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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2123**

03/11/2021

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

- 1.1 A bill for an act
- 1.2 relating to real property; prohibiting certain covenants on single-family homes and
- 1.3 duplexes; proposing coding for new law in Minnesota Statutes, chapter 507.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **[507.185] PROHIBITED RESTRICTIONS; GENERAL COVENANTS**
- 1.6 **FOR RESIDENTIAL HOMES.**
- 1.7 Subdivision 1. Restrictions prohibited; residential homes. A written instrument relating
- 1.8 to real property made on or after August 1, 2021, shall not contain any provision prohibiting
- 1.9 the conveying, mortgaging, encumbering, or leasing of any real estate to any person based
- 1.10 on a restriction for the real property that requires:
- 1.11 (1) a minimum home size or height for a single or double occupancy residential home;
- 1.12 (2) a minimum building price or sale price for a single or double occupancy residential
- 1.13 home;
- 1.14 (3) restrictions on the type of parking structures attached or adjacent to a single or double
- 1.15 occupancy residential home; and
- 1.16 (4) restricting the building material available for the construction of a home or imposing
- 1.17 architectural styles that are designed to affect the exterior appearance of the home or the
- 1.18 fencing that may be used around the home for the construction on a single or double
- 1.19 occupancy residential home.
- 1.20 Subd. 2. Void and unenforceable. Every prohibited provision referred to in subdivision
- 1.21 1 shall be void, but the instrument shall have full force in all other respects and shall be
- 1.22 construed as if no such provision were contained therein.

2.1 Subd. 3. **Definitions** As used in this section, the phrase "written instruments relating to
2.2 or affecting real estate" embraces every writing relating to or affecting any right, title, or
2.3 interest in real estate, and includes, among other things, plats and wills. "Prohibited provision"
2.4 embraces all clauses, stipulations, restrictions, covenants, and conditions of the kind or
2.5 character referred to in subdivision 1. "Single or double occupancy residential home" means
2.6 a single-family home or duplex designed to have one or two residential living units in a
2.7 stand-alone building, but not more than two units.

2.8 **EFFECTIVE DATE.** This section is effective on August 1, 2021, and applies to real
2.9 estate conveyances executed on or after that date.