



Association of  
Minnesota Counties

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**MACPZA**  
Minnesota Association of County  
Planning & Zoning Administrators

[www.macpza.org](http://www.macpza.org)

February 23, 2026

Dear Co-Chairs Koegel and O'Driscoll and members of the House Commerce Finance and Policy Committee:

The Association of Minnesota Counties (AMC) and the Minnesota Association of County Planning and Zoning Administrators (MACPZA) thank the committee for the opportunity to submit comments on SF1750. Counties are concerned with Section 18, which preempts county authority related to Common Interest Communities (CICs) and Homeowners' Associations (HOAs).

Development agreements regularly provide local governments with the ability to review and approve association declarations and bylaws. This review is essential to ensure that documents clearly assign responsibility for shared infrastructure, and that mechanisms exist for assessment of costs when necessary. The local government serves as a safeguard to ensure long-term maintenance obligations do not shift to taxpayers and that basic health, safety, and compliance standards are met.

In many rural parts of Minnesota, shared private infrastructure is one of the only practical tools available to reduce per-unit housing costs. Counties are facing significant housing shortages, and the upfront cost of wells, septic systems, roads, and stormwater infrastructure can make individual lot development prohibitively expensive. To address this, some counties have adopted clustering tools, open space overlay districts, or residential planned unit developments that allow increased density in exchange for preserved open space and shared infrastructure. These tools depend on the creation of a legally responsible entity — typically a homeowners association — to own, operate, and replace that infrastructure over time.

Without a clearly defined and enforceable HOA structure, the financial and operational risk associated with private infrastructure ultimately falls on the local government. If counties are prohibited from requiring HOAs where shared private infrastructure is involved, many will have no practical choice but to eliminate open space subdivisions, PUDs, and similar housing tools from their ordinances. That outcome would reduce housing flexibility, increase development costs, and undermine statewide efforts to increase housing supply and affordability.

AMC and MACPZA oppose adoption of Article 18 in SF1750. While we share the goal of increasing housing supply across Minnesota, removing local authority to require HOAs in developments with shared private infrastructure would create unintended consequences and eliminate tools that are currently helping deliver lower-cost housing options. We respectfully ask the committee to preserve this local flexibility. We would welcome the opportunity to work with the committee to align state policy with local tools that are already functioning effectively.

Thank you for your consideration. Please contact Brian Martinson, [bmartinson@mncounties.org](mailto:bmartinson@mncounties.org), 651-246-4156, with any questions about our position.

Sincerely,

Brian Martinson, Policy Analyst  
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