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## Expansion of Retaliation Defense

**Tenants often choose not to enforce their rights because they are afraid of their landlord retaliating against them and losing their home.**

Retaliation takes many forms. Sometimes it's being slow to respond to maintenance requests because the tenant has asked "too many times" to have something fixed. Sometimes it's deciding not to renew someone's lease because they called the police. Sometimes it's raising someone's rent by an unreasonable amount because they complained about a privacy violation. Even if tenants know they are protected from retaliatory actions, the retaliation defense is only usable after something bad has already happened to them. A tenant has to jump through several hoops, deal with incredibly stressful situations, and, often, go to court and risk losing their housing to prevent retaliation. This danger makes tenants reluctant to exercise their rights.

### **Current Law:**

Protection from retaliation comes from several different sources, all of which are triggered by different tenant actions and protect the tenant from slightly different things. Which statute applies, what protection it offers, and what a tenant has to do to trigger that protection is often a source of confusion, and there are gaps where a tenant is not protected at all.

### **Proposed Statute: What Would Change?**

This would be an entirely new statute that consolidates and expands on the existing retaliation defense. New protections include:

- That tenants are protected when asserting any right, not just certain rights
- That tenants are protected when someone asserts a right on their behalf
- That retaliatory conduct includes:
  - imposes any penalty on the tenant, or
  - threatens retaliatory conduct.
- Extending the presumption that a landlord is retaliating against a tenant from 90 days to one year
- That tenants have the right to demand a written explanation from their landlord for why they're taking an action if the tenant believes that action is retaliatory.
- That tenants have the right to sue a landlord for retaliatory actions instead of waiting for an eviction to be filed, which is the current option that most tenants have to rely on, which has a built-in risk of the tenant both losing their current home and also having an eviction on their record.
- That tenants have the right to cure a material breach of the lease within 30 days when a court finds in favor of the landlord in an eviction case despite the tenant raising the retaliation defense.

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v. 1-5-2024