

**5200.0070 LODGING ALLOWANCE.**

Subpart 1. **Conditions.** If practical or economic realities of the employment situation require employees to accept lodging owned or controlled by the employer, or where the employee must accept that lodging as a condition of employment, the employer may credit toward the minimum wage the cost of the lodging only as provided in either subpart 2 or 3.

Subp. 2. **Daily allowance.** A lodging allowance not to exceed 75 percent of the adult minimum wage for one hour of work may be taken per day if the lodging is adequate, decent, and sanitary according to usual and customary standards.

Subp. 3. **Fair market value.** Lodging, the nature of which is ordinarily and commonly considered to be a tenancy in the chief place of residence of the employee, shall be credited toward the minimum wage of that employee at the rate of the fair market value of the lodging. Where more than one employee shares the same residence, the lodging allowance for the total number of employees sharing the residence shall not exceed the fair market value of the residence. The tenancy shall be evidenced by a written or oral lease agreement providing for at least a month-to-month tenancy, and shall include exclusive, self-contained bathroom and kitchen facilities.

Subp. 4. **Seasonal employment.** Where employment is available only on a seasonal basis, the maximum lodging credit will be as provided in subpart 2.

**Statutory Authority:** *MS s 177.28; 181A.12*

**History:** *11 SR 1740*

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