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A24-0208 Delete Everything amendment to S.F. No. 3492 - Amending provisions relating to residential housing leases

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Overview

The bill specifies penalties and remedies for violations of a number of different sections relating to landlords and tenants. The bill also eliminates the ability to charge an application fee and adds a new section prohibiting retaliation.

Summary

Section 1 (section 504B.001, subdivision 5) amends the definition of “housing-related neighborhood organization” so it is no longer required to be limited to a specific geographic community and the written permission of only one tenant is required for the organization to take action.

Section 2 (section 504B.001, subdivision 11) specifies types of residences included in the definition of “residential building.”

Section 3 (section 504B.001, subdivision 14) expands the definition of “violation” to include violation of any local, state, or federal law relating to protecting tenants from discrimination and landlord obligations.

Section 4 (section 504B.001, subdivision 17) adds a new definition of “dwelling.”

Section 5 (section 504B.001, subdivision 18) adds a new definition of “rental unit.”

Section 6 (section 504B.101) expands on the remedy of distress for rent abolition to state that the provision may not be waived in a residential lease.

Section 7 (section 504B.111) increases the penalties for a violation of the requirement to have a written lease.

Section 8 (section 504B.115, subdivision 1) increases the penalties for a landlord who does not provide a copy of the written lease to a tenant.

Section 9 (section 504B.116) increases the penalties for a violation of the requirement to prorate rent when a tenant leaves a rental unit before the end of the month.

Section 10 (section 504B.118) increases the penalties for violations of the requirement to provide a receipt for rent paid in cash and also states that the requirement may not be waived.

Section 11 (section 504B.131) requires a landlord to offer a similar unit to a tenant when the tenant's unit is uninhabitable, increases penalties for violations, and states that the section shall be liberally construed for the protection of tenants.

Section 12 (section 504B.141) imposes penalties for violations of holding over of urban real estate and states that this section may not be waived.

Section 13 (section 504B.145) amends provisions relating to automatic renewals, increases penalties for violations, and states that the requirements may not be waived.

Section 14 (section 504B.151, subdivision 1) increases penalties for violations relating to lease requirements when a contract for deed has been cancelled or foreclosure action is taken. The section also states that these requirements may not be waived.

Section 15 (section 504B.161, subdivision 4) clarifies that additional covenants do not limit other rights or remedies.

Section 16 (section 504B.161, subdivision 7) adds a new subdivision specifying the remedies available to a tenant if a landlord violates this section.

Section 17 (section 504B.161, subdivision 8) adds a new subdivision specifying the sections a residential tenant may enforce.

Section 18 [section 504B.163] adds a new section prohibiting a landlord from retaliating against a tenant, specifying the rights a tenant has and conduct that is prohibited. The section also states that there is a presumption that retaliation has occurred, and a tenant has the right to receive a written explanation from a landlord. The section introduces penalties for violations, states that the section may not be waived, and states that the section shall be liberally construed for the protection of tenants. If a court finds that a landlord's action was not retaliatory, the landlord is entitled to costs.

Section 19 (section 504B.173, subdivision 1) states that a landlord may not charge an application or screening fee for a residential rental unit, introduces penalties for violations, and states that the section may not be waived.

Section 20 (section 504B.175, subdivision 1) removes the application fee from the definition of “prelease deposit.”

Section 21 (section 504B.175, subdivision 2a) adds a new subdivision prohibiting prelease deposits, states the provision may not be waived, and introduces penalties for violations.

Section 22 (section 504B.177) states that the section relating to late fees may not be waived and introduces penalties for violations.

Section 23 (section 504B.178, subdivision 7) increases penalties for a landlord’s bad faith retention of a deposit.

Section 24 (section 504B.178, subdivision 10) adds a statement to the section relating to waivers of requirements relating to interest on security deposits that the section shall be liberally construed for the protection of tenants.

Section 25 (section 504B.181, subdivision 7) adds a subdivision to the section relating to landlord disclosure to state that the section cannot be waived, introduces penalties for violations, and specifies that the section must be liberally construed for the protection of tenants.

Section 26 (section 504B.185, subdivision 3) adds a subdivision to the section relating to inspections to state that the section cannot be waived, introduces penalties for violations, and specifies that the section must be liberally construed for the protection of tenants.

Section 27 (section 504B.195, subdivision 2a) adds a subdivision awarding damages to a tenant if a landlord violates the section relating to outstanding inspection and condemnation orders disclosures.

Section 28 (section 504B.195, subdivision 5) states that a violation of the section relating to outstanding inspection and condemnation orders disclosures is considered a violation of the section relating to landlord covenants, and states that the section shall be liberally construed for the protection of tenants.

Section 29 (section 504B.204) states that a violation of the section relating to action for rental of condemned residential premises is considered a violation of the section relating to landlord covenants, and states that the section shall be liberally construed for the protection of tenants.

Section 30 (section 504B.205, subdivision 5) increases tenant remedies for landlord violations relating to a tenant’s right to contact emergency services. It also states that a violation of this section is considered a violation of the section relating to landlord covenants, and states that the section shall be liberally construed for the protection of tenants.

Section 31 (section 504B.231) increases the damages for a landlord unlawfully excluding a tenant from residential premises, and states that a violation of this section is considered a violation of the section relating to landlord covenants.

Section 32 (section 504B.245) increases tenant remedies for landlord violations relating to residential tenant reports. It also states that a violation of this section is considered a violation of section 325F.69 relating to unlawful practices, and states that the section shall be liberally construed for the protection of tenants.

Section 33 (section 504B.261) increases tenant remedies for landlord violations relating to pets in subsidized disability accessible rental units, voids any attempt to waive this section, and states that the section shall be liberally construed for the protection of tenants.

Section 34 (section 504B.265) specifies remedies for violations of the section relating to terminating a lease upon death of a tenant, and states that the section shall be liberally construed for the protection of tenants.

Section 35 (section 504B.271, subdivision 2) increases the damages when a landlord violates the section relating to a tenant's personal property left behind when vacating a rental unit.

Section 36 [section 504B.276] states that if a tenant does not litigate a claim, it does not preclude the tenant from litigating a claim in a separate proceeding.

Section 37 (section 504B.285, subdivision 2) states that an action for recovery of premises is defensible if the action is retaliatory in violation of section 504B.163, which prohibits a landlord from retaliating against a tenant.

Section 38 (section 504B.285, subdivision 3a) adds a new subdivision relating to damages for violations of the eviction actions section.

Section 39 (section 504B.315) increases tenant remedies for landlord violations of the section relating to restricting evictions based on familial status, and states that the section shall be liberally construed for the protection of tenants.

Section 40 (section 504B.321) increases tenant remedies for landlord violations relating to the complaint and summons section, voids any attempt to waive this section, and states that the section shall be liberally construed for the protection of tenants.

Section 41 (section 504B.331) increases tenant remedies for landlord violations relating to how summons must be served, voids any attempt to waive this section, and states that the section shall be liberally construed for the protection of tenants.

Section 42 (section 504B.335) states that a defendant may respond to a complaint orally or in writing, and that a defendant may assert common law defenses and violations of this chapter as defenses.

Section 43 (section 504B.365, subdivision 5) specifies remedies for violations relating to the execution of the writ of recovery of premises and order to vacate.

Section 44 (section 504B.375, subdivision 1) states that when a tenant is petitioning the court in a situation where the tenant was unlawfully locked out of a rental unit, the tenant may assert other claims under the chapter and request relocation, rescission of the lease, and recovery of a damage deposit. The section adds a new paragraph stating that the section may not be waived, and it shall be liberally construed for the protection of tenants.

Section 45 (section 504B.385, subdivision 11) states that the section relating to rent escrow action to remedy violations shall be liberally construed for the protection of tenants.

Section 46 (section 504B.391) adds damages to the section relating to fines for violations of building repair orders and clarifies the criminal penalty.

Section 47 (section 504B.441) states that a tenant may not be evicted if the eviction is retaliatory in violation of section 504B.163, which prohibits a landlord from retaliating against a tenant.

Section 48 (section 504B.471) adds section 504B.385, relating to rent escrow action to remedy violations, to section 504B.471 describing that the purpose of certain sections is to provide additional remedies. It also states that these sections shall be liberally construed for the protection of tenants.

Section 49 repeals obsolete subdivisions of sections relating to the applicant screening fee, prelease deposit, required disclosure for outstanding inspection and condemnation orders, and eviction actions.