

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
JUDICIAL DISTRICT
DIVISION: _____
CASE TYPE: OTHER CIVIL

_____,
Plaintiff,

**VERIFIED PETITION FOR
TENANT REMEDIES
AND RELATED CLAIMS**

v.

_____,
Defendant.

Case No. _____

_____ states upon oath:

1. Plaintiff is
 - a. A tenant living at _____
_____.
 - b. A "housing-related neighborhood organization" entitled to bring this action, under MINN. STAT. § 504B.001:
 1. Plaintiff is a nonprofit corporation incorporated under MINN. STAT. Chapter 317A.
 2. Plaintiff designates in its articles of incorporation or bylaws a specific geographic community to which its activities are limited:
_____.
 3. The property at issue in this action, is located at _____ and is within Plaintiff's geographic community.
 4. Plaintiff was formed for the purposes of promoting community safety, crime prevention, and housing quality in a nondiscriminatory manner.
 5. Plaintiff has the written permission of the residential tenants of a majority of the occupied units to bring this action.
 - c. A state, county, or local department or authority, charged with the enforcement of codes relating to health, housing, or building maintenance.

2. The property is located within this County.
3. The name and address for the landlord(s) of the property is/are _____
_____.

4. The name and address for the manager(s) of the property is/are _____
_____.

5. The landlord(s) or manager(s) received the following notice about problems with my housing, under MINN. STAT. § 504B.395:

- a. On _____, the City Inspector ordered the landlord(s) and/or manager(s) to repair the property by _____. Attached a copy of the order.
- i. The landlord(s) and/or manager(s) did not complete the repairs on time, **or**
- ii. The city inspector gave the landlord(s) or manager(s) too much time to complete repairs, because _____
_____, **and/or**
- b. On _____, Plaintiff sent or gave a written list of repair needed or other problems with my housing. The landlord(s) and/or manager(s) did not complete repairs or correct the problems within 14 days after Plaintiff sent or gave the list.
- c. Plaintiff could not locate landlord(s) despite diligent efforts.
- d. Other: _____

_____.

6. Rents within the building:

- a. Plaintiff's rent is _____.
- b. There are no other apartments in the building.
- c. Plaintiff does not know the rents for other apartments in the building.
- d. The rents for other apartments in the building are _____
_____.

Optional

7. Defendant(s) have engaged in harassment by using repeated, intrusive, or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of Plaintiff, household members or guests, and/or other tenants. MINN. STAT. § 609.748: _____

8. Defendant(s) substantially violated Plaintiff's and/or other tenants' privacy. MINN. STAT. § 504B.211.

a. Defendant(s) did not have a reasonable business purpose for entering the property: _____
_____.

b. Defendant(s) did not make a good faith effort to give Plaintiff or other tenants reasonable notice under the circumstances before entering the property: _____
_____.

c. Immediate entry onto the property was not necessary: _____
_____.

d. Defendant(s) entered the property without prior notice and when Plaintiff and/or other tenants was/were not present, and did not give Plaintiff and/or other tenants written notice of the entry afterwards: _____
_____.

9. Defendant's notice for Plaintiff and/or other tenants to move was retaliatory under MINN. STAT. § 504B.285, § 504B.441, and was intended in whole or part as a penalty:

a. for Plaintiff's and/or other tenants' good faith attempt on _____ to secure or enforce rights under a lease or contract, oral or written, under the laws of the state or any of its governmental subdivisions, or of the United States; or

b. for Plaintiff's and/or other tenants' good faith report on _____ to a governmental authority of the plaintiff's violation of a health, safety, housing, or building code or ordinance.

10. Defendant(s) failed to pay for utility services for which Defendant(s) were obligated to pay. MINN. STAT. § 504B.215: _____

_____.

11. Defendant(s) illegally used a shared meter which does not accurately reflect Plaintiff's and/or other tenants' utility use. MINN. STAT. § 504B.215, § 504B.221: _____

_____.

12. Defendant(s) unlawfully terminated utility service. MINN. STAT. § 504B.221:

_____.

13. Defendant(s) unlawfully ousted or excluded Plaintiff(s) and/or other tenants from the premises. MINN. STAT. §§ 504B.231, 557.08, 557.09: _____

_____.

14. Defendant(s) rented condemned property. MINN. STAT. § 504B.204: _____

_____.

15. Defendant(s) unlawfully allowed illegal drug activity on the property, allowed prostitution or related activity to occur on the property, or allowed unlawful use or possession of a firearm on the property. MINN. STAT. § 504B.171: _____

_____.

16. Defendant(s) penalized Plaintiff and/or other tenants for seeking police or emergency assistance. MINN. STAT. § 504B.205.

a. Defendant(s) barred or limited Plaintiff's and/or other tenants' right to call for police or emergency assistance in response to domestic abuse or other conduct: _____

_____.

b. Defendant(s) penalized Plaintiff and/or other tenants for calling for police or emergency assistance in response to domestic abuse or other conduct: _____

_____.

c. Defendant(s) required Plaintiff and/or other tenants to waive Plaintiff's right to call for police or emergency assistance: _____

_____.

17. Plaintiff and/or other tenants has/have a disability. Defendant(s) did not reasonably accommodate Plaintiff's and/or other tenants' disability. 42 U.S.C. § 3604(f)(3); 24 C.F.R. Part 100; MINN. STAT. § 363.03, subd. 2-2a.: _____

_____.

18. Defendant(s) committed consumer fraud. MINN. STAT. §§ 325F.68-325F.70, 8.31, and deceptive trade practices. MINN. STAT. §§ 325D.43-325D.48: _____

_____.

19. Other: _____

_____.

Relief

The purpose of this petition is to cause the court to schedule a hearing of the facts relating to this cause of action and order the following relief, under MINN. STAT. § 504B.425:

1. Repairs:
 - a. Defendant(s) shall complete repairs and/or correct the problems with the property.
 - b. If Defendant(s) does/do not complete repairs as ordered by the court,
 - i. Plaintiff and/or the tenants may complete repairs and/or correct the problems and deduct Plaintiff's or other tenants' costs from the rent.
 - ii. An administrator may take over operation of the property to complete repairs and/or correct the problems.
 - iii. A fine for Defendant(s) under MINN. STAT. § 504B.391 of \$250 for the first violation, \$500 for the second violation, and \$750 for the third violation and subsequent violations.

2. Relocation: If Plaintiff and/or other tenants must leave while repairs are completed or because repairs are not completed,
- a. Defendant(s) shall relocate Plaintiff and displaced tenants in an apartment/-hotel/motel until the emergency is resolved, and that Defendant(s) prepay the charge for the hotel/motel.
- b. Defendant(s) shall pay Plaintiff and displaced tenants relocation costs in the amount of \$_____ for _____
_____.
3. Harassment. MINN. STAT. § 609.748. Issue a temporary and permanent restraining order:
- a. Ordering the Defendant(s) to cease or avoid the harassment Plaintiff, Plaintiff's household members or guests, and/or other tenants: _____
_____.
- b. Ordering the Defendant(s) to have no contact with Plaintiff, Plaintiff's household members or guests, and/or other tenants: _____
_____.
- c. Notifying Defendant(s) that violation of the order is a misdemeanor punishable by imprisonment for up to 90 days or a fine up to \$700.00 or both, and that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order.
4. Tenant Privacy, MINN. STAT. § 504B.211: Award the following to Plaintiff and/or other tenants:
- a. Rent abatement in the amount of \$_____ for the months of _____.
- b. Full rescission of the lease: _____
_____.
- c. Recovery of any damage deposit less amounts retained under the damage deposit statute, MINN. STAT. § 504B.178: _____
_____.
- d. Up to a \$100.00 civil penalty payable to Plaintiff and/or other tenants for each violation, for a total of \$ _____.
5. Retaliation. MINN. STAT. § 504B.285, § 504B.441:
- a. Defendant(s) may not evict Plaintiff and/or other tenants in retaliation for complaints Plaintiff and/or other tenants made.

b. The notice to vacate is retaliatory and illegal and therefore void.

6. Illegal activity: Defendant(s) shall take the following action to prevent illegal drug activity, prostitution or related activity, or unlawful use or possession of a firearm on the property. MINN. STAT. § 504B.171: _____
_____.

7. Defendant(s) shall reasonably accommodate Plaintiff's and/or other tenants' disability. 42 U.S.C. § 3604-(f)(3); 24 C.F.R. Part 100, MINN. STAT. § 363.03, subd. 2-2a:

_____.

8. Plaintiff shall cease committing consumer fraud and deceptive trade practices, in violation of MINN. STAT. §§ 325F.68-325F.70, 8.31, 325D.43-325D.48. *See Love v. Amsler*, 441 N.W.2d 555, 557-59 (Minn. Ct. App. 1989).

9. Award rent abatement:

a. Retroactive (past) rent abatement in the amount of \$ _____ for the months of _____.

b. Prospective (future) rent abatement in the amount of \$ _____ per month until the violations are remedied.

10. Award other damages:

a. \$ _____ for consequential damages arising directly out of the failure of Defendant(s) to make repairs and maintain the premises according to health and housing codes, for _____.

b. \$ _____ for the failure of Defendant(s) to pay for utility services for which Defendant(s) were obligated to pay. MINN. STAT. § 504B.215 (formerly § 504.185).

c. \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) unlawfully terminating utility service. MINN. STAT. § 504B.221.

d. \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) illegal use of a shared meter which does not accurately reflect Plaintiff's and/or other tenants' utility use. MINN. STAT. § 504B.215, § 504B.221.

- e. \$ 500.00 or _____ (3 times \$ _____) for Defendant(s) unlawfully ousting or excluding Plaintiff and/or other tenants from the premises. MINN. STAT. §§ 504B.231, 557.08, 557.09.
 - f. \$ _____ (3 times \$ _____) for Defendant(s) renting condemned property. MINN. STAT. § 504B.204.
 - g. \$ 250.00 or _____ for Defendant(s) violating Plaintiff's and/or other tenants' right to call for police or emergency assistance. MINN. STAT. § 504B.205.
11. Award judgment for
- a. Plaintiff(s) in the amount of \$_____.
 - b. Other tenants in the amount of \$_____.
12. Award reasonable attorney fees:
- a. Up to \$500.00. MINN. STAT. § 504B.425.
 - b. Additional fees:
 - i. Defendant(s) unlawfully ousted or excluded Plaintiff(s) and/or other tenants from the premises. MINN. STAT. § 504B.231.
 - ii. Defendant(s) unlawfully terminated utility service. MINN. STAT. § 504B.221.
 - iii. Defendant(s) illegally used a shared meter which does not accurately reflect Plaintiff's and/or other tenants' utility use. MINN. STAT. § 504B.215, § 504B.221.
 - iv. Defendant(s) rented condemned property. MINN. STAT. § 504B.204.
 - v. Defendant(s) violated Plaintiff's and/or other tenants' right to call for police or emergency assistance. MINN. STAT. § 504B.205.
 - vi. Defendant(s) committed consumer fraud, MINN. STAT. §§ 325F.68-325F.70, 8.31, and deceptive trade practices. MINN. STAT. §§ 325D.43-325D.48.
13. Award costs to Plaintiff and/or other tenants. MINN. STAT. § 549.02.
14. Other relief: _____
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15. Other relief as the Court deems just and proper.

16. **Verification and Acknowledgment:**

- a. I have read this document. To the best of my knowledge, information, and belief the information contained in this document is well grounded in fact and is warranted by law.
- b. I have not been determined by any court in Minnesota or in any other state to be a frivolous litigant and am not the subject of an order precluding me from serving or filing this action.
- c. I am not serving or filing this document for an improper purpose, such as to harass the other party or to cause delay or a needless increase in the cost of litigation or to commit a fraud on the court.
- d. I understand that if I am not telling the truth or if I am misleading the court or if I am serving or filing this document for an improper purpose, the court can order Plaintiff to pay money to the other party, including the reasonable expenses incurred by the other party because of the serving or filing of this document, court costs, and reasonable attorney fees.

Date

Subscribed and sworn to before me
on _____

Notary Public