of Housing and Urban Development \(HUD\), Housing Discrimination Under the Fair Housing Act.](#)
- Minnesota law: race, disability, sex, religion, national origin, sexual orientation, gender identity, or other identities under the law. [Minnesota Department of Human Rights, Housing Discrimination.](#)
- Minneapolis.
 - When race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity, disability, marital status, status with regard to a public assistance program, familial status, height and weight, or any combination thereof, is a motivating factor. [Mpls. Code of Ord. § 139.10.](#)
 - [City of Minneapolis, Public assistance for housing \(Source of income discrimination\).](#)

Finding Tenants

Disclosures:

- Landlord or agent contact information:
 - Minn. Stat. § 504B.181. <https://www.revisor.mn.gov/statutes/cite/504B.181>
 - Minneapolis. Mpls. Code of Ord. § 244.2000, amended by Mpls. Code of Ord. § 2024-028, File No. 2024-0024 (Aug 15, 2024) (Effective Mar. 1, 2025).
https://library.municode.com/mn/minneapolis/ordinances/code_of_ordinances?nodeId=1309975
- Mandatory fees: Minn. Stat. § 504B.120. <https://www.revisor.mn.gov/statutes/cite/504B.120>
- Mortgage foreclosure and contract for deed cancellation: Minn. Stat. § 504B.151.
<https://www.revisor.mn.gov/statutes/cite/504B.151>
- Outstanding inspection and condemnation orders: Minn. Stat. § 504B.195.
<https://www.revisor.mn.gov/statutes/cite/504B.195>

Finding Tenants

Disclosures continued:

- All known lead-based paint and lead-based paint hazards in units built before 1978: 42 U.S.C. §§ 4851-4856.

<https://www.law.cornell.edu/uscode/text/42/chapter-63A>

- Utility billing: Minn. Stat. § 504B.120.

<https://www.revisor.mn.gov/statutes/cite/504B.120>

- Minnesota Attorney General Booklet, Required Disclosures to the Tenant

<https://www.ag.state.mn.us/consumer/handbooks/lt/CH1.asp>

Advertise.

- Housing Link, Housing Choice Vouchers (Section 8) - Resources for Rental Properties.

<https://www.housinglink.org/list/rental-assistance>

Selecting Tenants

Screening Fees and Pre-Lease Fees

- Minn. Stat. § 504B.173 Applicant Screening Fee.
<https://www.revisor.mn.gov/statutes/cite/504B.173>
- Minn. Stat. § 504B.175 Prelease Deposit. <https://www.revisor.mn.gov/statutes/cite/504B.175>
- Minnesota Attorney General Booklet, Screening Fees and Pre-Lease Fees
<https://www.ag.state.mn.us/consumer/handbooks/lt/CH1.asp>

Residential Tenant Reports

- Minn. Stat. §§ 504B.235-504B.245 Residential Tenant Reports.
<https://www.revisor.mn.gov/statutes/cite/504B.235>
- Minnesota Attorney General Booklet, Residential Tenant Reports
<https://www.ag.state.mn.us/consumer/handbooks/lt/CH1.asp>

Selecting Tenants

Tenant Screening

- Minneapolis: City of Minneapolis, Renter screening <https://www2.minneapolismn.gov/business-services/licenses-permits-inspections/rental-licenses/renter-protections/renter-screening/>
- Tenant Screening Agencies <https://www.lawhelpmn.org/sites/default/files/2024-02/H-%204%20Tenant%20Screening%20list.pdf>
- Minnesota Court Records Online (MCRO) <https://publicaccess.courts.state.mn.us/>
- Minnesota Department of Public Safety (DPS) and the Minnesota Bureau of Criminal Apprehension (BCA), Minnesota Public Criminal History Search <https://chs.state.mn.us/>
- Minnesota Vine Link Search <https://www.vinelink.com/state/MN>
- Contact References

Leases

Written or Oral

- Any agreement to rent is a lease, whether written or oral. Minn. Stat. § 504B.001, Subd. 8.
<https://www.revisor.mn.gov/statutes/cite/504B.001>
- A landlord of a residential building with 12 or more residential units must have a written lease for each unit rented to a residential tenant. Minn. Stat. § 504B.111.
<https://www.revisor.mn.gov/statutes/cite/504B.111>

Duration

- Term leases
- Month-to-month, year-to-year, and other periodic tenancies
- Larry McDonough, Residential Eviction Defense and Tenant Claims in Minnesota § D.
https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#TOC1_17
- Minnesota Attorney General Booklet, The Lease
<https://www.ag.state.mn.us/consumer/handbooks/lt/CH1.asp>

Leases

Provisions

- Rent:
 - Generally, rents are not restricted.
 - Rents are limited for Section 8 voucher tenants. Housing Link, Housing Choice Vouchers (Section 8) - Resources for Rental Properties <https://www.housinglink.org/list/rental-assistance>
 - Rent increases in Saint Paul are regulated. Housing Justice Center, Eight common questions regarding St. Paul's rent stabilization ordinance. <https://www.hjcmn.org/st-paul-rent-stabilization-faq/>
- Late fees: Minn. Stat. § 504B.177. <https://www.revisor.mn.gov/statutes/cite/504B.177>
- Security deposits:
 - Minn. Stat. § 504B.178. <https://www.revisor.mn.gov/statutes/cite/504B.178>
 - Minneapolis security deposit caps: City of Minneapolis, Security deposits <https://www2.minneapolismn.gov/business-services/licenses-permits-inspections/rental-licenses/renter-protections/security-deposits/>
- Landlord or agent contact information. See [Finding Tenants](#).

Leases

- Habitability:
 - Minn. Stat. § 504B.161. <https://www.revisor.mn.gov/statutes/cite/504B.161>
 - Minn. Stat. § 504B.381. <https://www.revisor.mn.gov/statutes/cite/504B.381>
- Lease duration: Minn. Stat. § 504B.146. <https://www.revisor.mn.gov/statutes/cite/504B.146>
- Unlawful activities: Minn. Stat. § 504B.171. <https://www.revisor.mn.gov/statutes/cite/504B.171>
- Utility service in shared-metered residential buildings: Minn. Stat. § 504B.216. <https://www.revisor.mn.gov/statutes/cite/504B.216>
- Automatic renewal: Minn. Stat. § 504B.145. <https://www.revisor.mn.gov/statutes/cite/504B.145>
- Attorney's fees: Minn. Stat. § 504B.172. <https://www.revisor.mn.gov/statutes/cite/504B.172>

Many laws cannot be waived in leases. The words waive, waived, and waiver occur 56 times in Chapter 504B (search for “waiv”). <https://www.revisor.mn.gov/statutes/cite/504B/full>

During the Tenancy

During the Tenancy

Tenant right to initial and final inspection required: Minn. Stat. § 504B.182.
<https://www.revisor.mn.gov/statutes/cite/504B.182>

Privacy: Minn. Stat. § 504B.211. <https://www.revisor.mn.gov/statutes/cite/504B.211>

Tenants may seek police and emergency assistance: Minn. Stat. § 504B.205.
<https://www.revisor.mn.gov/statutes/cite/504B.205>

Willful and malicious destruction of leased residential rental property: Minn. Stat. § 504B.165.
<https://www.revisor.mn.gov/statutes/cite/504B.165>

Uninhabitable or condemned buildings: Minn. Stat. § 504B.204.
<https://www.revisor.mn.gov/statutes/cite/504B.204>

Tenant organizing and neighborhood organizations:

- Minn. Stat. § 504B.212. <https://www.revisor.mn.gov/statutes/cite/504B.212>
- Definitions: Minn. Stat. § 504B.001. <https://www.revisor.mn.gov/statutes/cite/504B.001>

Ending the Lease

A term lease ends on its own unless renewed. Residential Eviction Defense and Tenant Claims in Minnesota § I.D.10.

https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#TOC2_34

Periodic tenancies:

- A landlord or tenant can terminate a month-to-month lease with a one-month written notice received before the rent is due. Residential Eviction Defense and Tenant Claims in Minnesota § I.D.2.

https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#TOC2_25

- Where there is no rent term, the notice must be a three-month notice. Residential Eviction Defense and Tenant Claims in Minnesota § VI.F.1.b.

https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#TOC1_237

Right of victims of violence to terminate lease: Minn. Stat. § 504B.206.

<https://www.revisor.mn.gov/statutes/cite/504B.206>

Ending the Lease

Termination of lease upon infirmity of tenant: Minn. Stat. § 504B.266.
<https://www.revisor.mn.gov/statutes/cite/504B.266>

Termination of lease upon death of tenant: Minn. Stat. § 504B.265.
<https://www.revisor.mn.gov/statutes/cite/504B.265>

Tenant right to initial and final inspection required: Minn. Stat. § 504B.182.
<https://www.revisor.mn.gov/statutes/cite/504B.182>

Security deposits: Minn. Stat. § 504B.178. <https://www.revisor.mn.gov/statutes/cite/504B.178>

If a residential tenant abandons a dwelling unit during the lease term, the landlord shall make reasonable efforts to rent it at a fair rental value. Minn. Stat. § 504B.154.
<https://www.revisor.mn.gov/statutes/cite/504B.154>

Renter's Property Tax Refund

- HOME Line, Renter's Credit <https://homelinemn.org/hotline-services/crp/>
- Minnesota Department of Revenue, Renter's Credit <https://www.revenue.state.mn.us/renters-credit>

Eviction

Lockouts and exclusions are crimes. [Residential Eviction Defense and Tenant Claims in Minnesota § XII.B.1.](#)

Advance written notice before filing

- Properties with a federally backed mortgage loan or a federally backed multifamily mortgage loan: 30 days. 15 U.S.C. § 9058. <https://www.law.cornell.edu/uscode/text/15/9058>
- Nonpayment of rent:
 - Minn. Stat. § 504B.321: 14 days. <https://www.revisor.mn.gov/statutes/cite/504B.321>
 - Cities with current 30-day warning requirement:
 - [St. Louis Park City Code § 8-337, amend by Saint Louis Park Ordinance No. 2683-24.](#)
 - [Brooklyn Center Ordinances 12-912D\(4\).](#)
 - [Minneapolis Code of Ordinances 244.2060, amended by Mpls. Code of Ord. § 2024-032, File No. 2024-00836 \(Sep 19, 2024\) \(Effective Mar. 1, 2025\).](#)

Eviction

- Soon to go to 30-Day warning: St. Paul on May 7, 2026. [Saint Paul Code of Ord. 25-31.](#)

Grounds for eviction:

- Rent
- Holding over after expiration of the lease
- Material breach of lease.
- Minn. Stat. § 504B.285. <https://www.revisor.mn.gov/statutes/cite/504B.285>
- Residential Eviction Defense and Tenant Claims in Minnesota § VI.G.19 (material breach). [https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#VI.G.19.](https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#VI.G.19)

Unlawful activities: Minn. Stat. § 504B.171. <https://www.revisor.mn.gov/statutes/cite/504B.171>

Eviction

Complaint: Minn. Stat. § 504B.321. <https://www.revisor.mn.gov/statutes/cite/504B.321>

Service of the complaint: Minn. Stat. § 504B.332.
<https://www.revisor.mn.gov/statutes/cite/504B.332>

Scheduling: Minn. Stat. § 504B.335. <https://www.revisor.mn.gov/statutes/cite/504B.335>

Defenses: Housing Law Minnesota Form No. A-1.
<https://povertylaw.homestead.com/files/Reading/a1private.pdf>

Trials: Residential Eviction Defense and Tenant Claims in Minnesota § V.H.
https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#TOC1_62

Redemption:

- Minn. Stat. § 504B.291. <https://www.revisor.mn.gov/statutes/cite/504B.291>
- Residential Eviction Defense and Tenant Claims in Minnesota § VI.E.20.
https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#VI.E.20.

Eviction

Settlement: Residential Eviction Defense and Tenant Claims in Minnesota § V.R.

https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#TOC1_80

Writ of recovery:

- Minn. Stat. § 504B.365.

<https://www.revisor.mn.gov/statutes/cite/504B.365>

- Residential Eviction Defense and Tenant Claims in Minnesota § VIII.B.

https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#VIII.B.

Eviction

Expungement

- Minn. Stat. § 484.014. <https://www.revisor.mn.gov/statutes/cite/484.014>
 - *Sela Investments, Ltd. LLP v. J. H.*, 22 N.W.3d 181 (Minn. Ct. App. 2025).
 - *Weidner Apartment Homes v. B. F.*, _____ N.W.3d _____, 2026 WL 262167 (2026)
- Common law: [Residential Eviction Defense and Tenant Claims in Minnesota § VII.E.5.a.](#)

Judge review of referee decisions: [Residential Eviction Defense and Tenant Claims in Minnesota Chapter IX.](#)

Appeal: Minn. Stat. § 504B.371. <https://www.revisor.mn.gov/statutes/cite/504B.371>

Minnesota Judicial Branch, Landlord Resources <https://mncourts.gov/help-topics/landlords>

Harassment and Abuse

Tenants, non-tenants, landlords, and managers can be excluded through harassment and domestic abuse restraining orders.

Minn. Stat. § 609.748 Harassment; Restraining Order: for “a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.”

<https://www.revisor.mn.gov/statutes/?id=609.748>

Minn. Stat. Chapter 518B Domestic Abuse Act

<https://www.revisor.mn.gov/statutes/cite/518B>

Unlawful activities: Minn. Stat. § 504B.171.

<https://www.revisor.mn.gov/statutes/cite/504B.171>

Tenant Actions

Rent Escrow Action: Minn. Stat. § 504B.385.

<https://www.revisor.mn.gov/statutes/cite/504B.385>

Tenant Remedies Action: Minn. Stat. § 504B.395 et seq.

<https://www.revisor.mn.gov/statutes/cite/504B.395>

Emergency Tenant Remedies Action: Minn. Stat. § 504B.381.

<https://www.revisor.mn.gov/statutes/cite/504B.381>

Lockout Action:

- Minn. Stat. § 504B.375.

<https://www.revisor.mn.gov/statutes/cite/504B.375>

- Residential Eviction Defense and Tenant Claims in Minnesota § XII.B.2.

https://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#XII.B.1

Questions

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Housing Law in Minnesota

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