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April 5, 1991

Mr. Frederick K. Grittner
Clerk of Appellate Courts
Supreme Court Administrator
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OFFICE OF
APPELLATE COURTS

APR 08 1991

FILED

Re: Uniform Local Rules Task Force

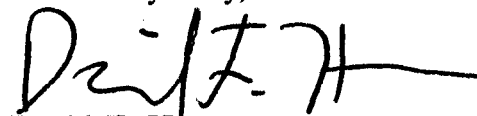
Dear Fred:

I am enclosing the original and twelve copies of the Supplemental Report on Housing Court Rules.

If you have any questions, please feel free to call me.

Best personal regards.

Yours very truly,


David F. Herr

DFH:ls
Enclosures

cc: Task Force

OFFICE OF
APPELLATE COURTS

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STATE OF MINNESOTA
IN SUPREME COURT

CX-89-1863

OFFICE OF
APPELLATE COURTS

APR 08 1991

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In Re Supreme Court Task
Force on Uniform Local Rules

Supplemental Report on Housing Court Rules

The Minnesota Supreme Court Task Force on Uniform Local Rules ("Task Force") submits this Supplemental Report to identify minor changes to housing court rules that were recently approved in the Second and Fourth Judicial Districts. As the housing court rules affect the Second and Fourth Districts only, the Task Force recommends that the modifications set forth below be adopted by the Court.

The changes are set forth below as amendments to the November 20, 1990 Task Force Final Report (deletions are indicated by ~~strikeout~~, additions are **highlighted**). Upon the request of the Court, the Task Force will provide a Revised Amended Final Report incorporating these changes, without the highlighting and ~~strikeouts~~, in paper and/or computer disk formats.

Rule 702 Housing Court Referee

A housing referee shall **may** preside over all hearings ~~and trials concerning matters scheduled on the unlawful detainer calendar as well as the building and housing code calendar actions brought under Minnesota Statutes Chapters 504 and 566, criminal and civil proceedings related to violations of any health, safety, housing, building, fire prevention or housing maintenance code, escrow of rent proceedings, landlord and tenant damage actions, and~~

actions for rent and rent abatement, unless the matter has been removed for hearing before a judge.

A party may request that a judge hear a case by filing such request in writing with the court administrator at least 1 day prior to the scheduled hearing date.

Rule 710 Motions

~~The Court will not entertain motions to reinstate a stricken case. Given the expedited and summary nature of proceedings scheduled on the unlawful detainer calendar, motion papers shall be served and filed as soon as practicable. Time limits otherwise established in the rules shall not apply.~~ Any motion otherwise allowed by the Rules of Civil Procedure may be made by any party orally or in writing at any time including the day of trial. Whenever possible, oral or written notice of any dispositive motions and the grounds therefore shall be provided by the moving party to all parties prior to the hearing.

All motions shall be heard by the court as soon as practicable. The court may grant a request by any party for time to prepare a response to any motion for good cause shown by the requesting party or by agreement of the parties.

The requirements of service of notice of motions and any time periods set forth in the Rules of Civil Procedure do not apply.

Rule 711 Review of Referee's Decision

(a) **Notice.** In all cases except conciliation court actions, a party not in default may seek judge review of a decision or sentence recommended by the referee by serving and filing a notice of review on the form prescribed by the court administrator. The notice must be filed within 10 days after an oral announcement in court by the referee of the recommended order or within 13 days after service by mail of the adopted order, whichever occurs first. Service of the written order shall be deemed complete and effective upon the mailing of a copy of the order to the last known address of the petitioner.

A judge's review of a decision recommended by the referee shall be de novo based upon the record established before the referee. Upon the request of any party, a hearing shall be scheduled before the reviewing judge.

(b) **Stays.** In civil cases, filing and service of a notice of review does not stay entry of judgement nor vacate a judgment if already entered unless the petitioner requests and the referee orders a bond, payment(s) in lieu of a bond, or waiver of bond and payment(s). The decision to set or waive a bond or payment(s) in lieu of bond shall be based upon Minn. R. Civ. App. P. 108, subd. 1 & 5. A hearing on a bond or payment(s) in lieu of bond shall be scheduled before the referee, and the referee's order shall remain in effect unless the judge modifies or vacates the order.

In criminal cases, the execution of judgement or sentence shall be stayed pending review by the judge.

(c) **Transcripts.** The petitioner must obtain a transcript from the referee's court reporter. The petitioner must make satisfactory arrangements for payment with the court reporter or arrange for payment in forma pauperis.

Any transcript requested by the petitioner must be made within 1 day of the date the notice of review is filed. The transcript must be provided within 5 business days after its purchase by the petitioner.

For good cause, the reviewing judge may extend any of the time periods described in this Rule 711(c).

~~(d) **Determination.** The reviewing judge shall complete the review and issue a decision thereon within 10 days after receipt of the complete record of the case.~~

Rule 712 Discovery

Because of the summary nature of proceedings in Housing Court, the parties shall cooperate with reasonable informal discovery requests by another party.

Upon the request of any party to a matter scheduled for trial, the presiding referee or judge may issue an order for an expedited discovery schedule.

Dated: April 6, 1991

Respectfully submitted,

MINNESOTA SUPREME COURT TASK
FORCE ON UNIFORM LOCAL RULES

BY 

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