



Landlord Eviction Checklist

Last updated 4/02/25

	<p>Requirements for Eviction for Nonpayment of Rent</p> <ul style="list-style-type: none"> • Landlord must post name and physical address for service or the landlord or otherwise disclose this information at least 30 days before the eviction filing. Minn. Stat. §504B.181. • Notice of Intent to evict: <i>(See below for determining how many days the notice requires depending on City).</i> • Copy of written lease must be provided to tenant. • Include the following to the Complaint: <ul style="list-style-type: none"> A. A statement of whether tenancy is a subsidized tenancy, including the name of the agency that administers the subsidy. • Attach copies of the following to the Complaint <ul style="list-style-type: none"> B. Notice of intent to evict, C. Current/most recent lease, if any, and relevant addenda, D. Ledger with breakdown of unpaid rent/fees/etc.
	<p>NOTICE OF INTENT TO EVICT REQUIREMENTS</p> <p>Some local governments may have an eviction notice period longer than 14 days: Written notice required for specific municipalities:</p> <ul style="list-style-type: none"> • <u>St. Louis Park</u> requires 30-day notice (St. Louis Park City Code Sec. 8-337) <ul style="list-style-type: none"> ○ Same requirements as Minneapolis Code of Ordinances 244.2060, see below. • <u>Minneapolis</u> As of March 1, 2025 requires 30-day notice requirement for (Minneapolis Code of Ordinances 244.2060) <ul style="list-style-type: none"> ○ Follow all the statewide requirements Delivered by personal service or by 1st class mail; ○ Includes total amount due, ○ Include a specific accounting with breakdown of unpaid rent, late fees and other charges under the lease; (best to include a ledger) ○ Provides name and address of person to receive payment; ○ Provides description of how to access legal and financial assistance through the city website; and ○ State that the Owner may bring an action following the expiration of the notice period if the tenant fails to pay the amount due or vacate. • <u>Brooklyn Center</u> requires 30-day notice (Brooklyn Center City Code 12-912D) <ul style="list-style-type: none"> ○ The name, mailing address, telephone of person authorized to receive rent;



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	<ul style="list-style-type: none"> ○ Includes total amount due, with breakdown of unpaid rent, late fees and other charges; (best to include a ledger) ○ Deadline for payment before eviction is filed, which must be at least 30 days; ○ Information about accessing rental assistance by calling 211 or visiting www.211unitedway.org and accessing legal help by visiting Law Help at www.lawhelpmn.org; and ○ Notifying the tenant that they might be evicted if they do not pay the rent by the deadline. ● Everywhere else requires 14-day notice for all nonpayment cases (Minn. Stat. §504B.321) outside of St. Louis Park, Minneapolis, and Brooklyn Center. <ul style="list-style-type: none"> ○ Notice should include the total amount due, with breakdown of unpaid rent, late fees and other fees; attach a ledger. ○ Provide name and address of person to receive payment; and ○ Including the required statute language: <p style="margin-left: 20px;">"You have the right to seek legal help. If you can't afford a lawyer, free legal help may be available. Contact Legal Aid or visit www.LawHelpMN.org to know your rights and find your local Legal Aid office. To apply for financial help, contact your local county or Tribal social services office, apply online at MNBenefits.mn.gov or call the United Way toll-free information line by dialing 2-1-1 or 800-543-7709; and Your landlord can file an eviction case if you do not pay the total amount due or move out within 14 days from the date of this notice. Some local governments may have an eviction notice period longer than 14 days."</p> ○ Notice must be delivered by personal service or by 1st class mail.
	<p>Requirements for Eviction for Holding Over After Termination or Non-renewal of Lease.</p>
	<ul style="list-style-type: none"> ● Proper Notice of non-renewal, must be in writing. Check lease (current or former). If no lease, notice period is one full payment period or 3 months (whichever is less). Minn. Stat. §504B.135. ● Notice to vacate or notice to quit, in general a full rental period's notice must be given unless lease agreement states otherwise. Example of month-to-month notice period: if move-out date is July 1, notice must be given by May 31.



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	<ul style="list-style-type: none"> • State in Complaint whether tenancy is affected by a federal or state housing subsidy program through project-based federal assistance payments, Section 8 program, as defined in section 469.002, subdivision 24; the low-income housing tax credit program; or any other similar program, and include the name of the agency that administers the housing subsidy program. • Unless lease has a non-waiver clause, acceptance of rent subsequent to Notice will terminate the Notice to Vacate or Notice to Quit.
	Requirements for Evicting for Material Breach of Lease
	<p>If alleging a breach of lease COMPLAINT must include:</p> <ol style="list-style-type: none"> A. identify the clause of the lease which is the basis of the allegation, B. the nature of the conduct constituting the alleged breach of lease, C. the dates on which the alleged conduct took place, and D. the clause granting the right to evict based on the alleged conduct; (right of re-entry clause).
	<p>NOTICE REQUIREMENT for Material Breach of Lease:</p> <p>Brooklyn Center requires 30-day notice (Brooklyn Center City Code 12-912D). The notice must include:</p> <ul style="list-style-type: none"> • The name, mailing address, and telephone number of owner; • Description of the specific conduct and person who committed violation; • Notification that tenant has right to correct the alleged breach; • Notification how the tenant may correct the alleged breach; • Deadline by which breach must be corrected to avoid eviction, which must be at least 30 after notice; • Copy of lease; and • Information about 211 and LawHelp MN.
	Breach alleged must be forbidden in lease.
	Breach must be material (e.g. dirty dishes are not material).
	Can breach be reasonably cured?
	Lease must have right of reentry clause.
	Accepting subsequent rent waives breach of lease unless lease has non-waiver clause.



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	<p>Statutory violation (Minn. Stat. §504B.171) drugs, guns, prostitution, stolen property, domestic violence, sex crimes, harassment</p>
	<p>Fact-heavy analysis. This type of allegation requires the Landlord to provide very specific facts. If alleging a violation of section 504B.171 the Complaint requires:</p> <ul style="list-style-type: none"> A. specify the nature of the conduct constituting the alleged violation, B. the dates on which the alleged conduct took place, C. check allegation requirements, if statute requires knowledge of crime, allege tenant knew of the crime
	<p>Eviction for marijuana/cannabis use/possession within legal limits is prohibited, except for smoking. Subd. 1(c).</p>
	<p>Subd. 2(a) – limits landlord from imposing penalty on tenant for actions that took place off the premises unless (1) the conduct constitutes a crime of violence against tenant, guest of tenant, landlord or landlord’s employee or (2) the conduct results in a conviction for a crime of violence against a person unrelated to the premises.</p>
	<p>Other requirements</p>
	<p>In Hennepin and Ramsey County, if the person appearing on behalf of the Landlord is not an attorney, a proper power of authority must be filed along with the complaint. Minn. R. Gen. Prac. 603. In all other counties, corporate entities must be represented by an attorney. <i>Nicollet Restoration, Inc. v. Turnham</i>, 486 N.W.2d 753 (Minn. 1992).</p>
	<p>Landlord must post name and physical address for service or the landlord or otherwise disclose this information at least 30 days before the eviction filing. Minn. Stat. §504B.181.</p>
	<p>A written lease must be provided if the building tenant lives in has 12 or more units. Minn. Stat. §504B.111.</p>
	<p>Serve a copy of Summons, Complaint upon Tenant(s). (Minn. Stat. 504B.331)</p>
	<ul style="list-style-type: none"> ○ Service of summons and complaint must be completed at least 7 days before court hearing whether done by personal service, substitute service or posting. ○ Weekends are included in 7 days. ○ File proof with Court that each tenant was served.



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	No service allowed on legal holidays. Minn. Stat. §645.44.
	Service must be complete by a neutral person who is over the age of 18. You, the landlord, or your agents, cannot be the person who serves the Summons and Complaint. Minn. R. Civ. P. 402.
	Service only allowed at last known home address of tenant.
	If the Landlord regularly uses electronic written communication to communicate with the Tenant, the Landlord must make a good faith attempt to communicate to the Tenant by electronic means that an eviction hearing has been scheduled at least 7 days before the date of the court appearance. Minn. Stat. §504B.332, Subd. 2(b).
	<p>If substitute service, person served must:</p> <ul style="list-style-type: none"> • Be of suitable age and discretion • Live at the property
	<p>If service by posting, personal or substitute service not possible:</p> <ul style="list-style-type: none"> • Tried to personally serve on 2 different days (1x between 6-10pm), and • Filed an affidavit of not found; and • Filed an affidavit stating that the summons and complaint were mailed to • tenant’s last known address; or • Communicated to the tenant the time, date and place of the hearing by at least one form of written communication the landlord regularly uses to communicate with the tenant that has a time and date stamp; and • Posted summons and complaint on door of unit, not just outside door, and filed an affidavit of posting.
	Affidavits of service must be filed at least 3 days prior to the hearing. Minn. Stat. §504B.332, Subd. 4(b)(4). Minn. R. Gen. Prac. 605.
	If expedited case must be served (personal or substitute) within 24 hours of the summons being issued unless the court has authorized otherwise. Minn. Stat. 504B.321 Subd. 2(c).