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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4909

03/13/2024 Authored by Frazier, Nadeau and Myers
The bill was read for the first time and referred to the Committee on Human Services Policy

1.1 A bill for an act
1.2 relating to human services; requiring full and equal access to all housing
1.3 accommodations for any person training a dog to be a service animal; amending
1.4 Minnesota Statutes 2022, sections 256C.02; 256C.025, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 256C.02, is amended to read:

1.7 256C.02 PUBLIC ACCOMMODATIONS.

1.8 Subdivision 1. Full and free access. People who are blind or people with a visual or
1.9 physical disability have the same right as the able-bodied to the full and free use of the
1.10 streets, highways, sidewalks, walkways, public buildings, public facilities, and other public
1.11 places; and are entitled to full and equal accommodations, advantages, facilities, and
1.12 privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses,
1.13 boats, or any other public conveyances or modes of transportation, hotels, lodging places,
1.14 places of public accommodation, amusement, or resort, and other places to which the general
1.15 public is invited, subject only to the conditions and limitations established by law and
1.16 applicable alike to all persons.

1.17 Subd. 2. Service dog. Every person who is totally or partially blind, or person who is
1.18 deaf, or person with a physical disability, or any person training a dog to be a service dog
1.19 shall have the right to be accompanied by a service dog in any of the places listed in section
1.20 363A.19. The person shall be liable for any damage done to the premises or facilities by
1.21 such dog.

1.22 Subd. 3. Service dog trainee. (a) Any person training a dog to be a service animal, as
1.23 defined in Code of Federal Regulations, title 28, section 36.104, as amended, shall have the

2.1 right to be accompanied by the service dog trainee in any of the places listed in section
 2.2 363A.19. The person shall be liable for any damage done to the premises or facilities by
 2.3 the dog.

2.4 (b) If a person training a dog to be a service animal is denied the right provided by this
 2.5 subdivision, that person is entitled to recover from the party who denied the right reasonable
 2.6 attorney fees and expenses if the person training the dog as a service animal prevails in
 2.7 enforcing the right. If a person training a dog to be a service animal possesses the dog in
 2.8 violation of enforceable restrictions or limitations, the party enforcing the restrictions or
 2.9 limitations is entitled to recover from the party accompanied by the dog reasonable attorney
 2.10 fees and expenses if the enforcing party prevails in enforcing the restrictions or limitations.

2.11 Sec. 2. Minnesota Statutes 2022, section 256C.025, is amended by adding a subdivision
 2.12 to read:

2.13 Subd. 5. **Service dog trainees.** (a) Every person training a dog to be a service animal,
 2.14 as defined in Code of Federal Regulations, title 28, section 36.104, as amended, is entitled
 2.15 to full and equal access to all housing accommodations and must not be required to pay
 2.16 extra compensation for the dog being trained. The person training a dog to be a service
 2.17 animal is liable for any damage done to the premises by the dog.

2.18 (b) Any provision of any deed restriction, subdivision regulation, restrictive covenant,
 2.19 local ordinance, contract, rental agreement or regulation, or homeowners association
 2.20 document that limits the right of an owner or tenant of residential property to possess any
 2.21 dog the owner or tenant is training to be a service animal, as defined in Code of Federal
 2.22 Regulations, title 28, section 36.104, as amended, is void and unenforceable. Any requirement
 2.23 that an owner or tenant who is training a dog to be a service animal pay an additional charge
 2.24 or fee is a limitation on the right of the tenant or owner. "Homeowners association document"
 2.25 includes the declaration, articles of incorporation, bylaws, and rules and regulations of: (1)
 2.26 a common interest community, as defined in section 515B.1-103, clause (10), regardless of
 2.27 whether the common interest community is subject to chapter 515B; and (2) a residential
 2.28 community that is not a common interest community, as defined in section 515B.1-103,
 2.29 clause (10).

2.30 (c) If an owner or tenant of residential property is denied the right provided by this
 2.31 subdivision, the owner or tenant is entitled to recover from the party who denied the right
 2.32 reasonable attorney fees and expenses if the owner or tenant prevails in enforcing the right.
 2.33 If a person training a dog to be a service animal possesses the dog in violation of enforceable
 2.34 restrictions or limitations, the party enforcing the restrictions or limitations is entitled to

- 3.1 recover from the party possessing the dog reasonable attorney fees and expenses if the
- 3.2 enforcing party prevails in enforcing the restrictions or limitations.
- 3.3 **EFFECTIVE DATE.** This section is effective August 1, 2024.