

Subject State Government

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Overview

This is the 2022 omnibus supplemental agriculture, housing, and broadband bill for the Minnesota House of Representatives. It includes supplemental funding for the Minnesota Department of Agriculture (MDA), the Agricultural Utilization Research Institute, the Minnesota House Finance Agency, the Minnesota Department of Human Rights, and the border-to-border broadband program.

H.F. 4366 would also establish or modify various agricultural, housing, and broadband statutes.

Article 1: Agriculture Appropriations

This article appropriates additional general fund dollars to MDA and the Agricultural Utilization Research Institute in fiscal years 2022 and 2023 for specified purposes.

Section	Description – Article 1: Agriculture Appropriations
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1	Department of Agriculture.
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Funds specified MDA supplemental budget initiatives in fiscal years 2022 and 2023.

Subd. 1. Total appropriation. Denotes the new totals, which equal the amounts appropriated from the general fund in the 2021 omnibus agriculture finance act (Laws 2021, First Special Session ch. 3), plus the additional money appropriated in this bill.

Subd. 2. Protection services. Appropriates supplemental funding for specified purposes within MDA's protection services budget area.

Section	Description – Article 1: Agriculture Appropriations
	<p>Subd. 3. Agricultural marketing and development. Appropriates supplemental funding for specified purposes within MDA’s agricultural marketing and development budget area.</p> <p>Subd. 4. Agriculture, bioenergy, and bioproduct advancement. Appropriates supplemental funding for specified purposes within this MDA budget area.</p> <p>Subd. 5. Administration and financial assistance. Appropriates supplemental funding for specified pass-through grants and other purposes within this MDA budget area.</p>
2	<p>Agricultural Utilization Research Institute. Appropriates supplemental FY 2022-2023 funding to the Institute for specified purposes.</p>

Article 2: Agriculture Statutory Changes

This article establishes a farm down payment assistance program, modifies the Agricultural Best Management Practices Loan Program, and establishes or modifies other agricultural statutes.

Section	Description – Article 2: Agriculture Statutory Changes
1	<p>Establishment; appropriation. Expands eligible uses of money in the dedicated Agricultural Emergency Account to include costs incurred to prepare for agricultural emergencies.</p>
2	<p>Cooperative grants. Requires MDA to re-establish and implement a grant program to provide up to \$50,000 to eligible farmers for new cooperatives that process or market the farmers’ agricultural products or services. Establishes eligibility criteria, including that the agricultural commodities processed and/or marketed by the cooperative are produced primarily by the cooperative’s own farmer-members.</p>
3	<p>Allocation rescission. Modifies the Agricultural Best Management Practices (AgBMP) Loan program by eliminating MDA’s express authority to grant local units of government an additional year to use their funding allocation. Provides MDA general authority to rescind the portion of a local unit of government’s allocation that is not committed to eligible projects.</p>

Section Description – Article 2: Agriculture Statutory Changes

- 4 **Authority and responsibilities of local government units.**
Modifies the AgBMP Loan program to eliminate a participating local unit of government’s duty to identify which account is used to fund an approved project when the local unit of government has allocations from multiple AgBMP accounts.
- 5 **Authority and responsibilities of local lenders.**
Modifies the AgBMP Loan program by eliminating a participating lender’s duty to notify the local unit of government of the loan amount after an AgBMP loan closes.
- 6 **Loans issued to borrowers.**
Modifies the AgBMP Loan program by eliminating the cap of \$200,000 per borrower.
- 7 **Eligible projects.**
Expands eligibility for drinking water projects under the AgBMP Loan program.
- 8 **Establishment.**
Modifies the Livestock Investment Grant Program by reducing the maximum grant amount from \$50,000 to \$25,000. Eliminates the \$50,000 lifetime limit per person.
- 9 **Eligibility.**
Corresponding to the previous section, this section eliminates language pertaining to the existing \$50,000 lifetime per-person limit for Livestock Investment grants.
- 10 **Process.**
Modifies the Livestock Investment Grant Program by eliminating the requirement that MDA add unfunded applicants to a waiting list for future consideration.
- 11 **Farm down payment assistance grants.**
Establishes a program to provide grants of up to \$15,000 to Minnesotans who are purchasing a farm, will provide the majority of the day-to-day farm management and physical labor, earn no more than \$250,000 per year in gross farm sales, and have not—nor has their spouse—previously had a direct or indirect ownership interest in farmland. Requires eligible farmers to match this grant with at least an equivalent amount of other funding. Requires grant recipients to repay a prorated share of the grant if the recipient does not own and farm the land for at least five years.
- 12 **Soil health financial assistance program.**
Establishes a Soil Health Finance Assistance Program at MDA. Authorizes MDA to provide financial assistance to local governments, private sector providers, and farmers to cover the cost of specialized equipment and technology necessary to implement and sustain soil health practices. Requires MDA to establish eligible costs. Directs MDA to prioritize or weigh program implementation elements based on

Section Description – Article 2: Agriculture Statutory Changes

specified considerations, including soil health principles and support for farmers participating in the existing voluntary Minnesota Agricultural Water Quality Certification Program.

13 Plastic.

Defines this term for purposes of state pesticide control law.

14 Plastic-coated pesticide.

Defines this term for purposes of state pesticide control law.

15 Pollinator research account.

Modifies and extends the dedicated Pollinator Habitat and Research Account. Extends the account's expiration date by three years, to July 1, 2025. Removes "Habitat" from the account's name, and establishes an additional eligible use of account dollars—i.e., research and outreach concerning pollinator impacts from pesticides, parasites, and climate disruption.

16 Plastic-coated pesticide prohibited.

Prohibits the sale and use of plastic-coated pesticide, as defined in a previous section.

Effective date: This prohibition would take effect in January 2025 for nonagricultural pesticides, and one year later, in January 2026, for agricultural pesticides.

17 Plastic.

Defines this term for purposes of state fertilizer law.

18 Plastic-coated fertilizer.

Defines this term for purposes of state fertilizer law.

19 Plastic-coated fertilizer prohibited.

Prohibits the sale and use of plastic-coated fertilizer, as defined in the previous section.

Effective date: This prohibition would take effect in January 2025 for nonagricultural fertilizers, and one year later, in January 2026, for agricultural fertilizers.

20 Coated agricultural seed.

Defines this term for purposes of the Minnesota Seed Law.

Section Description – Article 2: Agriculture Statutory Changes

- 21 **Miscellaneous violations.**
Prohibits using or selling neonicotinoid-treated seed for food, feed, oil, or ethanol production.
- 22 **Pesticide treated seed use and disposal; consumer guidance required.**
Requires MDA to develop and maintain consumer guidance regarding the proper use and disposal of neonicotinoid-treated seed. Requires retailers to post MDA’s guidance in a conspicuous location.
- 23 **Food handler license account; appropriation.**
Creates a new dedicated account in the agricultural fund. Requires MDA to deposit food handler license fees and penalties in this new account and appropriates account dollars to MDA to pay for the agency’s food handler licensing and inspection duties. Under current law, MDA deposits this revenue in the general fund.
- 24 **Vending machine inspection account; appropriation.**
Creates a new dedicated account in the agricultural fund. Requires MDA to deposit vending machine inspection fee revenue in this new account and appropriates account dollars to MDA to pay for the agency’s vending machine identification and inspection duties. Under current law, MDA deposits this revenue in the general fund.
- 25 **Posting of licenses; rules.**
Technical, conforming change to the food handler and vending machine revenue dedication proposed in prior sections.
- 26 **Membership.**
Add a new gubernatorial appointee who is knowledgeable in cybersecurity to the Food Safety and Defense Task Force.
- 27 **Mandatory registration.**
Prohibits the Board of Animal Health (BAH) from approving new registrations for the possession of farmed white-tailed deer. Specifies that an existing registered deer farmer may sell or transfer their herd and registration once, but only to a family member who resides in the state, and BAH may approve the sale or transfer only if the person pays a \$500 transfer fee and BAH verifies that the herd is free from chronic wasting disease.
- Effective date:** This prohibition would take effect the day following final enactment of this bill.

Section Description – Article 2: Agriculture Statutory Changes

28 Eligibility.

Retroactively modifies Bioincentive Program eligibility criteria for advanced biofuel producers. Provides that an eligible facility must begin production by December 31, 2022. Under current law, this date is June 30, 2025. Authorizes MDA to award deficiency payments to eligible producers until MDA has paid the full amount of the producer's original claim(s).

Effective date: Effective retroactive to January 1, 2020, and applicable to claims filed with MDA after that date.

29 Payment amounts; limits.

Retroactively authorizes advanced biofuel producers to reapply to MDA for deficiency payments until MDA has paid the full amount of the producer's original claim(s), subject to the availability of funding appropriated by the legislature for unpaid claims.

Effective date: Effective retroactive to January 1, 2020, and applicable to claims filed with MDA after that date.

30 Eligibility.

Retroactively modifies Bioincentive Program eligibility criteria for renewable chemical producers. Provides that an eligible facility must begin production by December 31, 2022. Under current law, this date is June 30, 2025. Authorizes MDA to award deficiency payments to eligible producers until MDA has paid the full amount of the producer's original claim(s).

Effective date: Effective retroactive to January 1, 2020, and applicable to claims filed with MDA after that date.

31 Payment amounts; bonus; limits.

Retroactively authorizes renewable chemical producers to reapply to MDA for deficiency payments until MDA has paid the full amount of the producer's original claim(s), subject to the availability of funding appropriated by the legislature for unpaid claims.

Effective date: Effective retroactive to January 1, 2020, and applicable to claims filed with MDA after that date.

32 Eligibility.

Retroactively modifies Bioincentive Program eligibility criteria for biomass thermal energy producers. Provides that an eligible facility must begin production by December 31, 2022. Under current law, this date is June 30, 2025. Authorizes MDA to

Section Description – Article 2: Agriculture Statutory Changes

award deficiency payments to eligible producers until MDA has paid the full amount of the producer's original claim(s).

Effective date: Effective retroactive to January 1, 2020, and applicable to claims filed with MDA after that date.

33 Payment amounts; bonus; limits; blending.

Retroactively authorizes biomass thermal energy producers to reapply to MDA for deficiency payments until MDA has paid the full amount of the producer's original claim(s), subject to the availability of funding appropriated by the legislature for unpaid claims.

Effective date: Effective retroactive to January 1, 2020, and applicable to claims filed with MDA after that date.

34 Report; incentive programs.

Requires MDA to collect and report specified information for each entity that receives a Bioincentive Program payment.

35 Eligibility.

Modifies eligibility for the Oriented Strand Board (OSB) Production Incentive Program by extending certain deadlines by one year. Specifies that an eligible plant must begin construction activities by December 31, 2023 (2022 under current law), and by June 30, 2026 (2025 under current law), the eligible plant must produce at least one square foot of OSB on a 3/8-inch nominal basis. Converts existing OSB production requirements to a quarterly, rather than an annual, basis.

36 Appropriation.

Modifies the statutory appropriation for the OSB Production Incentive Program to authorize MDA to use up to 6.5 percent of the amount appropriated each fiscal year to administer the program.

37 Eligibility.

Expands eligibility for the Rural Finance Authority's Disaster Recovery Loan Program. Lowers the borrower income requirement from at least 50 percent of average gross income from farming in the past three years, at least 20 percent in the past year.

38 Bond.

Exempts additional licensed grain buyers from the requirement to file a bond with MDA. Under current law, grain buyers who purchase less than \$100,000 of grain annually and pay upon delivery are exempt from the bond requirement. This section increases this threshold to \$250,000.

Section Description – Article 2: Agriculture Statutory Changes

39 Financial statements.

Exempts additional licensed grain buyers from the requirement to submit qualifying financial statements to MDA. Under current law, grain buyers who purchase less than \$100,000 of grain annually and pay upon delivery are exempt from this requirement. This section increases this threshold to \$250,000.

Increases the threshold for audited grain buyer financial statements so this requirement would apply only to grain buyers with more than \$7 million in annual purchases.

40 Revisor instruction.

Technical; requires the Revisor of Statutes to list the new and existing Pesticide Control Law definitions in alphabetical order.

Article 3: Housing Appropriations

This article appropriates money to MHFA and the Department of Human Rights.

Section Description – Article 3: Housing Appropriations

1 Appropriations.

Explains that appropriations in the following two sections are added to appropriations existing in other law.

2 Housing Finance Agency.

Lists general fund appropriations to MHFA.

Subd. 1. Total appropriations.

Subd. 2. Challenge program. For Minn. Stat. § 462A.07, subdivision 14 and Minn. Stat. § 462A.33.

Subd. 3. Housing trust fund. For Minn. Stat. § 462A.201.

Subd. 4. Homework starts with home. For Minn. Stat. § 462A.201, subdivision 2, paragraph (a) and Minn. Stat. § 462A.204, subdivision 8.

Subd. 5. Family homeless prevention. For Minn. Stat. § 462A.204.

Subd. 6. Community stabilization. For the proposed Minn. Stat. § 462A.41.

Section Description – Article 3: Housing Appropriations

Subd. 7. Flexible financing for capital costs. For gap financing housing developments financed by the agency.

Subd. 8. Strengthen the supportive housing model. For the proposed Minn. Stat. § 462A.42.

Subd. 9. Lead safe homes. For the proposed Minn. Stat. § 462A.209.

Subd. 10. Stable housing mediation. For implementation of a pilot program for housing mediation.

Subd. 11. Homeownership education, counseling, and training program. For Minn. Stat. § 462A.209.

Subd. 12. First-generation homebuyers down payment program. For implementation of a pilot program for down payment assistance.

Subd. 13. Local housing trust fund grants. For implementation of a pilot program for grants to local housing trust funds.

Subd. 14. Manufactured home park cooperative purchase program. For implementation of a pilot program for cooperatives to purchase manufactured home parks.

3 Department of Human Rights.

Appropriates money from the general fund to the commissioner of human rights to investigate sources of income discrimination in housing.

Article 4: Housing Finance Grant Programs and Policy

This article modifies existing MHFA programs and establishes new grant and pilot programs.

Section Description – Article 4: Housing Finance Grant Programs and Policy

1 Low-income housing.

Expands list of allowed uses of the housing trust fund so its programs could assist families with minor children and families with adult children eligible for a prekindergarten through grade 12 academic program.

2 Stability for learning and development.

Retitles the school stability project to the stability for learning and development project and expands its eligibility requirements so the project could assist families

Section Description – Article 4: Housing Finance Grant Programs and Policy

with minor children and families with adult children eligible for a prekindergarten through grade 12 academic program.

3 Lead safe homes grant program.

Establishes an MHFA grant program so nonprofits and political subdivisions can provide lead testing and lead remediation in certain rental housing.

Subd. 1. Establishment. Requires MHFA to establish the program and, in the initial pilot, to award one grant for use inside a metropolitan county and one grant for use outside the metropolitan counties. Requires prioritization of funding based on Department of Health data on lead poisoning in children.

Subd. 2. Eligibility. Defines an eligible grantee as a nonprofit or political subdivision serving a defined geographic area. Restricts use of funding for lead testing and remediation to landlords of buildings meeting income requirements and to tenants meeting income requirements. Requires landlords and tenants to access other available government funding before using program funding. Allows grantees to use up to ten percent of grants on administrative costs.

Subd. 3. Short title. Titles the section as the Dustin Luke Shields Act.

4 Authorization.

Amends the law governing housing infrastructure bonds (HIBs). Allows up to 20 percent of the units in senior housing funded by HIBs to serve low-income individuals of any age. Expands the list of authorized uses of HIBs to include the acquisition, rehabilitation, and construction of housing affordable to households at or below 50 percent of the area median income (AMI). Requires that, among comparable projects, the agency prioritize HIB use on projects that will provide housing affordable to households below 30 percent AMI. For housing funded by HIBs that has more than four units, requires: (1) that the greater of one unit or five percent of the total number of units comply with the Minnesota Accessibility Code and include a roll-in shower; and (2) that the greater of one unit or five percent of the total number of units be sensory accessible units.

Effective the day following final enactment.

5 Additional authorization.

Authorizes MHFA to issue up to \$400,000,000 in HIBs.

Effective the day following final enactment. Provides that, if two sections authorizing this issuance are enacted in the 2022 regular session, only one section will be effective.

Section Description – Article 4: Housing Finance Grant Programs and Policy

6 Community stabilization program.

Establishes an MHFA grant program to preserve naturally occurring affordable housing (NOAH).

Subd. 1. Establishment. Establishes a community stabilization program to preserve NOAH.

Subd. 2. Definitions. Defines NOAH as: (1) multifamily rental housing at least 20 years old in which most of the units are affordable to households at or below 115 percent of the greater of state or area median income; or (2) within areas with high risk of displacement, owner-occupied housing affordable to households at or below 115 percent of the greater of state or area median income.

Subd. 3. Eligible recipients. Allows grants and loans to be distributed to local governments, Tribal governments, private developers, limited equity cooperatives, cooperatives, community land trusts, and nonprofits. Requires MHFA to use a statewide intermediary for multifamily rental housing; allows MHFA to use a statewide intermediary for owner-occupied housing.

Subd. 4. Eligible uses. Requires grants and loans to be used for acquiring, rehabilitating, gap financing, or reducing interest rates of NOAH. Requires prioritization of funding for proposals serving lower incomes or creating longer periods of affordability.

Subd. 5. Owner-occupied housing income limits. Requires that grants or loans for owner-occupied housing be used for households which were at or below 115 percent of the greater of area or state median income at the time of initial occupancy.

Subd. 6. Multifamily housing rent limits. Requires multifamily rental housing financed through the program to remain affordable to low- or moderate-income households, as defined by MHFA.

Subd. 7. Application. Requires MHFA both to create procedures, guidelines, and forms for the program and to consult with stakeholders when developing these materials. Allows MHFA to accept applications on a noncompetitive, rolling basis.

Subd. 8. Voucher requirement for multifamily properties. Requires MHFA both to create procedures, guidelines, and forms for the program and to consult with stakeholders when developing these materials. Allows MHFA to accept applications on a noncompetitive, rolling basis.

Section Description – Article 4: Housing Finance Grant Programs and Policy

7 Strengthening supportive housing model.

Subd. 1. Establishment. Establishes a grant program to improve supportive housing for persons who are at risk of homelessness or who have experienced homelessness.

Subd. 2. Definition. Defines supportive housing as housing that: (1) is not time-limited; (2) provides or coordinates services to stabilize residents' housing; and (3) maximizes opportunities for education and employment.

Subd. 3. Eligible recipients. Lists eligible recipients as a local government, an Indian Tribe, a Tribally Designated Housing Entity, a private developer, or a nonprofit.

Subd. 4. Eligible uses. Requires that funds be used both: (1) to cover supportive housing costs not covered by other state or federal resources; and (2) to create partnerships to provide services to residents, to improve residents' access to healthcare, and to reduce residents' use of emergency and institutional care.

Subd. 5. Application. Requires the commissioner to develop program procedures, guidelines, and forms and to consult with stakeholders in developing these materials.

8 Restriction on duration of condition.

Expands the list of exceptions to the 30-year duration limit on housing covenants to include affordability covenants required by a government entity.

9 Minnesota stable housing mediation grant program.

Establishes an MHFA pilot program to fund mediation facilities certified by the state court administrator.

10 First-generation homebuyer down payment assistance grant program.

Establishes a pilot grant program through the Midwest Minnesota Community Development Corporation (MMCDC).

Subd. 1. Establishment. Establishes a first-generation homebuyer down payment assistance fund to be administered by MMCDC.

Subd. 2. Eligible homebuyer. Defines an eligible homebuyer as a first-time homebuyer who makes AMI or less, who is preapproved for a first mortgage loan, and whose parent or prior legal guardian does not own a home. Requires an eligible homebuyer to complete a homebuyer education course, to occupy the home purchased with funds from this program, and to contribute a minimum of \$1,000 to the down payment or closing costs.

Section Description – Article 4: Housing Finance Grant Programs and Policy

Subd. 3. Use of funds. Limits assistance to \$30,000 and ten percent of the purchase price of a home. Forgives 20 percent of the loan each year on the anniversary of the loan but requires repayment if the homebuyer sells the property, transfers title, stops occupying the property, or has the home foreclosed on.

Subd. 4. Administration. Provides that MMCDC administers the program. Allows MMCDC to partner with community development financial institutions (CDFIs), nonprofits, or Tribal entities. Limits administrative expenses to \$3,000 per loan and requires funds returned for early resale to be expended on down payment assistance.

Subd. 5. Legislative auditor. Allows the program to be audited by the legislative auditor and requires MMCDC and any participating CDFIs to comply with any audit.

Subd. 6. Creditor immunity for reliance on borrower self-attestations. Provides immunity to creditors who rely in good faith on a borrower's self-attestation of eligibility for assistance under this program.

Subd. 7. Report to legislature. Requires MMCDC to report annually to the legislature on the program.

Subd. 8. Sunset. Sunsets the program on July 1, 2025.

Effective July 1, 2022.

11 Manufactured home park cooperative purchase program.

Establishes an MHFA pilot program to award grants to nonprofits to help manufactured home park residents to purchase their manufactured home parks. Allows use of funds both for nonprofits to help residents organize and for down payment assistance on the manufactured home park.

Effective the day following final enactment.

12 Local housing trust fund grants.

Establishes an MHFA pilot program to issue matching grants to local housing trust funds and to fund technical assistance to local housing trust funds.

Effective July 1, 2022.

Article 5: Housing Finance Technical Changes

This article makes policy and technical changes to the laws governing MHFA.

Section Description – Article 5: Housing Finance Technical Changes

- 1 **Eligible mortgagor.**
Corrects a typographical error, replacing “insure” with “ensure.”
- 2 **Rehabilitation loans.**
Specifies that agency loans for rehabilitation may finance the rehabilitation or addition of a detached accessory dwelling unit.
- 3 **Indian Tribes.**
Allows MHFA to use any funds authorized by chapter 462A to fund federally recognized Indian Tribes or Tribally Designated Housing Entities.
- 4 **Housing disparities.**
Requires MHFA to prioritize use of any appropriations under chapter 462A to serve households affected by housing disparities.
- 5 **Priority where State Building Code is adopted.**
Corrects a typographical error, replacing “insure” with “ensure.”
- 6 **Human rights.**
Corrects a typographical error, replacing “insure” with “ensure.”
- 7 **American Indians.**
Corrects a typographical error, replacing “insure” with “ensure.”
- 8 **Set aside.**
Removes a requirement that a community-based nonprofit seeking a family homeless prevention and assistance grant be sponsored by the county in which it is located.
- 9 **Correction of housing defects.**
Corrects a typographical error, replacing “insure” with “ensure.”
- 10 **Debt ceiling.**
Specifies that only general obligations bonds count towards the agency debt ceiling.

Section Description – Article 5: Housing Finance Technical Changes

- 11 **Refunding bonds.**
Authorizes MHFA to issue nonprofit housing bonds to refund bonds when the debt service on the refunding bond would be lower than the debt service on the nonprofit housing bonds to be refunded.
- 12 **Appropriation; payment to agency or trustee.**
Requires Minnesota Management and Budget (MMB) to transfer annually the amount necessary to pay the debt service on nonprofit housing bonds issued to refund previously issued nonprofit housing bonds.
- 13 **Definitions.**
Removes the financing of single-family housing projects from the definitions of HIBs. Removes the income requirement from the definition of “senior.” Defines a “senior household” as a household which includes a senior and which meets income limits. Conforms the definition of “senior housing” with the change to the definition of “senior” and with the addition of the definition of “senior household.”
- 14 **Authorization.**
Allows use of HIBs to replace federally assisted rental housing. Amends prioritization requirements for senior housing both to incorporate the new definition of senior household and to remove a requirement for a service plan.
- 15 **Refunding bonds.**
Authorizes MHFA to issue HIBs to refund bonds when the debt service on the refunding bond would be lower than the debt service on the HIBs to be refunded.
- 16 **Appropriation; payment to agency or trustee.**
Requires MMB to transfer annually the amount necessary to pay the debt service on HIBs issued to refund previously issued HIBs.
- 17 **Additional appropriation.**
Requires MMB to transfer annually the amount necessary to pay the debt service on HIBs issued to refund previously issued HIBs.
- 18 **Establishment.**
Authorizes MHFA to issue workforce and affordable homeownership development program grants to counties.

Section Description – Article 5: Housing Finance Technical Changes

- 19 **Definitions.**
Amends the workforce housing development program definition of “eligible project area” to include Tribal reservations and to clarify eligible areas are outside metropolitan counties.
- 20 **Allocation.**
Applies a requirement of the workforce housing development program, which previously only applied to cities, to all eligible project areas and expands the list of entities that can match a grant to include federally recognized Tribes.
- 21 **Affordable rental investment fund.**
Amends a 2021 appropriation to allow it to be used to replace federally assisted rental housing.

Article 6: Landlord Tenant Law

This article updates and amends provisions of law related to residential tenancies including provisions related to discrimination, evictions, repairs, heating, and lease terminations.

Section Description – Article 6: Landlord Tenant Law

- 1 **Real property interests; action by owner, lessee, and others.**
Prohibits discrimination in housing, including a home purchase or residential rental, against an individual who is receiving public assistance.
- 2 **Real property interest; action by brokers, agents, and others.**
Prohibits discrimination in housing by a real estate broker, salesperson, or agent against an individual who is receiving public assistance.
- 3 **Definition; public assistance program.**
Provides a definition for the term “public assistance program” in the Minnesota Human Rights Act.
- 4 **Discretionary expungement.**
Provides new guidelines on when the court may order a discretionary expungement of an eviction action.
- 5 **Mandatory expungement.**
Provides additional situations where the court must grant a mandatory expungement including: when the tenant prevailed on the merits of the case; when the court

Section Description – Article 6: Landlord Tenant Law

dismissed the landlord’s petition; when the parties have agreed to an expungement; when the court finds an eviction is more than three years old; and when a tenant brings an action and requests an expungement after settlement and the terms of the settlement have been fulfilled.

6 Prohibited fees.

Prohibits landlords from imposing ongoing fees that do not relate to a service provided by the landlord and imposes a penalty for violating this section.

7 Terminating tenancy at will.

Removes a provision from existing law that allows a tenancy at will to be terminated with 14 days’ notice. A tenancy at will is most often a tenancy without a written lease agreement, and a tenancy at will would then require the notice to terminate be at least as long as the period of the periodic rent payments, or three months, whichever is less.

8 Requirements.

Requires a landlord to provide heat in a residential tenancy at a minimum temperature of 68 degrees from October 1 to April 30.

9 Entry by landlord.

Restricts landlords entry into a residential unit to between the hours of 8:00 a.m. and 8:00 p.m. and clarifies that notice must be at least 24 hours before entry.

10 Penalty.

Changes the penalty for a landlord who enters an apartment without proper notice or in violation of the section to damages not less than one month’s rent and reasonable attorney’s fees instead of a civil penalty of \$100. Provides that a violation of the section on unlawful entry by a landlord is a violation of the lease.

11 Termination of lease upon infirmity of tenant.

Allows a tenant to terminate a lease if the tenant requires assistance with daily living, meets the nursing facility care criteria, or has a disability related to mental illness, and the tenant enters a nursing home, hospice, care, a licensed boarding care facility, assisted living, adult foster care, intensive mental health residential program, or an accessible unit. This section requires the tenant to provide notice to the landlord two months in advance along with medical documentation and proof the tenant is moving. When a tenant needs an accessible unit and one can be provided in the same complex, this section would not apply.

This section is effective on January 1, 2023, and applies to leases entered into or renewed on or after that date.

Section Description – Article 6: Landlord Tenant Law

- 12 Eviction action for nonpayment; redemption; other rights.**
Prohibits a landlord from filing an action or proceeding on an action that has already been filed for eviction against a tenant for not paying the rent when the tenant has applied for rental assistance and is waiting for a determination on the assistance.
Effective date: This section is effective the day following final enactment and applies to evictions filed on or after that date or evictions that are pending in court but have not been adjudicated.
- 13 Complaint and summons.**
Provides that prior to an eviction for nonpayment of rent a landlord must provide a notice to the tenant that provides the amount due and information about how to get assistance to pay the rent and legal assistance.
Requires the landlord give the tenant 14 days after the notice to pay the amount owed or vacate the rental unit, and if the tenant does not do either of those, then the landlord may bring an eviction action.
Provides that a notice provided under this section is a qualifying event for emergency assistance.
Provides that an eviction action is not accessible to the public until the court has entered a final judgment in the case.
- 14 Unlawful exclusion or removal.**
Allows unlawful exclusion cases, when a tenant has been locked out, to be brought for the same filing fee as conciliation court.
- 15 Petition.**
Specifies the type of incidents that allow a tenant to petition for emergency repair in a residential rental unit.
- 16 Relief; service of order.**
Allows the tenant to petition for emergency relief to fix an emergency repair and allows the court to order that a landlord immediately remedy the violation. Requires the court to provide notice of a hearing on the ex parte petition and order as soon as practicable.
- 17 Filing fee.**
Allows the court to charge the conciliation court filing fee for emergency repair petitions.

Article 7: Broadband

Transfers funds for the border-to-border broadband program, increases the maximum grant amount, and requires a report to the legislature.

Section Description – Article 7: Broadband

1 Limitation.

Increases the maximum grant per project from \$5,000,000 to \$10,000,000.

Effective date: This section is effective the day following final enactment.

2 Report; grant award changes.

Requires the Office of Broadband Development to submit a report to the legislature no later than December 31, 2022, on the impact of the changes in section 1.

Effective date: This section is effective the day following final enactment.

3 Transfer.

Makes a onetime \$25,000,000 transfer in fiscal year 2023 from the general fund to the border-to-border broadband fund account. Keeps funds available until expended.

Effective date: This section is effective the day following final enactment.



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