

**SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION**

**S.F. No. 4980**

(SENATE AUTHORS: BOLDON)

DATE  
04/07/2026

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Introduction and first reading  
Referred to State and Local Government

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to local government; prohibiting penalties for certain uses of public land  
1.3 by homeless individuals; providing an affirmative defense in criminal proceedings;  
1.4 providing civil remedies; proposing coding for new law in Minnesota Statutes,  
1.5 chapter 609; proposing coding for new law as Minnesota Statutes, chapter 363B.

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

1.7 Section 1. **[363B.01] USE OF PUBLIC LAND FOR A LIFE-SUSTAINING**  
1.8 **ACTIVITY.**

1.9 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
1.10 the meanings given.

1.11 (b) "Adequate alternative indoor space" means a space that:

1.12 (1) is legally and physically accessible to a homeless individual;

1.13 (2) does not require a homeless individual to sacrifice a right afforded to them under  
1.14 federal, state, or local law;

1.15 (3) is available indefinitely to a homeless individual without cost and does not require  
1.16 daily reapplication;

1.17 (4) allows a homeless individual to reside with the homeless individual's spouse, domestic  
1.18 partner, family member, or other designated companion; and

1.19 (5) allows a homeless individual to bring pets and other personal possessions into the  
1.20 space.

1.21 An adequate alternative indoor space may include a tiny home or other similar structure if  
1.22 the home or structure includes locking doors, appropriate climate control mechanisms based

2.1 on the location of the home or structure, and sanitary and cooking facilities or is part of a  
2.2 community with common sanitary and cooking facilities. An adequate alternative indoor  
2.3 space may include a permitted parking area that includes sanitary facilities.

2.4 (c) "Homeless individual" has the meaning given in section 116L.361, subdivision 5.

2.5 (d) "Life-sustaining activity" means moving, resting, sitting, standing, lying down,  
2.6 sleeping, protecting oneself and personal property from the elements, eating, and drinking.

2.7 (e) "Motor vehicle" has the meaning given in section 168.002, subdivision 18.

2.8 (f) "Municipality" means a city, however organized, a county, or a town.

2.9 (g) "Public land" means any property that is owned or leased, in whole or in part, by a  
2.10 state or local government entity or any property upon which there is an easement for public  
2.11 use and that is open to the public, including but not limited to plazas, courtyards, parking  
2.12 lots, sidewalks, public transportation facilities and services, public buildings, shopping  
2.13 centers, underpasses and lands adjacent to roadways, and parks.

2.14 (h) "Recreational vehicle" has the meaning given in section 168.002, subdivision 27.

2.15 Subd. 2. **Penalties prohibited.** (a) A municipality must not impose a penalty on a  
2.16 homeless individual for a use of public land described in paragraph (b).

2.17 (b) A homeless individual may, while on public land:

2.18 (1) conduct a life-sustaining activity, unless an adequate alternative indoor space is  
2.19 available;

2.20 (2) use and move freely in places of public accommodation, as defined in section  
2.21 363A.03, subdivision 34;

2.22 (3) solicit, share, accept, or offer food, water, or other donations;

2.23 (4) store their possessions and enjoy privacy in their personal property to the same degree  
2.24 as property in a private dwelling, which shall not be subject to unreasonable search and  
2.25 seizure;

2.26 (5) pray, meditate, worship, or practice religion;

2.27 (6) occupy a lawfully parked motor vehicle or a recreational vehicle; and

2.28 (7) relocate a motor vehicle being used for a life-sustaining activity before a citation is  
2.29 issued or the vehicle is towed, retrieve items from a towed vehicle, and retrieve the vehicle  
2.30 from storage at a free or reduced rate upon consideration of ability to pay.

3.1 Subd. 3. **Enforcement; remedies.** (a) The attorney general has the authority under  
3.2 section 8.31 to investigate and prosecute violations of this section.

3.3 (b) An individual aggrieved by a violation of this section may bring a civil action seeking  
3.4 redress in district court. The court may award damages, costs, and disbursements, including  
3.5 reasonable attorney fees, injunctive relief, and any other appropriate equitable relief to a  
3.6 prevailing plaintiff. A plaintiff shall not be liable to a defendant for costs or attorney fees  
3.7 in a nonfrivolous action under this section.

3.8 Subd. 4. **Local preemption.** This section preempts and supersedes any inconsistent local  
3.9 ordinance, regulation, or rule.

3.10 Subd. 5. **Construction.** Nothing in this section authorizes a municipality to interfere  
3.11 with a homeless individual's rights to be free from discrimination based on housing status  
3.12 or to be free from cruel and unusual punishment or displaces any other remedy for violations  
3.13 of a homeless individual's constitutional rights.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2026, and applies to causes  
3.15 of action accruing on or after that date.

3.16 Sec. 2. **[609.077] DEFENSE; LIFE-SUSTAINING ACTIVITY ON PUBLIC LAND.**

3.17 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
3.18 the meanings given.

3.19 (b) "Adequate alternative indoor space" has the meaning given in section 363B.05,  
3.20 subdivision 1, paragraph (b).

3.21 (c) "Life-sustaining activity" has the meaning given in section 363B.05, subdivision 1,  
3.22 paragraph (d).

3.23 Subd. 2. **Defense.** It is an affirmative defense to a charge of violating a statute or an  
3.24 ordinance that criminalizes a life-sustaining activity that an individual did not have access  
3.25 to an adequate alternative indoor space in which to undertake the life-sustaining activity.  
3.26 The availability of an alternative indoor space in a municipality other than the charging  
3.27 municipality is irrelevant to the defense, unless the individual was offered transportation to  
3.28 the space at no cost. Unless the charged individual is represented by counsel, the court must  
3.29 notify the charged individual of the availability of a defense under this section and how to  
3.30 raise it. When an individual raises a defense under this section, there is a rebuttable  
3.31 presumption that an adequate alternative indoor space did not exist and the municipality  
3.32 bears the burden of proving otherwise.