

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3517

DATE: March 3, 2008

Version: As introduced

Authors: Davnie

Subject: Expungement of Eviction Records; Foreclosed Property

Analyst: Matt Gehring, 651-296-5052

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill provides for mandatory expungement of an eviction action in certain cases involving a mortgage foreclosure or cancellation of contract for deed. The bill also permits a residential tenant to withhold rent for the last payment period of a contract for deed cancellation or mortgage foreclosure redemption period and apply the tenant's deposit to the rent for that period.

Section

1 Mandatory Expungement. Requires a court to order expungement of an eviction case where the eviction was based solely upon a recovery of property by a person entitled to recover possession after the sale of the property on an execution for judgment or foreclosure of a mortgage or after termination of a contract to convey the property and the person received proper notice.

The court must find that the defendant occupied the real property subject to contract for deed cancellation or mortgage foreclosure, and either (1) the time for contract cancellation or redemption has ended and the defendant vacated the property prior to the commencement of the eviction, or (2) the defendant was a tenant during the contract cancellation or redemption period and did not receive proper notice as required by the law.

2 Withholding Rent. Provides that a tenant may withhold payment of all or a portion of the rent for the last payment period of a residential rent agreement for the last month of a contract for deed cancellation period or a mortgage foreclosure redemption period, on the grounds that the tenant's security deposit should serve as payment for the rent.

