

**CHART 2**  
**NEW-TO-OLD EVICTION STATUTES**  
**Conversion from 2019 Statutes to 1851 Territorial Statutes**

2019 Minn. Stat. Chap. 504B Eviction Action Statutes <sup>1</sup> Section Number	Minnesota Statutes 1851, Chapter 87 <sup>2</sup> , Section Number	Material Differences	Citation/s for Change/s <sup>3</sup>	Subject of Statute
504B.281	1	Clause providing for a fine not in current law	1973 Minn. Laws ch. 611, s 6	General subject of unlawful detainer chapter

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<sup>1</sup>These are 504B.281-.471, the ones under the “EVICTION ACTION” heading plus 504B.171 which is closely related.

<sup>2</sup>Except where another chapter of the statutes is noted.

<sup>3</sup>When several amendatory session laws were passed but the main material change was in one of them (usually the earliest), only that law is cited.

<p>504B.285, subdivision 1</p>	<p>12</p>	<p>Old law required 3-day notice and if for non payment required 3-day pay or quit; 3-d notices not in current law</p> <p>Current law has provisions for contract-for-deed and tax-forfeiture holdovers, old law did not</p>	<p>Gen. Stat. 1863, ch. 84, s. 11 does not have the 3-day notice language and in the margin says “C.S. p 651, Sect. 12 amended”</p> <p>1992 Minn. Laws ch. 376, art. 1, s. 10</p> <p>2017 Minn. Laws ch. 1, art. 2, s. 40</p>	<p>List of allowable reasons to file an Eviction Action (then a UD)</p>
<p>504B.171</p>	<p>NA</p>	<p>Additions made in modern times</p>	<p>1989 Minn. Laws ch. 305, s. 1 (drugs)</p> <p>1997 Minn. Laws ch. 239, art. 12, s. 4 (guns + prostitution)</p> <p>1998 Minn. Laws ch. 367, art. 11, s. 17 (contraband)</p> <p>2014 Minn. Laws, ch. 188, s 1 (domestic violence)Decem ber 7, 2019</p>	<p>Termination of lease for possession of illegal guns &amp; drugs &amp; contraband, for prostitution, and for domestic violence; effectively new bases for eviction</p>

504B.285, subdivisions 1a	NA	Additions made in modern times	2010 Minn. Laws, ch. 315, s. 10-13 (had sunset date)  2013 Minn. Laws, ch. 100, s. 2-3 (deleted sunset date)	Protections for tenants in foreclosure
504B.285, subdivisions 1b	NA	Addition made in modern times	1984 Minn. Laws, ch. 566, s. 5	Protection for tenants in termination of contract for deed
504B.285, subdivisions 2-4	NA	Additions made in modern times	1971 Minn. Laws, ch. 240, s. 1	Retaliation defenses
504B.285, subdivision 5	NA	Addition made in modern times	1993 Minn. Laws, ch. 165, s. 1,3	Allows landlord to combine breach and non-payment in one case

504B.291	Minnesota Territorial Statutes 1851, Chapter 64, Section 14	When Minn. Stat. § 504.02 was recodified into Minn. Stat. § 504B.291, the right to file a non-payment UD without a re-entry clause as held in <u>Woodcock v. Carlson</u> , 41 Minn. 542, 43 N.W. 479 (1889) and <u>Suchaneck v. Smith</u> , 45 Minn. 26, 47 N.W. 397 (1890) was explicitly put into the statute, see 1999 Minn Laws ch. 199, art. 1, s. 39	1999 Minn Laws ch. 199, art. 1, s. 39	Non payment UD allowed even without a re-entry clause;  6-month cure period of leases longer than 20 years
504B.301, clause 1	2	Clause providing for a fine not in current law  Jurisdiction changed from justice of peace to district court	1973 Minn. Laws ch. 611, s. 7  1981 Minn. Laws ch. 168, s. 6	Types of cases
504B.301, clause 2  504B.305	NA	Additions made in modern times	1989 Minn. Laws ch. 305, s. 1-2  <i>Id.</i> , s. 3	Eviction allowed for drug seizure  Notice to tenant of clause 2
504B.311	13			Protection for occupant who has had quiet possession for at least 3 years

504B.315	NA	Addition made in modern times	1980 Minn. Laws ch. 531, s. 9	Discrimination protection for children in home
504B.321, subdivision 1	3	Initial hearing was 6-10 days from filing, now 7-14 days	1981 Minn. Laws ch. 168, s 3	Time from filing to date of initial hearing
504B.321, subdivision 2  504B.325	NA	Additions made in modern times	1997 Minn. Laws ch. 239, art. 12, s. 5  1993 Minn. Laws, ch. 165, s. 4	Expedited relief for possession of illegal drugs, guns, contraband and for serious nuisance  Landlord can combine 609.748 harassment case with expedited eviction action
504B.331(a) and (e)	4	Deadline was 3 days notice, now is 7 days. Also, service was by sheriff, now by any adult as in any civil action	1981 Minn Laws ch.168, s. 4	Personal Service

504B.331(b-c)	6	<p>Deadline was 6 days notice, now is 7 days.</p> <p>Also, service was by sheriff, now by any adult.</p> <p>Sheriff to explain contents to recipient; now documents just handed over</p> <p>Prerequisite was “If at the time of making of complaint, it shall be made to appear that [a defendant is] ... absent from the county”; now is “If the defendant cannot be found in the county”</p>	<p>1981 Minn Laws ch.168, s. 4</p> <p>1973 Minn. Laws ch. 611, s. 8-9 and 1976 Minn. Laws ch. 123, s. 1</p> <p>Rev Laws 1905 §4041 has new language; old language was still in 1903 Minn. Laws ch. 373</p>	Substitute service
504B.331(d)	NA	Addition made in modern times	<p>1909 Minn. Laws, ch. 496, s. 1 (prior to that <i>publish</i> service allowed; <i>publish</i> requirement deleted in 1976 Minn. Laws ch. 123, s.1; two-attempts/6-10 pm rule added in 1985 Minn. Laws ch. 214, s.1)</p>	Nail-and-mail service

504B.335(a)-(ç)	5	<p>Possible subtle change -&gt;</p> <p>Now, the statute says “At the court appearance specified in the summons, the defendant may answer the complaint, and the court shall hear and decide the action.” In 1851 it said, “All matters in excuse, justification or avoidance of the allegations of the complaint, shall be set up in the answer.”</p>	<p>The old language survived through Minn. Stat. § 566.07. It was changed in the recodification bill at 1999 Minn. Laws ch. 199, s. 47. This probably should not have been an actual change, see <i>Occhino v. Grover</i>, 640 N.W.2d 357,362 (Minn. App. 2002)</p>	Answer/trial
504B.335(d)	NA		1994 Minn. Laws ch. 502, s. 5	Scheduling priority for drug cases
504B.341	7			Continuance of trial

504B.345, subdivision 1(a)	9	Clause providing for a fine not in current law	Fines and criminal parts of evictions eliminated in 1973 Minn. Laws ch. 611	Judgment; execution
subdivision 1(a)	NA	Addition made in modern times	1981 Minn. Laws, ch. 168, s. 5	7-day stay in writ for hardship
subdivision 1 (ç)	NA	Addition made in modern times	2014 Minn. Laws, ch. 246, s 5	Expungement provision
subdivision 2	NA	Addition made in modern times	1994 Minn. Laws, ch. 502, s 6	Expedited writ for drug cases
504B.351	10			Impanel new jury if first one is hung
504B.355	24, part 3			Form of verdict



504B.361	24, parts 1-2	<p>Form of summons and of writ was specified by statute; now is written by court administrator</p> <p>See court's form HOU 112<sup>4</sup>, which is clearer than old statute and which also allows tenant 24 hr to move after writ posted; in 1851 the tenant had to move immediately</p>	<p>2007 Minn. Laws ch. 54, art. 5, s. 12</p> <p>1905 Minn. Laws ch. 496 enacted Rev. Laws 1905, § 4051½, a new section, now codified at Minn. Stat. §504B.365. This law created the 24-hour move-out period</p>	Forms of summons and of writ
504B.365, subdivision 1  subdivisions 3-5	NA	<p>Addition made in modern times; gave tenants 24 hours to move after writ posted;</p> <p>allows cops as well as sheriff to execute the writ</p> <p>Storage of property protections</p>	<p>1905 Minn. Laws ch. 496</p> <p>1994 Minn. Laws ch. 502, s. 8</p> <p>1989 Minn. Laws ch. 328, art. 2, s. 7</p>	Execution of writ

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<sup>4</sup>See Endnote in Chart 1 for the language of HOU12..

<p>504B.371, subdivisions 1-6</p>	<p>17-20,21</p>	<p>Appeal bond now covers cost of appeal and rent and not just cost of appeal (see current subdivision 3)</p> <p>Appeal deadline was 10 days, now 15 days</p>	<p>Rev Laws 1905 §4046 has new language; old language that was still in Gen. Stat. 1894,</p> <p>2013 Minn. Laws ch. 100, s. 4</p>	<p>Appeals</p>
<p>subdivision 7</p>	<p>NA</p>	<p>Addition made in modern times</p>	<p>1905 Minn. Laws ch. 496, s. 2</p>	<p>With a bond, landlord can remove tenant during appeal if case is a holdover case</p>