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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **4634**

03/28/2022 Authored by Agbaje, Reyer, Howard, Gomez and Her
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; providing tenants with a right to repair violations in a residential
- 1.3 rental unit; proposing coding for new law in Minnesota Statutes, chapter 504B.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **[504B.386] TENANT RIGHT TO REPAIR TO REMEDY VIOLATION.**
- 1.6 (a) In lieu of a rent escrow action under section 504B.385, a tenant may pay for the
- 1.7 repairs in a residential rental unit after notice and an opportunity to repair has been provided
- 1.8 to the landlord. The tenant may subtract the cost of the repairs from the tenant's future rent.
- 1.9 (b) Prior to a tenant contracting for repairs and paying for a repair to the residential rental
- 1.10 unit, the tenant must provide a written notice to the landlord at the address where the tenant
- 1.11 sends rent and the tenant must either call or send an e-mail communication to the landlord,
- 1.12 if the telephone number or e-mail is known, and notify the landlord of the repair that is
- 1.13 needed and of the tenant's intent to deduct the cost of the repair from the tenant's rent.
- 1.14 (c) For a violation as defined in section 504B.001, subdivision 14, clause (1), the
- 1.15 residential tenant must provide a copy of the written notice of the code violation as provided
- 1.16 in section 504B.185, subdivision 2, if an inspection has occurred. If no inspection has
- 1.17 occurred, the tenant must provide an explanation of the repair that is needed and an estimate
- 1.18 to fix the repair to the landlord. The residential tenant may not make repairs until the time
- 1.19 granted has expired without satisfactory repairs being made, unless the residential tenant
- 1.20 alleges that the time granted is excessive. The tenant must inform the landlord of the tenant's
- 1.21 intent to use the tenant's future rent to pay for the repairs when the notice is provided.

2.1 (d) For a violation as defined in section 504B.001, subdivision 14, clause (2) or (3), the
2.2 residential tenant must give written notice to the landlord specifying the violation. The
2.3 notice must be delivered personally or sent to the person or place where rent is normally
2.4 paid. The tenant must also try to notify the landlord by either telephone or e-mail, if the
2.5 telephone or e-mail of the landlord is known to the tenant. The tenant must inform the
2.6 landlord of the tenant's intent to use future rent to pay for the repair. If the landlord has not
2.7 provided the tenant with a scheduled repair date or the violation is not corrected within
2.8 seven days, the residential tenant may contract for repairs.

2.9 (e) A tenant may contract for repairs under the same process in this section for necessary
2.10 repairs in a common area of a residential building if the repair is necessary for the safety
2.11 and operation of the building for tenants.

2.12 (f) A tenant contracting for repairs under this section must obtain bids from two different
2.13 contractors or servicers that routinely repair or specialize in making the type of repair that
2.14 is needed. The tenant must provide both of the bids to the landlord 24 hours prior to work
2.15 commencing on the repair, unless the repair is an emergency, and then the bids should be
2.16 provided to the landlord as soon as practicable.

2.17 (g) The tenant must provide an invoice or payment receipt to the landlord when
2.18 subtracting the amount paid for repairs from the rent. The tenant may reduce the rent for
2.19 each rental payment owed until the total amount of the repair has been paid.