

INSTRUCTIONS FOR RENT ESCROW ACTIONS

The rent escrow action is a summary proceeding, procedurally similar to an unlawful detainer (eviction) court case, except that the tenant files the action against the landlord. The basic claims are set out in the rent escrow action statute, MINN. STAT. § 504B.385 (formerly § 566.34), and can involve landlord violations of the state covenants of habitability in MINN. STAT. § 504B.161 (formerly § 504.18) or violations of the lease. Relief is governed by §§ 504B.385 (formerly § 566.34) and 504B.425 (formerly § 566.25). Before filing the action, the tenant either must send a letter to the landlord outlining landlord violations and wait 14 days, or have the property inspected by a housing inspector and wait for the inspector's deadline to pass. In some cases, the tenant may be able to file the action before the inspector's deadline passes.

Form REA1 includes both the basic statutory rent escrow action claims, optional claims of other landlord-tenant law violations, and a relief section. The tenant files the action with the district court administrator, or with the housing court where there is one. The court sets a court date and prepares a summons. If the tenant's estimated cost of repairs is less than the jurisdiction limit for conciliation court, now at \$7,500, the court takes a reduced filing fee and serves the landlord by mail. If the tenant's estimated cost of repairs exceeds the jurisdiction limit for conciliation court, the court charges the regular filing fee, now at \$245, and the tenant is responsible for service, although the tenant cannot be the person who serves the landlord. MINN. R. CIV. P. 4.02.

Where the tenant may need to waive court fees, such as a sheriff's service fee, the tenant should apply for *in forma pauperis* status.