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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2704

03/08/2023 Authored by Pérez-Vega, Kozlowski, Hollins, Hussein, Hassan and others
The bill was read for the first time and referred to the Committee on Housing Finance and Policy

1.1 A bill for an act
1.2 relating to housing; providing a tenant's right to organize and penalties for retaliation
1.3 for tenant organizing; amending Minnesota Statutes 2022, section 504B.001, by
1.4 adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter
1.5 504B.

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

1.7 Section 1. Minnesota Statutes 2022, section 504B.001, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 13a. Tenant association. "Tenant association" means a group of tenants from
1.10 two or more rental units that are owned or operated by the same landlord who form or
1.11 maintain an organization, whether incorporated or unincorporated, to improve housing
1.12 conditions, amenities, community life, or the contractual position of the member tenants.
1.13 A tenant association must be completely independent of owners, management, and their
1.14 representatives. A tenant association using the rights provided in this chapter would be
1.15 required to adopt bylaws or an operating agreement related to the internal governance of
1.16 the tenant association.

1.17 Sec. 2. Minnesota Statutes 2022, section 504B.001, is amended by adding a subdivision
1.18 to read:

1.19 Subd. 13b. Tenant organizer. "Tenant organizer" means a tenant or another who assists
1.20 residential tenants in establishing and operating a tenant association and is not an employee
1.21 or representative of the current or prospective landlord, property owner, manager, or agent
1.22 of the landlord.

2.1 Sec. 3. **[504B.212] TENANT RIGHT TO ORGANIZE; TENANT ASSOCIATIONS.**

2.2 **Subdivision 1. Tenant's right to organize.** (a) Residential tenants of a residential  
 2.3 building have the right to establish and operate a tenant association for the purpose of  
 2.4 addressing issues related to their living environment, which includes the terms and conditions  
 2.5 of their tenancy as well as activities related to housing and community development. Owners  
 2.6 of residential rental units and their agents must allow residential tenants and tenant organizers  
 2.7 to conduct the following activities related to the establishment or organization of a residential  
 2.8 tenant organization:

2.9 (1) distributing information or leaflets in the common areas of the residential building,  
 2.10 including bulletin or community boards;

2.11 (2) distributing information or leaflets to individual units in a residential building;

2.12 (3) initiating contact with tenants through mail, telephone, or electronically;

2.13 (4) initiating contact with tenant units to offer information on tenant organizations or  
 2.14 survey tenants on interest in tenant associations;

2.15 (5) assisting tenants in participating in tenant association activities; and

2.16 (6) convening tenant association meetings in a space at the residential building.

2.17 (b) To preserve the independence of the tenant association, management representatives  
 2.18 from the owner of a residential tenant building may not attend meetings unless invited by  
 2.19 the tenant association to specific meetings to discuss a specific issue.

2.20 (c) No landlord shall prohibit or adopt any rule prohibiting residential tenants or  
 2.21 nonresident tenant organizers from peacefully organizing, assembling, canvassing, leafleting,  
 2.22 or otherwise exercising within the building their right of free expression for noncommercial  
 2.23 purposes. A landlord may not require tenants and tenant organizers to obtain prior permission  
 2.24 to engage in protected activities. A landlord may adopt and enforce rules that set reasonable  
 2.25 limits as to time, place, and manner of the meetings or communication with tenants in the  
 2.26 building.

2.27 **Subd. 2. Retaliation prohibited.** (a) A landlord may not increase rent, decrease services,  
 2.28 alter an existing rental agreement, file a legal action against a tenant, contact federal or state  
 2.29 law enforcement related to a tenant's immigration status, or seek to recover possession or  
 2.30 threaten any such action in whole or in part in retaliation after a tenant:

2.31 (1) reports a code violation to a government agency, elected official, or other government  
 2.32 official responsible for the enforcement of a building, housing, health, or safety code;

3.1 (2) reports a building, housing, health, or safety code violation, or a violation of this  
3.2 chapter, to a community organization or the news media;

3.3 (3) seeks the assistance of a community organization or others, including but not limited  
3.4 to a media or news organization, for assistance with a code violation or a violation of this  
3.5 chapter;

3.6 (4) makes a request that the landlord of a residential building make repairs to the premises  
3.7 as required by this chapter, or remedy a building or health code, other regulation, or uphold  
3.8 portions of the residential rental agreement;

3.9 (5) joins or attempts to join a tenant association or similar organization; or

3.10 (6) testifies in any court or administrative proceeding concerning the condition of the  
3.11 premises or exercised any right or remedy provided by law.

3.12 (b) In any proceeding in which retaliation is alleged, the burden of proof shall be on the  
3.13 landlord, if the landlord's alleged retaliatory action was within 90 days of the tenant engaging  
3.14 in any of the activities identified in this subdivision. If the challenged action began more  
3.15 than 90 days after the resident engaged in the protected activity, the tenant claiming the  
3.16 landlord is retaliating has the burden of proof.

3.17 Subd. 3. **Penalties.** If a landlord, an agent, or other person acting under the landlord's  
3.18 direction or control unlawfully and in bad faith violates the provision of this section, the  
3.19 tenant may recover from the landlord up to \$1,000 per occurrence and reasonable attorney  
3.20 fees.