

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2448

(SENATE AUTHORS: BOLDON, Port, Oumou Verbeten, Mohamed and Dziedzic)

| DATE | D-PG | OFFICIAL STATUS |
|------------|--------|---|
| 03/02/2023 | 1278 | Introduction and first reading |
| | | Referred to Housing and Homelessness Prevention |
| 02/26/2024 | 11741a | Comm report: To pass as amended and re-refer to Judiciary and Public Safety |

1.1 A bill for an act

1.2 relating to housing; providing tenants with a right to repair violations in a residential

1.3 rental unit; requiring a notice; permitting a tenant to make deductions from rent;

1.4 proposing coding for new law in Minnesota Statutes, chapter 504B.

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

1.6 Section 1. **[504B.386] TENANT RIGHT TO REPAIR TO REMEDY VIOLATIONS.**

1.7 Subdivision 1. **Right to repair.** In lieu of a rent escrow action under section 504B.385,

1.8 a tenant may pay for the repairs in a residential rental unit after notice and an opportunity

1.9 to repair has been provided to the landlord as provided in this section. The tenant may

1.10 subtract the cost of the repairs from the tenant's future rent or receive a reimbursement as

1.11 provided in this section.

1.12 Subd. 2. **Noticed required.** (a) Prior to contracting for repairs and paying for a repair

1.13 to the residential rental unit, the tenant must:

1.14 (1) provide a written notice to the landlord at the address where the tenant sends rent;

1.15 (2) either call or send an email communication to the landlord, if the telephone number

1.16 or email is known; and

1.17 (3) notify the landlord of the repair that is needed and of the tenant's intent to deduct the

1.18 cost of the repair from the tenant's rent.

1.19 (b) Except as provided under paragraph (c), the tenant must provide the notice required

1.20 under this subdivision at least 14 days before making any repairs.

1.21 (c) For a violation as defined in section 504B.001, subdivision 14, clause (1), the

1.22 residential tenant must include a copy of the written notice of the code violation as provided

2.1 in section 504B.185, subdivision 2, if an inspection has occurred. The tenant must inform
2.2 the landlord of the tenant's intent to use the tenant's future rent to pay for the repairs when
2.3 the notice is provided.

2.4 (d) For a violation as defined in section 504B.001, subdivision 14, clause (2) or (3), the
2.5 tenant must include in the written notice to the landlord information specifying the violation.

2.6 Subd. 3. **Tenant contracting repairs; bids; notice.** (a) If the landlord has not provided
2.7 the tenant with a scheduled repair date or the violation is not corrected within 14 days of
2.8 the tenant providing written notice under subdivision 2, the tenant may contract for repairs.
2.9 A tenant may contract for repairs under the same process in this section for necessary repairs
2.10 in a common area of a residential building if the repair is necessary for the safety and
2.11 operation of the building for tenants.

2.12 (b) A tenant contracting for repairs under this section must obtain bids from two different
2.13 contractors or servicers that routinely repair or specialize in making the type of repair that
2.14 is needed and must choose the contractor or servicer with the lower bid. The tenant must
2.15 notify the landlord of each bid received within 24 hours of receiving a bid and must notify
2.16 the landlord of any scheduled repairs within 24 hours of scheduling the repair date.

2.17 Subd. 4. **Deduction; reimbursement.** (a) The tenant must provide a payment receipt
2.18 to the landlord before subtracting the amount paid for repairs from the rent. The tenant may
2.19 reduce the rent for each rental payment owed until the total amount of the repair has been
2.20 paid. Any deductions made by a tenant under this section is limited to an amount equal to
2.21 rent payment for two months within a 12-month period.

2.22 (b) As an alternative to a tenant's deduction of rent, a landlord may directly reimburse
2.23 the tenant for the cost of repairs listed on a payment receipt.

2.24 (c) A landlord must reimburse a tenant for any outstanding payments made by a tenant
2.25 under this section if the lease terminates before the tenant is able to deduct costs from future
2.26 rent.

2.27 (d) Notwithstanding a tenant's payment for repairs that are deducted from rent under
2.28 this subdivision, nothing in this subdivision relieves a landlord from the requirements of
2.29 United States Code, title 26, section 6041, paragraph (a).

2.30 Subd. 5. **Liability; rights to property.** (a) A contractor or servicer who enters the
2.31 premises to make repairs under this section is liable to the landlord for any damage to
2.32 property.

2.33 (b) Any new appliance acquired pursuant to this section is the property of the landlord.

- 3.1 Subd. 6. **Exemption.** This section does not apply to emergency repairs under section
- 3.2 504B.381.