

Subject Residential Tenancies; Tenant's Rights and Remedies

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Overview

Makes change to tenant's rights including changes to service in an eviction action, eviction expungements, the rights of tenants moving into buildings that are under construction, the rights of tenant's to repair problems in residential units, and updating remedies to court actions related to violations in chapter 504B.

Article 1: Tenant's Rights

This article addresses tenant's right related to eviction and eviction expungement.

Section	Description - Article 1: Tenant's Rights
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| 1 | Mandatory expungement.
Adds that evictions can be expunged when the eviction occurred in violation of the law that allows crime victims to terminate their lease due to criminal or sexual assault or domestic abuse. |
| 2 | Early renewal of lease.
Changes the time from which the landlord must wait to request renewal from the end of the lease to the beginning of the lease. |
| 3 | Late fees.
Requires landlords to charge a late fee to renters using public housing vouchers consistent with the tenant's portion of rent, not the portion paid by the voucher program. |
| 4 | Emergency class permitted.
Clarifies that a landlord cannot limit a tenant's ability to call emergency services for mental health or health crisis. |

Section Description - Article 1: Tenant's Rights

- 5 Local preemption.**
Clarifies that a local government law or rule cannot require an eviction for calls to police by a tenant, including calls for mental health or health crisis, nor can those calls cause the landlord to be subject to a penalty or fee.
- 6 Attorney general authority.**
Clarifies that the attorney general can investigate and prosecute violations related to local government ordinances of the tenant's right to contact emergency services.
- 7 Right to terminate; procedure.**
Clarifies the procedure to terminate a lease when the tenant has been the victim of domestic violence or sexual assault or harassment.
- 8 Treatment of information.**
Provides a penalty if a landlord shares information related to the lease termination related to domestic violence or sexual assault or harassment.
- 9 Liability for rent; termination of tenancy.**
Updates terms related to tenant's claims for a security deposit in the lease termination related to domestic violence or sexual assault or harassment.
- 10 Definitions.**
Updates terms related to tenant's claims for a security deposit in the lease termination related to domestic violence or sexual assault or harassment.
- 11 Termination of lease upon infirmity of tenant.**
Provides that only one of the tenant's on a lease has to meet the qualifications of an infirmed tenant to allow all of the tenants to give notice and move out.
- 12 Right to counsel.**
Clarifies the type of public housing that allows a person to qualify for an attorney in an eviction case.
- 13 Grounds.**
Prohibits an eviction action from being filed against a tenant who has terminated their lease consistent with the law that allows a lease termination related to domestic violence or sexual assault or harassment. This section also allows the tenant to obtain an expungement if an eviction is sought improperly.
- 14 Summons and complaint; how served.**
Changes and updates service procedure for eviction actions.

Section	Description - Article 1: Tenant's Rights
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15	General.
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Clarifies when a stay of the writ of recovery in eviction cases can be used.

Article 2: Tenant Screening

This article updates provision of law related to screening tenants.

Section	Description - Article 2: Tenant Screening
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1	Individual taxpayer identification number.
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Requires a landlord to accept a taxpayer identification number in place of a Social Security number on a rental application and prohibits the landlord from delaying the application because the tenant used an ITIN instead of a Social Security number.

2	Denial based on pending cases.
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Prohibits a landlord from denying a rental application based on a pending eviction case filed against the prospective tenant.

3	Remedies.
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Allows a tenant who is denied a rental based on a pending eviction to sue for the tenant screening fee, a \$1,000 civil penalty, costs, and attorney fees.

4	Court file information.
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Requires tenant screening companies to update and verify court cases immediately prior to issuing a tenant screening report.

5	Tenant report; remedies.
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Allows a tenant screening company to be sued for violating the laws on tenant screening reports and provides they are liable for a civil fine and reasonable attorneys fees and costs. Current law allows the attorney general to enforce tenant screening laws when there were violations.

Article 3: Construction and Repairs for Residential Rental

This article provides new provisions for how landlords should assist tenants when the building they are supposed to move into is still under construction and provides new rules for how tenants can repair problems in their rental unit.

Section Description - Article 3: Construction and Repairs for Residential Rental

1 New construction delays; tenant remedies.

Subd. 1. Definitions. Provides a definition for new construction which includes additions, rehab, and modification along with the construction of new buildings.

Subd. 2. Requirements if landlord cannot deliver occupancy. Provides that a landlord must notify a tenant at least seven days prior to the start of the lease if the unit is not able to be inhabited and to offer the tenant (1) an equivalent unit to rent until the unit is ready, (2) an amount equivalent to the rent they would be paying so that the tenant can find other housing, or (3) the option to cancel the lease and have any money paid toward the housing returned. Tenants who wait for the unit can be reimbursed for security deposits and other costs related to finding alternative housing and may cancel the lease under option 3 if the unit is not available within 90 days.

Subd. 3. Waiver. Provides that any part of this section waived by a tenant in a written or oral agreement is void.

Subd. 4. Remedies. Allows tenants to sue for violations of this section under the tenant's remedies for unlawful exclusion and can file a complaint and be awarded damages and attorneys fees.

Effective date. Provides that this section would be effective on August 1, 2024, and apply to leases signed on or after that date.

2 Tenant right to repair to remedy violation.

Under current law, a tenant would need to file an action under section 504B.385 and put their rent into escrow so that a landlord will make the needed repairs. This section allows a tenant to make a repair to a rental unit or common area and subtract the cost of the repair from their rent.

This section requires the tenant to:

- provide notice to the landlord of the need of the repair, including copies of an inspection if one has been done for a violation of any state, county, or city health, safety, housing, building, fire prevention, or housing maintenance code applicable to the building;
- allows the tenant to make the repair 14 days after notice has been provided to the landlord, or for the time allowed in a violation notice issued by a state, county, city, or other health and safety inspector; and
- allows the tenant to subtract the cost of the repair from their rent until the total repair is paid.

Article 4: Tenant Organizing for Residential Rentals

This article establishes a right to organize for tenant's living in a residential building and requires landlords to allow certain organizing activities to happen at the residential building. This article prevents retaliation by a landlord for organizing and also imposes penalties for landlord's who violate this section.

Section	Description - Article 4: Tenant Organizing for Residential Rentals
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| 1 | Tenant association.
Creates a new definition for a tenant association in chapter 504B. |
| 2 | Tenant organization.
Creates a new definition for a tenant organization in chapter 504B. |
| 3 | Tenant right to organize; tenant association.
Provides rights to tenants and tenant organizers to distribute information in their building, contact tenants in the building, and hold meetings in the building about organizing as a tenant group. This section also prevents landlords from prohibiting tenant organizations from the building, or requiring prior permission to do organizing activities, and prevent retaliation by the landlord against organizing tenants. A tenant association must adopt by laws or an operating agreement.

This section imposes a penalty of \$1,000 per violation that a tenant can recover along with reasonable attorney fees. |

Article 5: Court Remedies: Residential Rentals

This article amends various sections in chapter 504B to provide expanded awards for damages, including civil fines and treble damages, and allows for attorney fees and cost to be awarded, when a tenant sues to enforce remedies under the chapter or when a landlord violates various provisions of chapter 504B.

Section	Description - Article 5: Court Remedies: Residential Rentals
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| 1 | Housing-related neighborhood organization.
Amends the definition in chapter 504B for a "housing-related neighborhood organization." |
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Section Description - Article 5: Court Remedies: Residential Rentals

- 2 Violation.**
Expands the definition of the term “violation” for chapter 504B to include a violation of any federal, state, or local law protecting tenants from discrimination or providing requirements for subsidized housing.
- 3 Abandonment.**
Creates a new definition for the terms “abandonment of tenancy” and “abandonment of personal property” in chapter 504B.
- 4 Distress for rent.**
Provides a remedy for the prohibited practice of distress for rent, which means seizing another’s personal property to pay their back rent. The new provisions prevent the practice from occurring even if it was in a lease or agreement and allows a tenant to get damages and attorney fees if the law is violated.
- 5 Written lease required; penalty.**
Provides damages and attorney fees if a landlord with a building of 12 or more units does not provide a written lease and identify the unit the tenant will rent.
- 6 Copy of written lease to tenant.**
Provides damages and attorney fees if the landlord does not provide a copy of the lease to the tenant as required by the statute.
- 7 Prorated rent required.**
Provides damages and attorney fees if the landlord does not prorate the last month of rent if the move out day is before the end of the month.
- 8 Receipt for rent paid in cash.**
Provides damages and attorney fees if the landlord does not give a receipt as required by statute for rent that is paid using cash.
- 9 Rent liability; uninhabitable buildings.**
Provides that a tenant can get damages and attorney fees if a landlord does not let them surrender a rental that has become uninhabitable through no fault of their own.
- 10 Urban real estate; holding over.**
Provides damages and attorney fees when a landlord implies more than the period of rent payments for tenancy after the lease has expired.

Section Description - Article 5: Court Remedies: Residential Rentals

- 11 Restriction on automatic renewal of leases.**
Provides a penalty when the landlord has an automatically renewing lease and the tenant is not given notice as required by law.
- 12 Limitation on lease and notice to tenant.**
Provides damages and attorney fees if a landlord rents a unit that is under foreclosure or contract for deed cancelation in violation of the provisions of the law.
- 13 Tenant abandonment of dwelling.**
Provides that a tenant's lease obligations cease when a new tenant begins a new tenancy for a unit. Requires a landlord to fill a vacancy if a tenant leaves before their lease is up. This section also provides the amount of rent a tenant can owe if the tenancy abandoned was a tenancy at will or a periodic tenancy.
- 14 Requirements.**
Updates, clarifies, and expands the covenants of habitability required by landlords for residential rental units.
- 15 Tenant maintenance.**
Requires payment or reduction of rent if a tenant is required to keep up or maintain the residential rental, including lawn care.
- 16 Covenants are in addition.**
Provided the statutory covenants in chapter 504B for landlords and tenants are in addition to other remedies and requirements of the law.
- 17 Remedies.**
Provides remedies including damages, costs, attorney fees, and equitable relief when the landlord violates the statutory covenants provided in section 504B.161.
- 18 Enforcement.**
Allows a tenant to enforce the requirements of the statutory covenants in an eviction action or tenant remedy action.
- 19 Waiver prohibited.**
Moves the existing prohibition on a waiver of the statutory covenants to a new subdivision.

Section Description - Article 5: Court Remedies: Residential Rentals

- 20 **Remedies.**
Provides that the requirements in statute for a prelease deposit cannot be waived and, if the landlord violates the law through a failure to return the prelease deposit as required, they are liable for damages and attorney fees.
- 21 **Bad faith retention.**
Increases the cap for punitive damages and allows collection of attorney fees when a tenant has to sue to recover their damage deposit if it was withheld in bad faith.
- 22 **Waiver prohibited.**
Provides remedies, including damages and attorney fees, if the landlord does not provide the required statutory notice on who the landlord of the property is and how to contact them.
- 23 **Notice.**
Adds that when a local government does a building inspection and provides a notice of code violations, they also need to include a deadline to correct the violation, and that the landlord must fix the violation in that time allowed.
- 24 **Remedies.**
Provides that a tenant can sue for damages and attorney fees if the landlord violates the section requiring repairs be made after an inspection by a local government.
- 25 **Disclosure to tenant.**
Provides that all code violations from the last 12 months must be provided to tenants, prospective tenants, and a person looking to purchase the property.
- 26 **Damages.**
Provides that a tenant can sue for damages and attorney fees if the landlord does not provide them with the notice of violations from local government inspections.
- 27 **Remedies additional.**
Provides that failing to follow the requirements for local government inspections is a violation of the statutory covenant between the tenant and the landlord.
- 28 **Action for rental of condemned residential premises.**
Clarifies when a landlord can accept rent related to condemnation and provides that violating that section of law is a violation of the covenants between tenants and landlords.

Section Description - Article 5: Court Remedies: Residential Rentals

- 29 **Residential tenant remedies.**
Changes the damages and attorney fees available for a tenant remedy when a landlord violates the rights under the law related to access police and emergency services.
- 30 **Damages for ouster.**
Changes damages and allows attorney fees and the rescission of the lease if the landlord locks a tenant out.
- 31 **Remedies.**
Allows a family to recover damages when a landlord violates the provisions related to tenancies after the tenant dies.
- 32 **Damages.**
Adds damages or \$1,000 fine, and attorney fees to existing damage awards allowed for violations to existing law allowing tenants to retrieve their property.
- 33 **Limitation on claim preclusion.**
Allows a tenant to raise a claim under chapter 504B in an action, even if they have not brought the claim earlier.
- 34 **Damages.**
Provides for actual damages, a fine, and reasonable attorney fees when a landlord files an eviction as retaliation.
- 35 **Restrictions on eviction due to familial status.**
Allows a tenant to sue for damages and attorney fees if the landlord violates the law that prevents eviction before one year due to a change in the familial status of the family.
- 36 **Unlawful exclusion or removal.**
Provides that a tenant cannot waive the provision in the section of law related to a landlord constructively removing a tenant.
- 37 **Noncompliance; fines and damages.**
Provides fines when a landlord has failed to comply with a court order.
- 38 **Who may bring action.**
Conforming change related to the definition of housing-related neighborhood organization.

Section	Description - Article 5: Court Remedies: Residential Rentals
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| 39 | Landlord must be informed.
Updates definitions based on changes in this bill. |
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Article 6: Discrimination Policy

This article prevents discrimination against tenants based on the tenant's receipt of rental assistance provided by local, state, or federal government programs including a housing choice voucher program such as Section 8.

Section	Description - Article 6: Discrimination Policy
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| 1 | Housing discrimination.
Prohibits a landlord from denying a rental unit to a tenant based on the use of assistance that helps the tenant pay rent and prohibits the landlord from advertising that they will not rent to someone because of the use of public assistance that helps pay rent. Provides that the section can be enforced through chapter 363A. |
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