

1.1 moves to amend H.F. No. 3349 as follows:

1.2 Page 2, after line 5, insert:

1.3 "Sec. 2. Minnesota Statutes 2018, section 504B.375, subdivision 1, is amended to read:

1.4 Subdivision 1. **Unlawful exclusion or removal.** (a) This section applies to actual or
1.5 constructive removal or exclusion of a residential tenant which may include the termination
1.6 of utilities or the removal of doors, windows, or locks. A residential tenant to whom this
1.7 section applies may recover possession of the premises as described in paragraphs (b) to
1.8 (e).

1.9 (b) The residential tenant shall present a verified petition to the district court of the
1.10 judicial district of the county in which the premises are located that:

1.11 (1) describes the premises and the landlord;

1.12 (2) specifically states the facts and grounds that demonstrate that the exclusion or removal
1.13 was unlawful, including a statement that no writ of recovery of the premises and order to
1.14 vacate has been issued under section 504B.345 in favor of the landlord and against the
1.15 residential tenant and executed in accordance with section 504B.365; and

1.16 (3) asks for possession.

1.17 (c) If it clearly appears from the specific grounds and facts stated in the verified petition
1.18 or by separate affidavit of the residential tenant or the residential tenant's attorney or agent
1.19 that the exclusion or removal was unlawful, the court shall immediately order that the
1.20 residential tenant have possession of the premises.

1.21 (d) The residential tenant shall furnish security, if any, that the court finds is appropriate
1.22 under the circumstances for payment of all costs and damages the landlord may sustain if
1.23 the order is subsequently found to have been obtained wrongfully. In determining the

2.1 appropriateness of security, the court shall consider the residential tenant's ability to afford
2.2 monetary security.

2.3 (e) The court shall direct the order to the sheriff of the county in which the premises are
2.4 located and the sheriff shall execute the order immediately by making a demand for
2.5 possession on the landlord, if found, or the landlord's agent or other person in charge of the
2.6 premises. If the landlord fails to comply with the demand, the officer shall take whatever
2.7 assistance may be necessary and immediately place the residential tenant in possession of
2.8 the premises. If the landlord, the landlord's agent, or other person in control of the premises
2.9 cannot be found and if there is no person in charge, the officer shall immediately enter into
2.10 and place the residential tenant in possession of the premises. The officer shall also serve
2.11 the order and verified petition or affidavit immediately upon the landlord or agent, in the
2.12 same manner as a summons is required to be served in a civil action in district court.

2.13 (f) The court administrator may charge a filing fee in the amount set for complaints and
2.14 counterclaims in conciliation court, subject to the filing of an inability to pay affidavit."

2.15 Renumber the sections in sequence and correct the internal references

2.16 Amend the title accordingly