



Association of
Minnesota Counties

www.mncounties.org



MACPZA
Minnesota Association of County
Planning & Zoning Administrators

www.macpza.org

March 12, 2025

Re: County Comments on SF1750

Dear Chair Port and Members of the Senate Housing and Homelessness Prevention Committee:

The Association of Minnesota Counties (AMC) and Minnesota Association of County Planning and Zoning Administrators (MACPZA) thank the committee for the opportunity to submit comments on SF1750. Counties are concerned with Article 3, Section 1, preempting county authority.

AMC appreciates the work of the Working Group on Common Interest Communities and Homeowners Associations that was done over the past interim, but regret that a county perspective was absent from the discussions.

Several meetings of the work group and issues addressed in the report speak to the unique nature of Common Interest Communities (CIC) the way they are established and the authority that they have as unelected bodies. And yet, Article 3 restricts the role of local government and would allow these types of developments without any or minimal local government oversight.

The Development Agreements regularly give LGUs the ability to review and approve the association declaration and bylaws. **The LGU review is important for many reasons including to ensure that the declaration provides for maintenance of roads and common areas and assessment of costs when warranted.** The LGU serves as check on basic requirements and safety matters in its jurisdiction.

CICs are sometimes used to establish a use that would normally not be allowed by the local government, but due to the nature of a CIC it was acceptable. The language as proposed allows a developer to make changes that would be outside the scope of what was approved. **The permitting authority and nearby communities should not be surprised by developments that can change without restriction.**

Developments require an entity, such as an HOA, to construct and maintain key infrastructure. This **provision also conflicts Minnesota Shoreland Rules (6120.3800 Subd. 5.C)** that require a homeowner's association be created for residential PUD self-governing. As a result, counties have Shoreland Management Ordinances which require a property owners association agreement with mandatory membership be submitted as part of the CUP application for a residential PUD.

We do appreciate the addition to this section included in the A-3 amendment, lines 3.18-3.20. We plan to continue conversations with the author to attempt to resolve our concerns but currently, **we are opposed to the adoption of Article 3 in SF1750.** We believe that these changes will perpetuate the problems of residents and communities regarding CIC's, rather than solve issues.

Thank you for your consideration. If you have any questions about our position, please feel free to contact Brian Martinson at bmartinson@mncounties.org or 651-246-4156.

Sincerely,

Brian Martinson, Policy Analyst
Association of Minnesota Counties

Garry Johanson, President
Minnesota Association of County Planning & Zoning Administrators