

1.1 Senator moves to amend S.F. No. 4579 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2022, section 216B.022, is amended to read:

1.4 **216B.022 SUBMETERING IN SINGLE-METERED RESIDENTIAL BUILDINGS.**

1.5 Subdivision 1. Definitions. (a) For the purposes of this section and sections 216B.023
1.6 and 216B.024, the following terms have the meanings given.

1.7 (b) "Individually meter" means the condition in a residential building in which each
1.8 tenant has an individual account with a utility provider and where:

1.9 (1) the utility provider has installed meters that measure utility service consumed in each
1.10 unit;

1.11 (2) the meters are owned, read, and maintained by the utility provider; and

1.12 (3) the meter readings constitute the basis for direct billing of a tenant by the utility
1.13 provider.

1.14 (c) "Landlord" has the meaning given in section 504B.216, subdivision 1. Landlord
1.15 includes a third-party billing agent.

1.16 (d) "Nonresidential building" means a building that is not a residential building.

1.17 (e) "Single-metered residential building" means a multiunit rental building with one or
1.18 more separate residential living units where all of the applicable utility service consumed
1.19 in the building, including service consumed by tenants in each individual unit, is measured
1.20 through a single meter and where the landlord is the sole customer of record of the utility
1.21 provider.

1.22 (f) "Submeter" means a meter in a single-metered residential building that is owned by
1.23 a landlord and installed by the landlord or by a third-party billing agent or other agent at
1.24 the landlord's request, and that measures utility service consumed solely within an individual
1.25 dwelling unit in the building.

1.26 (g) "Tenant" means a person who is occupying a dwelling in a residential building under
1.27 a lease or contract, whether oral or written, that requires the payment of money or exchange
1.28 of services, and all other regular occupants of that dwelling unit.

1.29 (h) "Third-party billing agent" means a person or entity other than the property owner
1.30 that performs one or more utility management services at a single-metered residential

2.1 building on behalf of a landlord that include, but are not limited to installing submeters,
2.2 reading submeters, or handling utility billing and collections.

2.3 (i) "Utility provider" means a public utility, a municipal utility, or a cooperative electric
2.4 association providing utility service.

2.5 (j) "Utility service" means natural gas and electricity.

2.6 Subd. 2. **Submetering authorized with limitations.** (a) Submetering to a tenant in a
2.7 single-metered residential building is prohibited except as provided in this section. A landlord
2.8 who has installed submeters in a single-metered residential building is subject to the
2.9 commission's authority under this chapter.

2.10 (b) Nothing in this chapter grants the commission or a public utility the authority to limit
2.11 the availability of submetering to a ~~building occupant when the~~ nonresidential building that
2.12 is served by a public utility's master meter which measures the total electric energy delivered
2.13 to the building.

2.14 (c) A landlord of a single-metered residential building who has installed submeters and
2.15 bills for utility charges separate from the rent must provide prospective tenants notice of
2.16 the total utility cost for each month of the most recent calendar year for the unit offered to
2.17 the prospective tenant.

2.18 Subd. 3. **Conditions of submetering in residential buildings after January 1, 2025.** (a)
2.19 On or after January 1, 2025, prior to installing a submeter, a landlord must first request that
2.20 a utility provider individually meter the residential building if the provider offers that option,
2.21 provided that the cost to the landlord is equal to or less than the cost to install submeters.
2.22 If the utility cannot individually meter the building, the landlord may then install submeters.

2.23 (b) On or after January 1, 2025, submeters must:

2.24 (1) be installed only by a licensed and qualified professional; and

2.25 (2) must comply with standards established by the commission, the municipality, or the
2.26 cooperative electric association for the utility provider that provides utility service to the
2.27 landlord.

2.28 Subd. 4. **Meter accuracy; repairs; replacement.** All submeters, regardless of when
2.29 they were installed, must accurately measure utility service and be repaired or replaced only
2.30 by licensed professionals.

2.31 Subd. 5. **Filing required.** A landlord who installs submeters must file with the
2.32 commission a document that identifies:

3.1 (1) the address of the single-metered residential building in which submeters have been
3.2 installed;

3.3 (2) the name, physical address, and contact information of the landlord or property
3.4 manager and, if any, the third-party billing agent;

3.5 (3) the number and description of the submeters installed in the residential building; and

3.6 (4) any other information the commission deems necessary.

3.7 Subd. 6. **Inaccurate submeters.** (a) If a tenant notifies the landlord in writing that the
3.8 tenant suspects the submeter is incorrectly registering the tenant's utility service and includes
3.9 an explanation for the suspicion, the landlord must promptly initiate an investigation, which
3.10 may include a meter test by a licensed professional at the landlord's expense, to determine
3.11 whether the meter is malfunctioning and either take corrective action or inform the tenant
3.12 in writing why no corrective action is believed necessary. If the tenant is not satisfied with
3.13 the explanation, the tenant, at the tenant's own expense, may have a licensed and qualified
3.14 professional test the submeter. If the test conducted at the behest of the tenant shows the
3.15 meter is faulty, the landlord must reimburse the tenant for the cost of the test.

3.16 (b) Whenever any submeter is found upon testing to have an average error of more than
3.17 two percent fast, the landlord must promptly refund to the customer the overcharge.

3.18 Whenever any submeter is found upon test to have an average error of more than two percent
3.19 slow, the landlord may charge for utility service not included in the bills previously rendered.

3.20 The refund or charge for both fast and slow submeters must be based on corrected meter
3.21 readings. If the date the submeter first malfunctioned can be ascertained with certainty, the
3.22 amount of the refund or billing for the undercharge may not exceed a malfunction period
3.23 covering one year. If the date the submeter first malfunctioned cannot be ascertained with
3.24 certainty, the amount of the refund or undercharge may not exceed a malfunction period
3.25 covering six months. Any undercharge the landlord seeks to collect must be recovered in
3.26 accordance with section 216B.024, subdivision 3.

3.27 (c) If a tenant has notified the landlord as provided in paragraph (a) and the landlord has
3.28 failed within a reasonable time to check the submeter, the landlord is prohibited from back
3.29 billing for the period between the date of the tenant's notification and the date the submeter
3.30 was checked.

3.31 (d) Upon a finding by a licensed and qualified professional that the submeter is more
3.32 than two percent fast or slow, the landlord must repair or replace the malfunctioning meter
3.33 within a reasonable time and provide certification to the tenant that the submeter has been
3.34 repaired or replaced.

4.1 Subd. 7. Fees. A landlord is prohibited from charging to or collecting from tenants any
4.2 administrative, capital, or any other expenses associated with the installation, maintenance,
4.3 repair, replacement, or reading of submeters.

4.4 Subd. 8. Violations. Upon a finding by the commission that has materially violated this
4.5 section more than once, the commission may order a landlord to cease submetering and
4.6 billing tenants for utility service separate from rent.

4.7 **Sec. 2. [216B.023] BILLING; DISPUTE RESOLUTION.**

4.8 Subdivision 1. Billing basis. Bills for utility service provided by landlords to tenants
4.9 must be based on actual submeter readings.

4.10 Subd. 2. Billing interval. Bills for utility service must be provided by landlords to tenants
4.11 monthly. Landlords that submeter and bill for utility service must include in the lease or, if
4.12 there is no lease, provide a written statement at the outset of the lease, notification of when
4.13 monthly utility bills will be issued.

4.14 Subd. 3. Billing transparency. Monthly bills for utility service rendered by landlords
4.15 to tenants for utility service must include, at a minimum, the following information:

4.16 (1) the present and last preceding submeter readings;

4.17 (2) the date of the present reading;

4.18 (3) the rate at which the utility service is being billed and the rate at which the landlord
4.19 is being billed by the utility provider for the utility service; and

4.20 (4) the total amount of the monthly bill and a list containing:

4.21 (i) the volumetric usage charge, calculated by multiplying the amount of consumption
4.22 by the allowable rate;

4.23 (ii) any administrative billing charge, as provided in subdivision 4, paragraph (b); and

4.24 (iii) the date by which payment is due, the date after which, if the bill is not paid, a late
4.25 payment charge will be imposed, and the amount of the charge, if any.

4.26 Subd. 4. Rates and administrative billing fees. (a) A landlord that submeters is
4.27 prohibited from collecting from tenants in the aggregate, including but not limited to fees
4.28 of any kind except as allowed under paragraph (b), more than the landlord is billed by the
4.29 utility provider. A landlord must deduct from bills rendered to the tenants utility service
4.30 used exclusively or primarily for the landlord's purposes.

5.1 (b) A landlord may charge a tenant an administrative billing fee that does not exceed
5.2 \$6. No other fees may be charged to or collected from tenants for utility service.

5.3 Subd. 5. **Billing errors.** When a tenant has been overcharged or undercharged for utility
5.4 service due to an error other than an inaccurate meter, the overcharge must be refunded to
5.5 the tenant or the amount of the undercharge may be billed to the tenant. If the date the error
5.6 first occurred can be ascertained with certainty, the amount of the refund or billing for the
5.7 undercharge may not exceed an error period covering one year. If the date the error first
5.8 occurred cannot be ascertained with certainty, the amount of the refund or undercharge may
5.9 not exceed an error period covering six months. Any undercharge the landlord seeks to
5.10 collect must be recovered in accordance with section 216B.024, subdivision 3.

5.11 Subd. 6. **Late payment charges.** A landlord may impose one late payment fee per billing
5.12 period if a tenant's utility bill payment is not received by the landlord by the next scheduled
5.13 billing date. The late fee may not be added to subsequent bills on which subsequent late
5.14 fees are imposed. The amount of the late charge may not exceed one and one-half percent
5.15 per monthly billing period on the delinquent amount.

5.16 Subd. 7. **Dispute resolution procedure.** A tenant disputing a bill or claiming a violation
5.17 of section 216B.022, 216B.023, or 216B.024 must first attempt to resolve the dispute or
5.18 claim with the landlord. If the tenant disagrees with the landlord's proposed resolution, the
5.19 landlord must notify the tenant of the tenant's right to file a complaint with the commission
5.20 and provide the phone number and email address of the commission's consumer affairs
5.21 office. The consumer affairs office must follow the procedures set forth in section 216B.172,
5.22 subdivision 2, and Minnesota Rules, part 7829.3200, and the procedures under section 172B,
5.23 subdivisions 3 and 4, apply.

5.24 Sec. 3. **[216B.024] CONSUMER PROTECTIONS FOR TENANTS IN**
5.25 **SINGLE-METERED RESIDENTIAL BUILDINGS.**

5.26 Subdivision 1. **Budget billing plans.** (a) A landlord who submeters must offer each
5.27 tenant a budget billing plan. Within 30 days of the end of the 12-month period, the landlord
5.28 must compare a tenant's aggregate utility service payments with what the tenant would have
5.29 actually paid for the tenant's consumption and other allowable charges. If the tenant has
5.30 paid more for the utility service under the plan than the actual annual bill, the landlord must
5.31 either refund the overpayment or, at the tenant's option, reduce the budget billing amount
5.32 accordingly for the subsequent 12-month period. If the tenant has paid less for the utility
5.33 service under the plan than the actual annual bill, the landlord must permit the tenant to pay
5.34 the difference in equal installments over the next 12 months.

6.1 (b) For the purposes of this subdivision, "budget billing plan" means a payment plan
6.2 that divides annual utility service charges into 12 equal monthly payments.

6.3 Subd. 2. **Payment agreements.** A landlord must offer a payment agreement for the
6.4 payment of utility service arrears. If the tenant receives or is eligible for public assistance
6.5 or legal aid services, payment agreements must be consistent with the tenant's financial
6.6 circumstances and any extenuating circumstances of the household.

6.7 Subd. 3. **Undercharges.** (a) A landlord must offer a payment agreement to tenants who
6.8 have been undercharged if no culpable conduct by the tenant or member of the tenant's
6.9 household caused the undercharge. The agreement must cover a period equal to the time
6.10 over which the undercharge occurred or a different time period that is mutually agreeable
6.11 to the tenant and the landlord, except that the duration of a payment agreement offered by
6.12 a landlord to a tenant who is receiving or eligible for public assistance, or is eligible for
6.13 legal aid services, must be consistent with the financial circumstances and any extenuating
6.14 circumstances of the customer's household.

6.15 (b) No interest or delinquency fee may be charged as part of an undercharge agreement
6.16 under this subdivision.

6.17 Sec. 4. Minnesota Statutes 2022, section 216B.098, subdivision 6, is amended to read:

6.18 Subd. 6. **Commission authority.** (a) In addition to any other authority, the commission
6.19 has the authority to resolve customer complaints against a public utility, as defined in section
6.20 216B.02, subdivision 4, whether or not the complaint involves a violation of this chapter.
6.21 The commission may delegate this authority to commission staff as it deems appropriate.

6.22 (b) The commission has the authority to levy a fine as provided under section 216B.57
6.23 for a violation of section 216B.022, 216B.023, or 216B.024 with respect to complaints filed
6.24 by tenants under section 216B.023, subdivision 7. Nothing in this chapter limits the right
6.25 of a tenant to seek or obtain judicial remedies.

6.26 Sec. 5. Minnesota Statutes 2023 Supplement, section 216B.172, subdivision 1, is amended
6.27 to read:

6.28 Subdivision 1. **Definitions.** (a) For the purposes of ~~th~~ this section, the following terms
6.29 have the meanings given.

6.30 (b) "Appeal" means a request a complainant files with the commission to review and
6.31 make a final decision regarding the resolution of the complainant's complaint by the consumer
6.32 affairs office.

7.1 (c) "Complainant" means an individual residential customer or a tenant who files with
7.2 the consumer affairs office a complaint against a public utility or a landlord of a
7.3 single-metered residential building.

7.4 (d) "Complaint" means an allegation submitted to the consumer affairs office by a
7.5 complainant that a public utility's action or practice regarding billing or terms and conditions
7.6 of service:

7.7 (1) violates a statute, rule, tariff, service contract, or other provision of law;

7.8 (2) is unreasonable; or

7.9 (3) has harmed or, if not addressed, harms a complainant.

7.10 Complaint does not include an objection to or a request to modify any natural gas or
7.11 electricity rate contained in a tariff that has been approved by the commission. A complaint
7.12 under this section is an informal complaint under Minnesota Rules, chapter 7829.

7.13 (e) "Consumer affairs office" means the staff unit of the commission that is organized
7.14 to receive and respond to complaints.

7.15 (f) "Informal proceeding" has the meaning given in Minnesota Rules, part 7829.0100,
7.16 subpart 8.

7.17 (g) "Landlord" means an owner, contract for deed vendee, receiver, executor, trustee,
7.18 lessee, agent, or other person directly or indirectly in control of a single-metered residential
7.19 building. Landlord includes a third-party billing agent.

7.20 (h) "Public assistance" has the meaning given in section 550.37, subdivision 14.

7.21 ~~(h)~~ (i) "Public utility" has the meaning given in section 216B.02, subdivision 4.

7.22 (j) "Single-metered residential building" has the meaning given in section 216B.022,
7.23 subdivision 1.

7.24 (k) "Tenant" has the meaning given in section 216B.022, subdivision 1.

7.25 (l) "Third-party billing agent" has the meaning given in section 216B.022, subdivision
7.26 1.

7.27 Sec. 6. Minnesota Statutes 2023 Supplement, section 216B.172, subdivision 2, is amended
7.28 to read:

7.29 Subd. 2. **Complaint resolution procedure.** A complainant must first attempt to resolve
7.30 a dispute with a public utility or a landlord. If dissatisfied with the proposed resolution by
7.31 the public utility, the complainant may seek assistance of the commission to resolve the

8.1 matter by filing a complaint with the consumer affairs office. The consumer affairs office
8.2 must: (1) notify the complainant of the resolution of the complaint; and (2) provide written
8.3 notice of (i) the complainant's right to appeal the resolution to the commission, and (ii) the
8.4 steps the complainant may take to appeal the resolution. Upon request, the consumer affairs
8.5 office must provide to the complainant a written notice containing the substance of and
8.6 basis for the resolution. Nothing in this section affects any other rights existing under this
8.7 chapter or other law.

8.8 Sec. 7. [504B.216] UTILITY SERVICE IN SINGLE-METERED RESIDENTIAL
8.9 BUILDINGS.

8.10 Subdivision 1. Definitions. (a) For the purposes of this section, the following definitions
8.11 apply.

8.12 (b) "Commission" means the public utilities commission.

8.13 (c) "Individually meter" has the meaning given in section 216B.022, subdivision 1.

8.14 (d) "Landlord" has the meaning given in section 504B.001, subdivision 7. For the
8.15 purposes of this section, landlord includes a third-party billing agent.

8.16 (e) "Single-metered residential building" means a multiunit rental building with one or
8.17 more separate residential living units where all of the applicable utility service consumed
8.18 in the building, including service consumed by tenants in each individual unit, is measured
8.19 through a single meter.

8.20 (f) "Submeter" has the meaning given in section 216B.022, subdivision 1.

8.21 (g) "Third-party billing agent" has the meaning given in section 216B.022, subdivision
8.22 1.

8.23 (h) "Utility provider" means a public utility, a municipal utility, a cooperative electric
8.24 association, or a local municipal water company providing natural utility service.

8.25 (i) "Utility service" means natural gas, electricity, or water.

8.26 Subd. 2. Landlord is bill payer and customer of record. (a) The landlord of a
8.27 single-metered residential building must be the bill payer responsible and must be the
8.28 customer of record contracting with a utility provider for utility service. Except as provided
8.29 in paragraph (b), a tenant is not responsible to a utility provider or landlord for utility service.
8.30 The landlord must advise the utility provider that the utility services apply to a single-metered
8.31 residential building.

8.32 (b) Notwithstanding paragraph (a):

9.1 (1) a tenant may be liable to the utility provider for utility service if the tenant exercises
9.2 the right granted under subdivision 5 because the landlord has failed to pay for utility service
9.3 and the utility provider issues a final notice proposing to disconnect or discontinue the
9.4 service to the building; and

9.5 (2) a tenant may be liable to the landlord for utility service if the landlord lawfully
9.6 submeters as provided in section 216B.022.

9.7 (c) A failure by the landlord to comply with this subdivision is a violation of sections
9.8 504B.161, subdivision 1, clause (1), and 504B.221.

9.9 (d) This subdivision does not require a landlord to contract with a utility and pay for
9.10 individually metered utility services furnished to each residential unit by a utility provider.

9.11 (e) Apportioning charges for utility services among residential units is prohibited.

9.12 (f) A landlord is prohibited from removing a directly metered tenant from the tenant's
9.13 existing utility account or requesting that a utility remove the tenant from the tenant's existing
9.14 utility account.

9.15 (g) This subdivision may not be waived by contract or otherwise.

9.16 **Subd. 3. Submetering of natural gas, electricity, and water.** A landlord may charge
9.17 or bill for natural gas or electricity separately from rent only if the landlord has installed
9.18 submeters and complies with the provisions of section 216B.022.

9.19 (b) On or after January 1, 2025, a landlord may charge or bill for water separately from
9.20 rent only if the landlord has installed submeters that comply with standards established by
9.21 the local municipal water company for meters the company uses to measure water service
9.22 provided to the company's customers and a landlord who has installed water submeters must
9.23 comply with all local ordinances governing the provision of water service to customers of
9.24 the local municipal water company and must comply with sections 216B.023, except for
9.25 subdivision 7, and section 216B.024. To the extent the provisions of a local ordinance and
9.26 section 216B.023 or 216B.024 are in conflict, sections 216.023 and 216B.024 apply.

9.27 **Subd. 4. Disconnection of utility service prohibited.** (a) Disconnection of a tenant's
9.28 utility service by a landlord for the failure to pay utility service charges is prohibited. Nothing
9.29 in this subdivision prohibits a public utility, a municipal utility, or a cooperative electric
9.30 association from disconnecting service to a landlord's single meter as otherwise allowed by
9.31 law.

9.32 (b) Tenant payments toward rent may not be designated as payments toward utility
9.33 service and tenant utility service payments may not be designated as rent. A landlord may

10.1 bring a claim for breach of lease under section 504B.285, subdivision 4, for the failure of
10.2 a tenant to pay for utilities billed separately from rent as allowed under this section, except
10.3 as provided in paragraph (c). There shall be no presumption that a claim brought for breach
10.4 for the failure to pay for utilities is material or warrants entry of a writ of recovery or other
10.5 eviction remedy.

10.6 (c) Notwithstanding paragraph (b):

10.7 (1) a landlord may not bring a claim for breach unless the landlord has offered an eligible
10.8 tenant and the tenant has defaulted on a payment agreement to pay amounts owed for utility
10.9 charges, as required under section 216B.024, subdivision 2;

10.10 (2) an eviction action may not be filed and any eviction already filed must be stayed for
10.11 the failure to pay utility service charges:

10.12 (i) during the cold weather period;

10.13 (ii) during a heat emergency; and

10.14 (iii) if the tenant notifies the landlord or the court that the tenant or a member of the
10.15 tenant's household is experiencing a medical emergency or where medical equipment
10.16 requiring electricity necessary to sustain life is in use and certification of the emergency is
10.17 provided to the landlord or the court by a licensed medical health care professional within
10.18 three days of notification to the landlord or the court; and

10.19 (3) the tenant may, at any time before possession has been delivered, cure the breach by
10.20 bringing to court the amount of the utility charges that are in arrears, with an additional
10.21 charge as provided under section 216B.023, subdivision 6.

10.22 (c) If the failure to pay utility charges occurs during the cold weather period or in the
10.23 event of a medical emergency or where medical equipment requiring electricity necessary
10.24 to sustain life is in use, a landlord must follow the procedures set forth in section 216B.024,
10.25 subdivision 2.

10.26 (d) A violation of this section is a violation of section 504B.221.

10.27 (e) For the purposes of this subdivision:

10.28 (1) "cold weather rule" has the meaning given in section 216B.098, subdivision 1;

10.29 (2) "disconnection" includes installation of a service or load limiter or any device that
10.30 limits or interrupts utility service in any way; and

10.31 (3) "heat emergency" means any period when an excessive heat watch, heat advisory,
10.32 or excessive heat warning issued by the National Weather Service is in effect.

11.1 Subd. 5. Procedure where landlord defaults on payments to the utility. (a) A utility
11.2 provider supplying natural gas, electricity, or water, or other company supplying home
11.3 heating oil or propane, to a building who issues a final notice proposing to disconnect or
11.4 discontinue the service to the building because a landlord who has contracted for the service
11.5 has failed to pay for it or because a landlord is required by law or contract to pay for the
11.6 service and fails to do so must provide notice to the residents of the impending disconnection
11.7 by posting the building. The posting must be placed in at least one conspicuous location in
11.8 or on the building and provide tenants with, at a minimum, the following information:

11.9 (1) the date the service will be discontinued;

11.10 (2) the telephone number to call at the utility to obtain further information;

11.11 (3) a brief description of the rights of tenants under this section to continue or restore
11.12 service; and

11.13 (4) advice to consider seeking assistance from legal aid, a private attorney, or a housing
11.14 organization in exercising the rights of tenants under Minnesota law to maintain their utility
11.15 service.

11.16 A tenant or group of tenants may pay to have the service continued or reconnected as
11.17 provided under this section. Before paying for the service, the tenant or group of tenants
11.18 shall give oral or written notice to the landlord of the tenant's intention to pay after 48 hours,
11.19 or a shorter period that is reasonable under the circumstances, if the landlord has not already
11.20 paid for the service. In the case of oral notification, written notice shall be mailed or delivered
11.21 to the landlord within 24 hours after oral notice is given.

11.22 (b) In the case of natural gas or electricity, if the landlord has not paid the bill by the
11.23 time of the tenant's intended payment or if the service remains discontinued, the tenant or
11.24 tenants may pay the current charges for the most recent billing period and the utility company
11.25 or municipality must restore the service for at least one billing period. In a residential
11.26 building with less than five units, one of the tenants may notify the utility company or
11.27 municipality that the tenant agrees to become the bill payer responsible and customer of
11.28 record and the utility company or municipality must place the account disconnected or
11.29 subject to disconnection in the tenant's name and provide service prospectively, provided
11.30 the tenant satisfies all requirements for establishing service. A tenant becoming the customer
11.31 of record of a cooperative electric association does not acquire membership rights. Exercise
11.32 of the right to pay the current charges for the most recent billing period does not preclude
11.33 exercising the right to become the bill payer responsible and customer of record, provided
11.34 that if there are multiple tenants in an affected multifamily building, the utility company or

12.1 municipality is not required to offer the right to become the bill payer responsible and the
12.2 customer of record to more than one tenant in a 12-month period.

12.3 (c) In the case of water, if the landlord has not paid the bill by the time of the tenant's
12.4 intended payment or if the service remains discontinued, upon request from a tenant, a
12.5 municipality must provide a copy of each bill the landlord fails to pay. The tenant:

12.6 (1) has a continuing right to pay the current charges for the most recent billing period
12.7 and retain service;

12.8 (2) has the period of time provided by the governing ordinance, policy, or practice within
12.9 which to pay the charges;

12.10 (3) is not subject to any deposit requirements; and

12.11 (4) is entitled to reasonable notice of any disconnection.

12.12 This paragraph does not require a municipality to alter its accounting system or billing
12.13 records if the tenant exercises the right to pay current charges and retain water service. If
12.14 there are multiple tenants in an affected property, the municipality is not required to offer
12.15 the right to pay current charges and retain service to more than one tenant in a 12-month
12.16 period.

12.17 (d) For purposes of this subdivision, "current charges" does not include arrears or late
12.18 payment fees incurred by the landlord.

12.19 (e) In a single-metered residential building, other residential tenants in the building may
12.20 contribute payments to the utility company or municipality on the account of the tenant who
12.21 is the customer of record under paragraph (b) or on the landlord's account under paragraph
12.22 (c).

12.23 (f) A landlord who satisfies all requirements for reestablishing service, including paying,
12.24 or entering into an agreement acceptable to the utility company or municipality to pay, all
12.25 arrears and other lawful charges incurred by the landlord on the account that was placed in
12.26 the tenant's name, may reestablish service in the landlord's name.

12.27 (g) This section does not restrict or prohibit a municipal utility provider from exercising
12.28 its authority pursuant to section 444.075, subdivisions 3 and 3e, to make contracts with and
12.29 impose utility charges against property owners and to certify unpaid charges to the county
12.30 auditor with taxes against the property served for collection as a tax.

12.31 (h) In the case of home heating oil or propane, if the landlord has not yet paid the bill
12.32 by the time of the tenant's intended payment, or if the service remains discontinued, the

13.1 tenant or tenants may order and pay for one month's supply of the proper grade and quality
13.2 of oil or propane.

13.3 (i) After submitting documentation to the landlord of the tenant's payment to the utility
13.4 company or municipality, a tenant may deduct the amount of the tenant's payment to the
13.5 utility company or municipality from the rental payment next paid to the landlord. Any
13.6 amount paid to the municipality, utility company, or other company by a tenant under this
13.7 subdivision is considered payment of rent to the landlord for purposes of section 504B.291.

13.8 Subd. 6. **Limitations; waiver prohibited; rights as additional.** The tenant rights under
13.9 this section:

13.10 (1) do not extend to conditions caused by the willful, malicious, or negligent conduct
13.11 of the tenant or of a person under the tenant's direction or control;

13.12 (2) may not be waived or modified; and

13.13 (3) are in addition to and do not limit other rights which may be available to the tenant
13.14 in law or equity, including the right to damages and the right to restoration of possession
13.15 of the premises under section 504B.291.

13.16 Subd. 7. **Attorney general authority.** The attorney general has authority under section
13.17 8.31 to investigate and prosecute violations of this section.

13.18 Sec. 8. Minnesota Statutes 2022, section 504B.285, subdivision 4, is amended to read:

13.19 Subd. 4. **Nonlimitation of landlord's rights.** (a) Nothing contained in subdivisions 2
13.20 and 3 limits the right of the landlord pursuant to the provisions of subdivision 1 to terminate
13.21 a tenancy for a violation by the tenant of a lawful, material provision of a lease or contract,
13.22 whether written or oral, or to hold the tenant liable for damage to the premises caused by
13.23 the tenant or a person acting under the tenant's direction or control.

13.24 (b) If landlord takes an action to terminate a tenancy for failure to pay for utility services
13.25 in a single-metered building, the court:

13.26 (1) if the tenant has filed a complaint involving utility service with the public utilities
13.27 commission under section 216B.023, subdivision 7, must stay the action until the commission
13.28 has made a final determination and may not require the defendant to pay any amount of
13.29 money into court, post a bond, make a payment directly to a landlord, or by any other means
13.30 post security for any purpose prior to final disposition of the complaint pursuant to section
13.31 216B.172, subdivisions 3 and 4. The procedures described in clauses (2) and (3) regarding

14.1 payment of money into court or to the landlord or posting a bond or security apply to any
14.2 subsequent action taken under this subdivision;

14.3 (2) if the tenant has not filed a complaint involving utility service with the public utilities
14.4 commission under section 216B.023, subdivision 7, and the tenant meets the requirements
14.5 for a fee waiver, may not require the tenant to post any amount of money into court, post a
14.6 bond, make a payment directly to a landlord, or by any other means post security for utility
14.7 charges; and

14.8 (3) if the tenant has not filed a complaint involving utility service with the public utilities
14.9 commission under section 216B.023, subdivision 7, and the tenant does not meet the
14.10 requirements to proceed in forma pauperis, may, in its discretion, require the tenant to pay
14.11 an amount of money or post security as it deems appropriate for prospective utility charges
14.12 only.

14.13 (c) A court may not require a tenant to post rent as a condition of a tenant asserting an
14.14 affirmative claim or defense, or a counterclaim related to landlord utility billings or practices.

14.15 Sec. 9. **REPEALER.**

14.16 Minnesota Statutes 2022, section 504B.215, is repealed.

14.17 Sec. 10. **EFFECTIVE DATE.**

14.18 Sections 1 to 9 are effective January 1, 2025."

14.19 Amend the title accordingly