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Strengthen Enforcement of Landlord-Tenant Law

If there is no way that tenants can make a landlord follow a rule, then there is very little incentive for landlords to comply with the law.

Rules mean very little if there are no consequences to breaking them. For several decades there have been many good laws in place that are supposed to help ensure tenants are treated fairly but lack any sort of enforcement method. If there is no way that tenants can make a landlord follow a rule, then there is very little incentive for landlords to comply with the law; and if there are no consequences for breaking a rule, then it is not much of a rule at all.

Current Law:

Currently, many of the rights tenants are supposed to have under Minnesota law do not include any sort of enforcement mechanism, essentially making these rules optional for landlords to comply with since there is no fear of being penalized.

Proposed Statute: What Would Change?

- Adding language throughout the chapter that allows tenants to seek treble damages and reasonable attorney's fees giving tenants much more equitable footing when exerting their rights.
- Expanding a tenant's ability to enforce their rights through access to court by making more statutes eligible for rent escrow actions throughout the chapter.
- Increasing existing penalties so they are actually preventative.

For example:

504B.118 RECEIPT FOR RENT PAID IN CASH.

A landlord receiving rent or other payments from a tenant in cash or certified funds must provide a written receipt for payment immediately upon receipt if the payment is made in person, or within three business days if payment in cash or certified funds is not made in person. Any attempted waiver of this section by a landlord and tenant, by contract or otherwise, shall be void and unenforceable. The tenant shall recover from the landlord treble actual and consequential damages or \$250, whichever is greater, and reasonable attorney's fees, for a violation of this section.

504B.205 RESIDENTIAL TENANT'S RIGHT TO SEEK POLICE AND EMERGENCY ASSISTANCE.

Subd. 5. Residential tenant remedies. ~~A residential tenant may bring a civil action for a violation of this section and recover from the landlord \$250 or actual damages, whichever is greater, and reasonable attorney's fees.~~ The tenant shall recover from the

landlord treble actual and consequential damages or \$1000, whichever is greater, and reasonable attorney's fees, for a violation of this section. A violation of this section violates Minn. Stat. § 504B.161. This section shall be liberally construed for the protection of tenants.

504B.245 TENANT REPORT; REMEDIES.

(a) The tenant shall recover from a landlord or tenant screening agency treble actual and consequential damages or \$1000, whichever is greater, and reasonable attorney's fees, for a violation of section 504B.241.

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