

STATE OF MINNESOTA

COUNTY OF _____

DISTRICT COURT

_____ JUDICIAL DISTRICT

_____ DIVISION:

_____ CASE TYPE:

_____,
Plaintiff,

v.

_____,
Defendant.

**VERIFIED PETITION FOR
EMERGENCY RELIEF,
CONSTRUCTIVE LOCKOUT,
AND RELATED CLAIMS**

LASM Form No. ERA-1 (May 2000)

Case No.

_____ states upon

oath:

1. This action is brought under MINN. STAT. §§ 504B.381 (formerly § 566.205) and 504B.375 (formerly § 566.175) to obtain relief from the constructive lockout and emergency loss of essential services or facilities that Defendant(s) are responsible for providing.

2. I am the tenant living at

.

3. The name and address for the owner(s) of the property is/are

.

4. The name and address for the manager(s) of the property is/are

.

5. The following facts and grounds demonstrate the existence of a constructive lockout and an emergency caused by the loss of essential services of facilities that Defendant(s) is/are responsible for providing:

. MINN. STAT. § 504B.381 (formerly § 504.205) .

6. No judgment and writ of restitution have been issued under MINN. STAT. § 504B.345 (formerly § 566.09) in favor of the owner and against the Plaintiff. MINN. STAT. § 504B.375 (formerly § 566.175).

7. Defendant(s) has acted unlawfully and in bad faith by . MINN. STAT. §§ 504B.231 (formerly § 504.255), 557.08, 557.09.

8. Before presenting this Petition to the court, Plaintiff(s) made the following attempts to notify Defendant(s) of the intent of Plaintiff(s) to seek the emergency relief requested below:

. MINN. STAT. § 504B.381 (formerly § 566.205).

9. The above stated emergency was not the result of the deliberate or negligent act of omission of Plaintiff(s) or anyone acting under the direction of control of Plaintiff(s). MINN. STAT. § 504B.381 (formerly § 566.205).

Optional

10. G Defendant(s) have engaged in harassment by using repeated, intrusive, or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of me, my household members or guests. MINN. STAT. § 609.748:

.

11. G Defendant(s) substantially violated my privacy. MINN. STAT. § 504B.2121 (formerly § 504.183).

- a. G Defendant(s) did not have a reasonable business purpose for entering the property:
.
- b. G Defendant(s) did not make a good faith effort to give me reasonable notice under the circumstances before entering the property:
.
- c. G Immediate entry onto the property was not necessary:
.
- d. G Defendant(s) entered the property without prior notice and when I was not present, and did not give me written notice of the entry afterwards:
.

12. G Defendant's notice for me to move was retaliatory under MINN. STAT. § 504B.285 (formerly § 566.03), § 504B.441 (formerly § 566.28), and was intended in whole or part as a penalty:

- a. G for my good faith attempt on _____ to secure or enforce rights under a lease or contract, oral or written, under the laws of the state or any of its governmental subdivisions, or of the United States; or
- b. G for my good faith report on _____ to a governmental authority of the plaintiff's violation of a health, safety, housing, or building code or ordinance.

13. G Defendant(s) failed to pay for utility services for which Defendant(s) were obligated to pay. MINN. STAT. § 504B.215 (formerly § 504.185):

.

14. G Defendant(s) illegally used a shared meter which does not accurately reflect my utility use. MINN. STAT. § 504B.215 (formerly § 504.185), § 504B.221 (formerly § 504.26):

.

15. G Defendant(s) unlawfully terminated utility service. MINN. STAT. § 504B.221 (formerly § 504.26):

.

16. G Defendant(s) unlawfully ousted or excluded Plaintiff(s) from the premises. MINN. STAT. §§ 504B.231(formerly § 504.255), 557.08, 557.09:

.

17. G Defendant(s) rented condemned property. MINN. STAT. § 504B.204 (formerly § 504.245):

.

18. G Defendant(s) unlawfully allowed illegal drug activity on the property, allowed prostitution or related activity to occur on the property, or allowed unlawful use or possession of a firearm on the property. MINN. STAT. § 504B.171 (formerly § 504.181):

.

19. G Defendant(s) penalized me for seeking police or emergency assistance. MINN. STAT. § 504B.205 (formerly § 504.215).

a. G Defendant(s) barred or limited my right to call for police or emergency assistance in response to domestic abuse or other conduct:

.

b. G Defendant(s) penalized me for calling for police or emergency assistance in response to domestic abuse or other conduct:

.

c. G Defendant(s) required me to waive my right to call for police or emergency assistance:

.

20. G I have a disability. Defendant(s) did not reasonably accommodate my disability. 42 U.S.C. § 3604(f)(3); 24 C.F.R. Part 100; MINN. STAT. § 363.03, subd. 2-2a.:

21. G Defendant(s) committed consumer fraud,. MINN. STAT. §§ 325F.68- 325F.70, 8.31, and deceptive trade practices. MINN. STAT. §§ 325D.43-325D.48:

22. G Other:

Relief

1. G Emergency:
 - a. G Defendants(s) shall remedy the emergency by , by doing the following:
 - .
 - b. G Plaintiff(s) may remedy the emergency and deduct the cost of such from the rent:
 - .
2. G Relocation:
 - a. If I must leave while repairs are completed or because repairs are not completed, Defendant(s) shall relocate me in an apartment/-hotel/motel until the emergency is resolved, and that Defendant(s) prepay the charge for the hotel/motel.
 - b. Defendant(s) shall pay me relocation costs in the amount of \$ for
 - .
3. G Hennepin County Sheriff. MINN. STAT. § 504B.375 (formerly § 566.175):

- a. G The Sheriff of Hennepin County shall execute this Order by making a demand upon Defendant(s), if found, or the agent for Defendant(s) or other person in charge of the property, to take the action ordered by the Court.
 - b. G The Sheriff shall also serve this Order and the Verified Petition without delay upon Defendant(s) or the agent for Defendant(s) in the same manner as a summons is required to be served in a civil action in district court, at no cost to Plaintiff(s), who have *in forma pauperis* (IFP) status.
 - c. G If Defendant(s) fails to comply with the demand, the Sheriff shall take whatever assistance may be necessary to immediately take the action ordered of Defendant(s) by the Court.
 - d. G If Defendant(s) or the agent of Defendant(s) or other person in control of the property cannot be found and if there is no person in charge of the property detained so that no demand can be made, the Sheriff shall immediately enter into possession of the property and take the action ordered of Defendant(s) by the Court.
4. G Repairs:
- a. G Defendant(s) shall complete repairs and/or correct the problems with my housing.
 - b. G If Defendant(s) does/do not complete repairs as ordered by the court,
 - i. G I may complete repairs and/or correct the problems and deduct my costs from the rent.
 - ii. G An administrator may take over operation of the property to complete repairs and/or correct the problems.
 - iii. G A fine for Defendant(s) under MINN. STAT. § 504B.391 of \$250 for the first violation, \$500 for the second violation, and \$750 for the third violation and subsequent violations.

5. G Harassment. MINN. STAT. § 609.748. Issue a temporary and permanent restraining order:
- a. G Ordering the Defendant(s) to cease or avoid the harassment me, my household members or guests:
.
 - b. G Ordering the Defendant(s) to have no contact with me, my household members or guests:
.
 - c. G Notifying Defendant(s) that violation of the order is a misdemeanor punishable by imprisonment for up to 90 days or a fine up to \$700.00 or both, and that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order.

6. G Tenant Privacy, MINN. STAT. § 504B.211 (formerly § 504.183):

Award the following

- a. G Rent abatement in the amount of \$_____ for the months of
.
- b. G Full rescission of the lease:
.
- c. G Recovery of any damage deposit less amounts retained under the damage deposit statute, MINN. STAT. § 504B.178:
.
- d. G Up to a \$100.00 civil penalty payable to me for each violation, for a total of \$_____.

7. G Retaliation. MINN. STAT. § 504B.285 (formerly § 566.03), § 504B.441 (formerly § 566.28):

- a. G Defendant(s) may not evict me to retaliate against me for complaints I made.
- b. G The notice to vacate is retaliatory and illegal and therefore void.

8. G Illegal activity: Defendant(s) shall take the following action to prevent illegal drug activity, prostitution or related activity, or unlawful use or possession of a firearm on the property. MINN. STAT. § 504B.171 (formerly § 504.181):

9. G Defendant(s) shall reasonably accommodate my disability. 42 U.S.C. § 3604-(f)(3); 24 C.F.R. Part 100, MINN. STAT. § 363.03, subd. 2-2a:

10. G Plaintiff shall cease committing consumer fraud and deceptive trade practices, in violation of MINN. STAT. §§ 325F.68-325F.70, 8.31, 325D.43-325D.48. *See Love v. Amsler*, 441 N.W.2d 555, 557-59 (Minn. Ct. App. 1989).

11. G Award rent abatement:

- a. G Retroactive (past) rent abatement in the amount of \$ for the months of_____.
- b. G Prospective (future) rent abatement in the amount of \$ per month until the violations are remedied.

9. G Award other damages:

- a. G \$_____ for consequential damages arising directly out of the failure of Defendant(s) to make repairs and maintain the premises according to health and housing codes, for
- b. G \$_____ for the failure of Defendant(s) to pay for utility services for which Defendant(s) were obligated to pay. MINN. STAT. § 504B.215 (formerly § 504.185).
- c. G \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) unlawfully terminating utility service. MINN. STAT. § 504B.221.
- d. G \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) illegal use of a shared meter which does not

accurately reflect my utility use. MINN. STAT. § 504B.215 (formerly § 504.185), § 504B.221 (formerly § 504.26).

- e. G \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) unlawfully ousting or excluding Plaintiff from the premises. MINN. STAT. §§ 504B.231 (formerly § 504.255), 557.08, 557.09.
 - f. G \$ _____ (3 times \$ _____) for Defendant(s) renting condemned property. MINN. STAT. § 504B.204, (formerly § 504.245).
 - g. G \$ 250.00 or _____ for Defendant(s) violating my right to call for police or emergency assistance. MINN. STAT. § 504B.205, (formerly § 504.215).
12. G Award judgment for Plaintiff(s) in the amount of \$
.
13. G Award reasonable attorney fees:
- a. G Up to \$500.00. MINN. STAT. § 504B.425 (formerly § 566.25).
 - b. G Additional fees:
 - i. G Defendant(s) unlawfully ousted or excluded Plaintiff(s) from the premises. MINN. STAT. § 504B.231 (formerly § 504.255).
 - ii. G Defendant(s) unlawfully terminated utility service. MINN. STAT. § 504B.221 (formerly § 504.26).
 - iii. G Defendant(s) illegally used a shared meter which does not accurately reflect my utility use. MINN. STAT. § 504B.215 (formerly § 504.185), § 504B.221 (formerly § 504.26).
 - iv. G Defendant(s) rented condemned property. MINN. STAT. § 504B.204 (formerly § 504.245).
 - v. G Defendant(s) violated my right to call for police or emergency assistance. MINN. STAT. § 504B.205 (formerly § 504.215).

- vi. G Defendant(s) committed consumer fraud, MINN. STAT. §§ 325F.68-325F.70, 8.31, and deceptive trade practices. MINN. STAT. §§ 325D.43-325D.48.
- 14. G Award costs to me. MINN. STAT. § 549.02.
- 15. G Other relief:
- 16. Other relief as the Court deems just and proper.
- 17. **Verification and Acknowledgment:**
 - a. I have read this document. To the best of my knowledge, information, and belief the information contained in this document is well grounded in fact and is warranted by law.
 - b. I have not been determined by any court in Minnesota or in any other state to be a frivolous litigant and am not the subject of an order precluding me from serving or filing this action.
 - c. I am not serving or filing this document for an improper purpose, such as to harass the other party or to cause delay or a needless increase in the cost of litigation or to commit a fraud on the court.
 - d. I understand that if I am not telling the truth or if I am misleading the court or if I am serving or filing this document for an improper purpose, the court can order me to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing of this document, court costs, and reasonable attorney fees.

Date

Subscribed and sworn to before me
on _____

Notary Public