363A.21 EXEMPTION BASED ON REAL PROPERTY.

Subdivision 1. **Housing.** The provisions of section 363A.09 shall not apply to:

(1) rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex; or

(2) the rental by a resident owner or occupier of a one-family accommodation of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, gender identity, marital status, status with regard to public assistance, sexual orientation, or disability. Except as provided elsewhere in this chapter or other state or federal law, no person or group of persons selling, renting, or leasing property is required to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement, or contract.

Subd. 2. **Familial status.** (a) The provisions of section 363A.09 prohibiting discrimination because of familial status shall not be construed to defeat the applicability of any local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling unit and shall not apply to any owner-occupied building containing four or fewer dwelling units or housing for elderly persons.

(b) "Housing for elderly persons" means housing:

(1) provided under any state or federal program that the commissioner determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, persons 62 years of age or older; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per unit, provided that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit, and there is publication of, and adherence to, policies and procedures that demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(c) Housing does not fail to meet the requirements for housing for elderly persons by reason of persons residing in the housing as of August 1, 1989, who do not meet the age requirements of paragraph (b), clauses (2) and (3), if new occupants of the housing meet the age requirements of paragraph (b), clause (2) or (3). In addition, housing does not fail to meet the requirements by reason of unoccupied units if unoccupied units are reserved for occupancy by persons who meet the age requirements of paragraph (b), clause (2) or (3).

Subd. 3. **Age.** Notwithstanding the provisions of any law, ordinance, or home rule charter to the contrary, no person shall be deemed to have committed an unfair discriminatory practice based upon age if the unfair discriminatory practice alleged is attempted or accomplished for the purpose of obtaining or maintaining one of the exemptions provided for a dwelling unit provided for in this section.

History: *1955 c 516 s 4; 1961 c 428 s 4; 1965 c 584 s 1; 1967 c 897 s 10,11; 1973 c 729 s 2; 1975 c 206 s 1; 1977 c 351 s 2-4; 1977 c 408 s 2; 1977 c 430 s 25 subd 1; 1978 c 649 s 4; 1980 c 355 s 3; 1980 c 509 s 143; 1980 c 531 s 3; 1982 c 492 s 2; 1982 c 526 art 2 s 16; 1983 c 276 s 5,6; 1983 c 301 s 198; 1984 c 608 s 3; 1Sp1985 c 14 art 9 s 75; 1986 c 444; 1987 c 23 s 2; 1987 c 129 s 1,2; 1988 c 660 s 2,3; 1989 c 280 s 4-8; 1990 c 567 s 2; 1992 c 527 s 11; 1993 c 22 s 3-6; 1994 c 483 s 1; 1996 c 431 s 1; 1997 c 239 art 12 s 2; 1998 c 291 s 1; 1998 c 397 art 11 s 3; 2023 c 52 art 19 s 71*