

# MINNESOTA TENANTS' RIGHT TO ORGANIZE

## SUMMARY

Residential tenants and tenant organizers, including any non-profit, government, or other institutionally supported tenant organizers, have a statutory right to develop and support organizing activities in any residential property in Minnesota. **Retaliation is prohibited and a landlord can be sued for interfering with a tenant's right to organize.**

## DEFINITIONS<sup>1</sup>

All residential tenants in the state of Minnesota have the right to establish and operate a tenant association in their building or across the same ownership group to address issues related to their tenancy. A “tenant association” is a group of tenants from rental units that are owned or operated by the same landlord who form or maintain an organization to improve housing conditions, amenities, community life, or the contractual position of the member tenants. A “tenant organizer” is someone who assists residential tenants in establishing or operating a tenant association. They do not need to be a tenant; however, they can not be a representative or employee or agent of the landlord.

## PROTECTED ORGANIZING ACTIVITIES<sup>2</sup>

Property owners and their agents cannot interfere in tenants organizing or with tenant organizers. Some protected activities include: door knocking, distributing information or leaflets to individual units or in the common areas of the residential building; initiating contact with tenants through mail, telephone, or electronically to offer information or survey interest in tenant organization; helping tenants participate in tenant association activities; or convening tenant association meetings in the building.

Landlords cannot prohibit or adopt any rule that would limit tenants or tenant organizers from peacefully organizing, assembling, canvassing, leafleting, or otherwise exercising their right of free expression for tenant organizing purposes in the building. Landlords cannot call or threaten to call the police for tenant organizing activities. Tenants and tenant organizers do not need the landlord's permission to engage in protected organizing activities.

Landlords cannot adopt or enforce rules that set unreasonable limits as to the time, place, and manner of tenant association meetings or communication with tenants.

Tenant associations must be completely independent of building owners, management, and their representatives. Landlords, management, and their agents are not allowed to attend tenant association meetings unless invited to specific meetings to discuss specific issues.

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<sup>1</sup> Minn. Stat. § 504B.001, subd. 13a (2024); Minn. Stat. § 504B.001, subd. 13b (2024)

<sup>2</sup> Minn. Stat. § 504B.212, subd. 1 (2024)

## **PROTECTIONS AGAINST RETALIATION FOR ORGANIZING ACTIVITIES<sup>3</sup>**

The law also protects tenants from retaliation for organizing activities by property owners and their agents. Actions like increasing rent, threats to not renew a lease, giving lease violations, decreasing services, altering existing rental agreements, filing a legal action against a tenant, contacting federal or state law enforcement related to a tenant's immigration status, or seeking to recover possession of the unit or threatening to do so is presumed to be retaliation by the landlord if done within 90 days after a tenant has pursued relief by doing any of the following:

- reports a code violation to a government agency, elected official, or other government official responsible for the enforcement of a building, housing, health, or safety code;
- reports a building, housing, health, or safety code violation, or a violation of this chapter, to a community organization or the news media;
- seeks the assistance of a community organization or others, including but not limited to a media or news organization, for assistance with a code violation or a violation of this chapter;
- makes a request that the landlord of a residential building make repairs to the premises as required by this chapter, or remedy a building or health code, other regulation, or uphold portions of the residential rental agreement;
- joins or attempts to join a tenant association or similar organization; or
- testifies in any court or administrative proceeding concerning the condition of the premises or exercised any right or remedy provided by law.

If the alleged retaliation took place more than 90 days after the tenant participated in one of the above actions, the tenant will have the burden of proving that the landlord's actions were actually retaliatory in court.

## **PENALTIES FOR INTERFERING WITH TENANTS' RIGHT TO ORGANIZE**

**There are penalties for landlords who deny or interfere with tenants' right to organize.**

If a landlord or any other person acting on behalf of the landlord unlawfully and in bad faith violates this law, the tenant may recover up to \$1,000 per violation and reasonable attorney fees.<sup>4</sup> A tenant may also pursue violations of this law by filing either a rent escrow or a tenant remedies action.<sup>5</sup>

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<sup>3</sup> Minn. Stat. § 504B.212, subd. 2 (2024)

<sup>4</sup> Minn. Stat. § 504B.212, subd. 3 (2024)

<sup>5</sup> Minn. Stat. § 504B.385, subd. 1(c) (2024); Minn. Stat. § 504B.395, subd. 1 (2024)