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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3844**

02/15/2024 Authored by Agbaje, Howard and Gomez

The bill was read for the first time and referred to the Committee on Housing Finance and Policy

03/04/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to civil law; modifying certain tenant screening laws; providing for

1.3 remedies for violations of tenant screening laws; amending an effective date related

1.4 to eviction records; amending Minnesota Statutes 2022, sections 504B.173,

1.5 subdivision 4, by adding a subdivision; 504B.241, subdivision 4; 504B.245; Laws

1.6 2023, chapter 52, article 19, section 120.

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

1.8 Section 1. Minnesota Statutes 2022, section 504B.173, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 3a. Denial based on pending cases. (a) No landlord may deny a rental application

1.11 based on any of the following:

1.12 (1) a pending eviction action;

1.13 (2) any court file that is not public, has been expunged, or has been destroyed; or

1.14 (3) any eviction action that has not resulted in a writ of recovery of premises and order

1.15 to vacate, as that term is defined in section 504B.001, subdivision 15.

1.16 (b) There shall be a rebuttable presumption that a landlord is in violation of this section

1.17 if it is established that the landlord:

1.18 (1) reviewed court records relating to a potential tenant and the records met the criteria

1.19 described in paragraph (a); and

1.20 (2) after reviewing the record or records, subsequently refuses to rent or offer a lease to

1.21 the potential tenant.

2.1 Sec. 2. Minnesota Statutes 2022, section 504B.173, subdivision 4, is amended to read:

2.2 Subd. 4. **Remedies.** (a) In addition to any other remedies, a landlord who violates ~~this~~
2.3 ~~section~~ subdivisions 1 to 3 is liable to the applicant for the applicant screening fee plus a
2.4 civil penalty of up to \$100, civil court filing costs, and reasonable attorney fees incurred to
2.5 enforce this remedy. A landlord who violates subdivision 3a is liable to the applicant for
2.6 the applicant screening fee plus a civil penalty of up to \$1,000, civil court filing costs, and
2.7 reasonable attorney fees incurred to enforce this remedy.

2.8 (b) A prospective tenant who provides materially false information on the application
2.9 or omits material information requested is liable to the landlord for damages, plus a civil
2.10 penalty of up to \$500, civil court filing costs, and reasonable attorney fees.

2.11 Sec. 3. Minnesota Statutes 2022, section 504B.241, subdivision 4, is amended to read:

2.12 Subd. 4. **Court file information.** (a) If a residential tenant screening service includes
2.13 information from a court file on an individual in a residential tenant report, the report must
2.14 provide the full name and date of birth of the individual in any case where the court file
2.15 includes the individual's full name and date of birth, and the outcome of the court proceeding
2.16 must be accurately recorded in the residential tenant report including the specific basis of
2.17 the court's decision, when available. ~~If a tenant screening service knows that a court file has~~
2.18 ~~been expunged, the tenant screening service shall delete any reference to that file in any~~
2.19 ~~data maintained or disseminated by the screening service.~~

2.20 (b) Every residential tenant screening service has an affirmative duty to update and
2.21 verify the current status of court files by accessing the Minnesota Court Records Online no
2.22 more than 24 hours prior to issuing a residential tenant screening report.

2.23 (c) Whenever the court supplies information from a court file on an individual, in
2.24 whatever form, the court shall include the full name and date of birth of the individual, if
2.25 that is indicated on the court file or summary, and information on the outcome of the court
2.26 proceeding, including the specific basis of the court's decision, coded as provided in
2.27 subdivision 5 for the type of action, when it becomes available.

2.28 (d) The residential tenant screening service is not liable under section 504B.245 if the
2.29 residential tenant screening service reports complete and accurate information as provided
2.30 by the court, consistent with paragraph (b).

3.1 Sec. 4. Minnesota Statutes 2022, section 504B.245, is amended to read:

3.2 **504B.245 TENANT REPORT; REMEDIES.**

3.3 ~~The remedies provided in section 8.31 apply to a violation of section 504B.241. In~~
3.4 ~~addition to the remedies otherwise provided by law, any person injured by a violation of~~
3.5 ~~section 504B.241 may bring a civil action against a residential tenant screening service or~~
3.6 ~~landlord in compliance with the provisions of the Fair Credit Reporting Act, United States~~
3.7 ~~Code, title 15, section 1681, et seq., is considered to be in compliance with section 504B.241.~~
3.8 ~~and recover the greater of \$1,000 or actual damages, together with costs and disbursements,~~
3.9 ~~including costs of investigation and reasonable attorney fees, and receive other equitable~~
3.10 ~~relief as determined by the court.~~

3.11 Sec. 5. Laws 2023, chapter 52, article 19, section 120, is amended to read:

3.12 Sec. 120. **EFFECTIVE DATE.**

3.13 Sections 117 ~~to~~ and 119 are effective January 1, 2024. Section 118 is effective January
3.14 1, 2024, and applies to cases filed before, on, or after that date.

3.15 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2024.