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## Landlord-Tenant Law Reform Proposals

**Landlord-Tenant law should be clarified, modernized, and made more equitable in order to reduce the power imbalance between tenants and landlords.**

The Minnesota Legislature made many much needed changes and updates to Minnesota's Landlord/Tenant chapter of law in 2023. Many of those changes had awaited legislative action for several years and helped bring Minnesota more in line with most of the rest of the country regarding tenant protections and rights. But much more is left to be done. Minnesota can be a leader in reducing the imbalance between tenants and landlords. Passing these proposals now, in one sweeping package, can ensure that Minnesota is leading the way now and not trying to eke out small changes over the next several decades as has been done up to now.

### **Current Law:**

Landlord and tenant laws date back to the Territorial Laws of Minnesota. See Minn. Terr. Stat. Chs. 74, 87 (1851). There was little change for 120 years. Since 1971, the Legislature gradually added more tenant rights and protections, with high points being the early 1970s, the 1989 laws based on the Recommendations of the Governor's Commission on Affordable Housing for the 1990s, the 2010 HOME Line Tenants Bill of Rights, and the [2023 Minn. Laws Chapter 52, Senate F. No. 2909, Article 19 §§ 83-120](#). See [History of Landlord Tenant Laws in Minnesota](#).<sup>1</sup>

Changes are needed to make the Landlord and Tenant laws more clear, more equitable, and to reflect modern times. To meet these goals, HOME Line:

- has thoroughly reviewed the existing Minnesota Landlord/Tenant Law Statutes,
- is suggesting changes to the current laws as well as possible new laws,
- supports several of the landlord-tenant law changes suggested by tenant advocates last year.

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

Many existing statutes need updating to create clarity for landlords, tenants, and the Judiciary. Some examples include:

- Updating or adding definitions for terms like abandonment, dwelling and rental unit
- Clarifying that a violation means a violation of any Minnesota Landlord and Tenant law statute
- Using "shall" instead of "may" when describing various relief options for tenants across the chapter
- Expanding habitability relief options to include relocation, rescission, personal injury damages, and attorney's fees without limitation if the tenant asks for them
- Language clarifying that if a landlord uses a written lease, it must include all the terms of the tenancy and they may not unilaterally amend or change a written lease

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<sup>1</sup> [http://povertylaw.homestead.com/files/Reading/Residential\\_Eviction\\_Defense\\_in\\_Minnesota.htm#TOC1\\_5](http://povertylaw.homestead.com/files/Reading/Residential_Eviction_Defense_in_Minnesota.htm#TOC1_5)

- Clarifying what constitutes an uninhabitable rental unit and the consequences of a property being condemned
- Updates to notice requirements for lease terminations, automatic renewals, and security deposit deductions to limit confusion
- Clarification of what landlords are expected to maintain in a rental property and when and how they can pass those responsibilities on to the tenant

Landlords create rules, define the terms, and enforce regulations to their own benefit through their leases so the laws need to ensure tenants are treated more equitably.

Examples include:

- Giving tenants the ability to enforce their rights if a landlord violates them
- Allowing tenants to seek treble damages and reasonable attorney's fees
- Reducing barriers to justice by:
  - reducing burdens on tenants when bringing claims for repairs
  - extending time tenants have to pay rent into court
  - adding a pre-eviction notice requirement for material breaches of the lease
- Separating and expanding the retaliation defense
- Capping security deposits at one month's rent
- Directing the Courts to interpret these rules with the protection of tenants in mind to ensure more equitable outcomes for tenants
- Specifying the right to a jury trial in certain cases
- Ensuring that tenants have the right to seek damages even if violations have been subsequently corrected
- Ensuring that claims are not prematurely closed out by the courts

Modernizing landlord and tenant law statutes are needed to create more balance in landlord and tenant rights and obligations.

Examples include:

- Language that allows for electronic notices
- Increased penalties for violations so they actually act as a deterrent
- Updating rules to align more with what many other states are already doing such as reducing the allowable late fee to 4% instead of 8%
- Prohibiting prelease deposits and application screening fees
- Tying security deposit interest to the Federal Reserve rates

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