

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 5401

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DATE 04/09/2024 D-PG Introduction and first reading OFFICIAL STATUS Referred to Judiciary and Public Safety

1.1 A bill for an act
1.2 relating to real property; providing a remedy to owners to remove unauthorized
1.3 persons from occupying residential real property; proposing coding for new law
1.4 in Minnesota Statutes, chapter 500.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [500.35] REMEDY TO REMOVE UNAUTHORIZED PERSONS FROM
1.7 REAL PROPERTY.

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

1.12 (1) a person has unlawfully entered and remained or continues to reside on the owner's
1.13 property without authorization;

1.14 (2) the real property was not open to members of the public at the time the unauthorized
1.15 person entered;

1.16 (3) the property owner has directed the unauthorized person to leave the property;

1.17 (4) the unauthorized person is not a current or former tenant pursuant to a written or oral
1.18 rental agreement entered into with the property owner;

1.19 (5) the unauthorized person is not an immediate family member of the property owner;
1.20 and

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

2.1 Subd. 2. **Complaint.** To request the immediate removal of an unlawful occupant of
 2.2 residential real property, the property owner or the property owner's agent must submit a
 2.3 complaint by presenting a completed and verified Complaint to Remove Persons Unlawfully
 2.4 Occupying Residential Real Property to the sheriff of the county in which the real property
 2.5 is located. The complaint must be in substantially the following form:

2.6 **COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING**
 2.7 **RESIDENTIAL REAL PROPERTY**

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

2.11 I am the owner of the real property or the authorized agent of the owner of
 2.12 1. the real property.

2.13 2. I purchased the property on

2.14 3. The real property is a residential dwelling.

2.15 An unauthorized person or persons have unlawfully entered and are
 2.16 4. remaining or residing unlawfully on the real property.

2.17 The real property was not open to members of the public at the time the
 2.18 5. unauthorized person or persons entered.

2.19 I have directed the unauthorized person or persons to leave the real property,
 2.20 6. but they have not done so.

2.21 The person or persons are not current or former tenants pursuant to any
 2.22 valid lease authorized by the property owner, and any lease that may be
 2.23 7. produced by an occupant is fraudulent.

2.24 The unauthorized person or persons sought to be removed are not an owner
 2.25 or a co-owner of the property and have not been listed on the title to the
 2.26 8. property unless the person or persons have engaged in title fraud.

2.27 The unauthorized person or persons are not immediate family members of
 2.28 9. the property owner.

2.29 There is no litigation related to the real property pending between the
 2.30 10. property owner and any person sought to be removed.

2.31 I understand that a person or persons removed from the property pursuant
 2.32 to this procedure may bring a cause of action against me for any false
 2.33 statements made in this complaint, or for wrongfully using this procedure,
 2.34 and that as a result of such action I may be held liable for actual damages,
 2.35 11. penalties, costs, and reasonable attorney fees.

2.36 I am requesting the sheriff to immediately remove the unauthorized person
 2.37 12. or persons from the residential property.

2.38 A copy of my valid government-issued identification is attached, or I am
 2.39 an agent of the property owner, and documents evidencing my authority
 2.40 13. to act on the property owner's behalf are attached.

2.41 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
 2.42 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
 2.43 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY.

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

3.2 Subd. 3. **Sheriff to serve notice; remove unauthorized person.** Upon receipt of the
3.3 complaint, the sheriff shall verify that the person submitting the complaint is the record
3.4 owner of the real property or the authorized agent of the owner and appears otherwise
3.5 entitled to relief under this section. If verified, the sheriff shall, without delay, serve a notice
3.6 to immediately vacate on all the unlawful occupants and shall put the owner in possession
3.7 of the real property. Service may be accomplished by hand delivery of the notice to an
3.8 occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff
3.9 shall also attempt to verify the identities of all persons occupying the dwelling and note the
3.10 identities on the return of service. If appropriate, the sheriff may arrest any person found in
3.11 the dwelling for trespass, outstanding warrants, or any other legal cause.

3.12 Subd. 4. **Fees.** The sheriff is entitled to a reasonable fee for service of the notice to
3.13 immediately vacate under this section. After the sheriff serves the notice to immediately
3.14 vacate, the property owner or authorized agent may request that the sheriff stand by to keep
3.15 the peace while the property owner or agent of the owner changes the locks and removes
3.16 the personal property of the unlawful occupants from the premises to or near the property
3.17 line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the
3.18 person requesting the sheriff to stand by and keep the peace is responsible for paying the
3.19 reasonable hourly rate set by the sheriff. The sheriff is not liable to the unlawful occupant
3.20 or any other party for loss, destruction, or damage of property. The property owner or his
3.21 or her authorized agent is not liable to an unlawful occupant or any other party for the loss,
3.22 destruction, or damage to the personal property unless the removal was wrongful.

3.23 Subd. 5. **Wrongful removal.** A person may bring a civil cause of action for wrongful
3.24 removal under this section. A person harmed by a wrongful removal under this section may
3.25 be restored to possession of the real property and may recover actual costs and damages
3.26 incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs,
3.27 and reasonable attorney fees. The court shall advance the cause on the calendar.

3.28 Subd. 6. **Arrest.** This section does not limit the rights of a property owner or limit the
3.29 authority of a law enforcement officer to arrest an unlawful occupant for trespassing,
3.30 vandalism, theft, or other crimes.