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S.F. No. 2448 - Tenant right to repair to remedy violation

Author: Senator Liz Boldon

Prepared by: Priyanka Premo, Senate Counsel (651/296-3914)

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S.F. 2448 permits a tenant to pay for repairs in their rental unit in lieu of filing a rent escrow action. The tenant may subtract the cost of the repairs from the tenant's future rent payments. Before contracting for repairs, the tenant must provide written notice to the landlord notifying the landlord of the necessary repair and the tenant's intent to deduct the cost of the repair from the tenant's rent.

For certain code violations where an inspection has occurred, the tenant must provide a written notice of the code violation provided by the inspector under Minnesota Statutes, section 504B.185. If no inspection has occurred, the tenant must provide an explanation of the necessary repair, a cost estimate to make the repair, and notice that the tenant intends to use rent to pay for the repairs. The tenant may not make repairs unless repairs have not been made in the time window given.

For other violations, the tenant must notify the landlord of the violation and the intent to use rent to pay for the repairs. If the landlord has not provided a date for repairs or corrected the violation within one week, the tenant may contract for repairs. A tenant may use the same process for violations in a common area of a residential building.

A tenant who contracts for repairs must get bids for the work from two different providers and forward the bids to the landlord a day prior to work beginning unless the repairs is an emergency. The tenant must provide proof of payment to the landlord when subtracting the amount from rent.