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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-EIGHTH SESSION

**H. F. No. 2879**

03/10/2014 Authored by Clark, Wagenius, Isaacson and Slocum

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

1.1 A bill for an act  
1.2 relating to housing; landlord and tenant; establishing a residential tenant's right  
1.3 to notice; providing penalties; appropriating money; proposing coding for new  
1.4 law in Minnesota Statutes, chapter 504B.

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

1.6 Section 1. **[504B.212] RESIDENTIAL TENANT'S RIGHT TO NOTICE;**  
1.7 **INFESTATION AND CHEMICAL TREATMENT HISTORY.**

1.8 Subdivision 1. Notice of infestation history. A landlord shall furnish to each rental  
1.9 applicant a written notice that identifies any infestation of the residential rental property  
1.10 that has occurred in the previous 12 months. The notice shall include infestations from  
1.11 bedbugs, rodents, fleas, or cockroaches and shall identify any infestation of the premises  
1.12 to be rented by the tenant, the units adjacent to those premises, or the building in which  
1.13 the rental unit is located. The notice shall also contain:

1.14 (1) a listing of any unabated extermination orders issued by a housing code  
1.15 enforcement agency for any part of the structure that the rental unit is located in;

1.16 (2) the date and nature of the infestation; and

1.17 (3) the extent of the abatement treatment in the previous 12 months by the tenant,  
1.18 landlord, agent of the landlord, or contractor.

1.19 The exception to disclosures in section 504B.195, subdivision 3, shall not apply to  
1.20 the notice required in this section.

1.21 Subd. 2. Notice of chemical treatment. Five days prior to the use of any chemical  
1.22 treatment in a residential tenancy or building containing residential tenants, the landlord  
1.23 shall provide a written notice to every tenant containing:

(1) a copy of each treatment's label that has been approved by the federal Environmental Protection Agency, if any;

(2) the name of the chemical treatment;

(3) the intended purpose of the treatment;

(4) the potential impact of the treatment on humans and pets;

(5) a description of where and how the treatment will be applied;

(6) an explanation of any limitations or restrictions the Environmental Protection Agency has indicated for the chemical treatment;

(7) a signed acknowledgement for the individual applying the chemical treatment confirming their knowledge of the Environmental Protection Agency's directions for safe application of the chemical treatment; and

(8) contact information for the state pesticide information Web site and the University of Minnesota Bedbug Hotline telephone number.

The notice of chemical treatment required by this subdivision does not include the use of heat or other nontoxic approaches to pest control. For the purposes of this section, a label provided with the notice required by this section must be the Environmental Protection Agency approved label under section 3 of the federal Insecticide, Fungicide, and Rodenticide Act.

Subd. 3. **Penalty.** If the landlord fails to comply with any notice requirements in this section, the tenant may bring a civil cause of action to recover damages, together with costs and disbursements, including investigation and reasonable attorney fees, and other equitable and injunctive relief as determined by the court. If a landlord has violated the notice requirements of this section, the tenant is entitled to up to a \$100 civil penalty for each violation.

Subd. 4. **Affirmative defense.** It is an affirmative defense in an action brought under this section for the landlord, agent, or person acting under the landlord's control to prove that the notice required under this section was made as required by either subdivision 1 or subdivision 2.

Subd. 5. **Remedies.** The remedies provided in this section are in addition to and shall not limit any other rights and remedies available to landlords and tenants. Any provision, whether oral or written, of any lease or other agreement that waives the rights granted by this section is contrary to public policy and void.

**Sec. 2. APPROPRIATION; HEATING UNITS.**

- 3.1        \$..... is appropriated in fiscal year 2016 from the general fund to the commissioner  
3.2        of health to administer a competitive grant program to allow nonprofit organizations to  
3.3        purchase heat units to stop and control the spread of bedbugs.