

# 2024 SESSION SUMMARIES

## Introduction

The Legal Services Advocacy Project (LSAP) is pleased to present the 2024 Session Summaries. LSAP, a statewide division of Mid-Minnesota Legal Aid, provides legislative and administrative advocacy on behalf of Legal Aid and its clients.

These summaries are divided by topic area of substantive law and reflect the statutory changes made by the Legislature in 2023 that we believe most impact Legal Aid's clients. They do not include every bill enacted into law during legislative session. Certain entries that are applicable to more than one substantive area may be repeated in more than one section.

These summaries have been prepared by the LSAP staff. Some of the source material is based on bill summaries prepared by legislative staff of the House and Senate.

We hope you find these Session Summaries useful.

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# Table of Contents

	<u>Page</u>
Civil Legal Services	3
Civil Commitment	4
Consumer Law / Consumer Protection	6
Courts and Administrative Law	16
Criminal Justice	17
Department of Human Services (DHS) Licensing	18
Department of Direct Care and Treatment (DCT)	19
Disability Law	22
Domestic Abuse and Sexual Assault	34
Education Law	37
Elder Law	40
Employment Law	43
Family Law	44
Health Law	47
Housing Law	50
Human Rights Law	66
Public Benefits Law	68
Tax Law	73
Transportation Law	76
Utilities Law	77
Youth Law	82

# CIVIL LEGAL SERVICES

## STATE BOARD OF CIVIL LEGAL AID

*2024 Minn. Laws, Chapter 123, Article 11*

*Amends Minn. Stat. §§ 480.24, subd. 2; 480.242, subd. 2; and 480.243, subd. 1*

*Adds Minn. Stat. § 480.2415*

*Repeals Minn. Stat. § 480.242, subd. 1*

*Effective July 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

### **A. Overview**

Establishes a new State Board of Civil Legal Aid to replace and expand the functions of the current Legal Services Advisory Committee (LSAC), which is under the purview of the Minnesota Supreme Court and whose function it is to distribute state funding to civil legal aid programs across the state. Staff currently employed to support LSAC transfers to the State Board of Civil Legal on July 1, 2025.

### **B. Placement in Government**

Provides that the State Board of Civil Legal Aid is part of the Judicial Branch but is not subject to its administrative control.

### **C. Board Membership**

Provides that the board consists of 11 members, five appointed by the Supreme Court and six appointed by the Governor. Requires the appointing authorities to seek board members who reflect the diverse populations served by Legal Aid.

### **D. Duties**

Charges the board with establishing standards and approving and recommending a budget to the Legislature – and distributing state funding -- for the provision of civil legal services in Minnesota. Gives the board the authority to propose changes to statutes and court rules. Prohibits the board from interfering “with the discretion or judgment of civil legal services programs in their advocacy.”

# **CIVIL COMMITMENT**

## **I. PRIORITY ADMISSIONS**

*2024 Minn. Laws, Chapter 125, Article 4, Sections 5, 7, and 11*

*Amends Minn. Stat. § 253B.10, subd. 1*

*Effective July 1, 2024 (except where noted)*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

### **A. Procedural Changes**

Requires the new Department of Direct Care and Treatment (DCT) to prioritize civilly committed persons being admitted from a jail or correctional institution or who are referred to a state-operated treatment facility for competency attainment or a competency examination to a medically appropriate program based on DCT's new priority admissions framework. Requires DCT to: (1) notify the source of the referral and the responsible county human services agency, the individual, and the district court within four days of determining the appropriate programs; (2) notify the designated agency and facility where the person is located when an available bed has been identified; and (3) transport the person no more than 48 hours after the admission date.

### **B. Framework**

Requires DCT to use a range of factors when making priority admissions decisions, including: (1) the length of time a person has been on a waiting list; (2) the intensity of the treatment needs; (3) the person's revoked provisions discharge status; (4) the person's safety and safety of others; (5) whether the person has access to necessary or court-ordered treatment; (6) negative impacts of an admission delay on the referring facility; and (7) any federal prioritization requirements.

### **C. Review Panel**

Establishes a review panel to: (1) evaluate the 48-hour timeline for priority admissions; (2) advise the Department of Human Services on the effectiveness of the framework; and (3) review data for one year following the implementation of the framework to ensure that the framework is implemented and applied equitably.

### **D. Limited Exception for Admission from Hospital Settings**

Requires DHS to immediately approve an exception to add up to ten civilly committed patients who are awaiting admission in hospital settings to the priority admissions waiting list for admission to medically appropriate DCT programs.

*Effective May 25, 2024*

*Expires upon approval of the exception for ten patients.*

**II. MEDICAL ASSISTANCE PAYMENT FOR ASSERTIVE COMMUNITY TREATMENT AND INTENSIVE RESIDENTIAL TREATMENT SERVICES**

*2024 Minn. Laws, Chapter 125, Article 4, Section 6*

*Amends Minn. Stat. § 256B.0622, subd. 8*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Requires that payment must only be provided if the client is eligible for the service and the service is deemed medically necessary where a client has a court order to participate in or obtain an assessment for treatment and follow treatment recommendations.

**III. MENTALLY ILL AND DANGEROUS CIVIL COMMITMENT REFORM TASK FORCE**

*2024 Minn. Laws, Chapter 125, Article 4, Section 9*

*Session Law*

*Effective May 25, 2024*

*Expires January 1, 2026*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Establishes a task force to: (1) evaluate current statutes related to mentally ill and dangerous civil commitments; and (2) develop recommendations to optimize the use of state-operated mental health resources and increase equitable access and outcomes for patients. Requires a report to the Legislature with recommended statutory changes by August 1, 2025.

**IV. COUNTY CORRECTIONAL FACILITY ANTIPSYCHOTIC MEDICATION PILOT**

*2024 Minn. Laws, Chapter 125, Article 4, Section 12*

*Session Law*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Establishes a pilot program to provide payments to counties to support county correctional facilities in delivering long-acting injectable antipsychotic medications to prisoners for mental health treatment. Requires a report to the Legislature by December 15, 2025.

# CONSUMER LAW / CONSUMER PROTECTION

## I. THE MINNESOTA DEBT FAIRNESS ACT

2024 Minn. Laws, Chapter 114, Article 3, Sections 25 – 30; 33 – 37; 77 – 81; and 83 – 103

Various Effective Dates

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/114/>

Establishes numerous protections for consumers with medical debt; updates garnishment and bankruptcy exemptions; and increases protection for consumers facing wage and bank garnishment.

### A. **MEDICAL DEBT**

#### 1. **Denial of Treatment Because of Outstanding Medical Debt**

Prohibits a hospital or health care provider from denying “medically necessary” treatment or services to a patient or a member of the patient’s family or household because of an outstanding medical debt owed to that provider.

Allows the provider, as a condition of providing care or services under these circumstances, to require the patient to enroll in a “reasonable” payment plan that takes into account information about ability to pay disclosed by the patient.

*Amends Minn. Stat. § 144.587, subd. 4*

*Adds Minn. Stat. § 62J.807*

*Effective October 1, 2024*

#### 2. **Reporting of Medical Debt**

Prohibits a first- or third-party collector of medical debt to report the debt to a credit reporting agency and prohibits a credit reporting agency from issuing a credit report containing medical debt information. Gives the Attorney General enforcement authority and establishes a private right of action.

*Adds Minn. Stat. § 322B.03 (prohibition on reporting)*

*Adds Minn. Stat. § 322B.05 (AG/private enforcement)*

*Effective October 1, 2024*

#### 3. **Abusive Collection Practices**

Prohibits certain acts or practices for the collection of medical debt by first- or third-party collectors. Gives the Attorney General public enforcement authority and establishes a private right of action.

*Adds Minn. Stat. § 322B.02 (prohibited practices)*

*Adds Minn. Stat. § 322B.05 (AG/private enforcement)*

*Effective October 1, 2024*

**4. Spousal Liability**

Eliminates the ability of a collector of medical debt to assign liability to the spouse of the patient-debtor. Clarifies that providers can still make a claim against the estate of the spouse who owes the debt.

*Amends Minn. Stat. § 519.05*

*Effective October 1, 2024*

**5. Billing Errors**

Requires health care providers to review a suspected billing error upon notice from a patient. Prohibits the provider from further billing the patient until: (1) the investigation is completed; and (2) the patient is notified of the result.

*Adds Minn. Stat. § 62J.808*

*Effective October 1, 2024*

**6. Attorneys' Fees for Debtors' Successful Defense of Suit**

Requires the court to award attorneys' fees to a debtor/defendant who prevails in a medical debt suit. Provides that a settlement is not a successful defense entitling the defendant to attorneys' fees.

*Adds Minn. Stat. § 332C.04*

*Effective October 1, 2024, for causes of action commenced on or after that date*

**B. GARNISHMENT / BANKRUPTCY EXEMPTIONS**

**1. Updated Exemptions**

Adds new exemptions (e.g., family pets, household tools); expands existing exemptions (e.g., computers and cell phones are now expressly named under "personal goods"); and increases the value protected for certain exempt items (e.g., a motor vehicle). Expressly includes in the public assistance exemption "federal or state tax credit received by eligible low-income taxpayers, including but not limited to the earned income tax credit, the Minnesota working family credit, and renter's credit."

*Amends Minn. Stat. § 550.37, subds. 2, 4, 12a, 14, 22, and 23*

*Adds Minn. Stat. § 550.37, subds. 2a, 2b, 2c, and 27*

*Effective August 1, 2024, for causes of action commenced on or after that date*

**2. New "Wildcard" Exemption**

Creates a new "wildcard" bankruptcy exemption of up to \$1,500, which can be used to exempt "any property."

*Adds Minn. Stat. § 550.37, subd. 28*

*Effective August 1, 2024, for exemptions claimed on or after that date*

**C. GARNISHMENT PROCEDURES AND PROTECTIONS**

**1. Limitation on Wage Garnishment**

Establishes a “tiered” wage garnishment formula, adding interim caps of 10% and 15% to the current 25% cap on wages that can be garnished. The amount of wages determines the cap.

*Amends Minn. Stat. § 571.922*

*Effective April 1, 2025, for causes of action commenced on or after that date*

**2. Independent Contractors and Self-Employed Persons**

Extends all garnishment protections to the earnings of independent contractors and self-employed persons.

*Amends Minn. Stat. §§ 571.921 and 571.927*

*Effective August 1, 2024, for causes of action commenced on or after that date*

**3. Bad Faith Withholding of Inappropriately Seized Funds**

Requires a creditor who has already seized funds to either return the funds or interpose an objection within six days of receiving an exemption claim from a debtor. Allows a debtor to assert a bad faith claim for a creditor’s disregard of the exemption claim.

*Amends Minn. Stat. § 571.72, subds. 6 and 9*

*Effective August 1, 2024, for causes of action commenced on or after that date*

**4. Motion to Determine Objections**

Makes the requirement to interpose an objection within six days of receipt of an exemption claim applicable to all types of garnishments under Chapter 571.

*Amends Minn. Stat. §§ 571.72, subd. 9; and 571.914, subd. 1*

*Effective August 1, 2024, for causes of action commenced on or after that date*

**5. Application of Minnesota Exemptions to Garnishment of Earnings**

Clarifies that Minnesota exemptions apply to the garnishment of earnings if the debtor lives and works in Minnesota, regardless of where the employer is domiciled.

*Amends Minn. Stat. § 571.92*

*Effective August 1, 2024, for causes of action commenced on or after that date*

**6. Garnishment Forms Revision**

Directs the Attorney General to review and make recommendations to revise garnishment forms and notices under Chapter 571 into a more easily readable and understandable plain language format.

**D. Workers’ Compensation**

*Amends Minn. Stat. § 175.175, subd. 2*

*Effective October 1, 2024*

Sets a ceiling of \$1 million per claim and subsequent award for the amount of any claim for workers’ compensation that is exempt from seizure or sale.

## II. CONTRACT FOR DEED REFORMS

*2024 Minn. Laws, Chapter 123, Article 16*

*Amends Minn. Stat. §§ 272.12; 507.235, subds. 1a and 5; 513.73, subd. 3; 559.21, subds. 2a and 4; 559.211, subd. 1; and 559.213*

*Adds Minnesota Statutes, Chapter 559A (Minn. Stat. §§ 559A.01 – 559A.05); and Minn. Stat. § 559.21, subds. 4a, 4b, and 9*

*Repeals Minn. Stat. §§ 559.201 and 559.202*

*Various Effective Dates*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Overhauls Minnesota’s contract for deed (CFD) laws and establishes protections for buyers, particularly for buyers who are purchasing from investor and speculator sellers.

### A. Recording

Shifts burden to record a *residential* CFD from the buyer (“vendee”) to seller (“vendor”).

Requires the CFD to be recorded within four months of execution. If the contract is not in recordable form, requires the vendor to “make a good faith effort to correct the defects.”

*Amends Minn. Stat. § 507.235, subd. 1a*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

### B. Consumer Protections: All Buyers

The following protection apply to all buyers on contract for deed.

#### 1. Termination Prohibited if Seller Fails to Record

Prohibits any seller from terminating a CFD if the seller has neither recorded nor made a good faith effort to record the contract.

*Adds Minn. Stat. § 559.21, subd. 4b*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

#### 2. Termination Prohibited for Certain Transfers

Prohibits any seller from terminating a contract for deed with any buyer in certain circumstances, among them where the transfer: (1) is based on a transfer on death deed; (2) to a spouse child; (3) results from a divorce or separation agreement; or (4) is into an inter vivos trust.

*Adds Minn. Stat. § 559.21, subd. 4a*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

#### 3. Attorneys’ Fees for Successful Defense Against Termination

Directs the court to award filing, service, and reasonable attorneys’ fees:

(1) to a buyer who asserts a valid defense against a termination; or  
(2) where the court finds the notice of termination was invalid. Grants the court discretion to award fees to a buyer who obtains a temporary restraining order or injunction against termination (and the seller has made an appearance).

*Amends Minn. Stat. § 559.211, subd. 1*

*Effective August 1, 2024*

**C. Consumer Protections: Buyers Purchasing from “Investor Sellers”**

The following protections apply only to buyers on **residential** contracts for deed sold by “investor sellers.”

**1. Definition of “Investor Seller”**

An “investor seller” is anyone selling residential real property on CFD who is **not**: (1) a natural person who has owned and occupied the property as the primary residence for a continuous 12-month period; (2) a person selling to a family member; (3) a personal representative; (4) an heir; (5) a grantee under a transfer on death deed; (6) a trust; (7) a bank, credit union, or other regulated mortgage originator; (9) a landlord who has owned and rented the property for at least two years; or (10) a developer.

*Adds Minn. Stat. § 559A.01, subd. 5*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**2. Required Disclosures**

Sets forth verbatim disclosures required to be provided by an investor seller to a CFD buyer. The disclosure must be provide 10 days prior to execution and must include: (1) the amount and due date of all balloon payments; (2) the price paid to acquire the property being sold (if acquired the property within the last two years); (3) the cost and essential terms of the sale; and (4) a general “disclosure that provides important basic information and warnings to a potential buyer. Requires disclosures in a language other than English if the transaction was negotiated in that language.

*Adds Minn. Stat. § 559A.03*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**3. Requirement if Seller Has Mortgage on the Property**

Prohibits an investor seller from executing a CFD that is subject to a mortgage unless the seller has procured a binding agreement from the mortgage holder that, upon transfer of the property when the buyer satisfies the contract, the holder will not exercise rights under a due-on-sale clause. Requires that the contract: (1) discloses the existence of the mortgage; (2) promises to perform all obligations under the mortgage; and (3) expressly represents that the seller has procured the binding agreement from the mortgage holder.

*Adds Minn. Stat. § 559A.04, subd. 1*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**4. Buyer’s Right to Cancel**

Gives the buyer the right to cancel the contact for deed within 10 calendar days after receiving the required disclosures.

*Adds Minn. Stat. § 559A.04, subd. 2*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

- 5. Flipping (“Churning”) Prohibited**  
Prohibits the practice of flipping properties (called “churning” in the new law). Defines “churning” as frequently or repeatedly executing and terminating CFDs. Establishes a rebuttable presumption of churning if, within the previous 48 months, the investor seller has terminated either: (1) two or more CFDs on the same residential property; or (2) four or more CFDs on any residential properties where the terminations equal 20% or more of all CFDs executed by the investor seller. Contains protections against evasion and subterfuge.  
*Adds Minn. Stat. § 559A.04, subd. 4*  
*Effective August 1, 2024, for all contracts for deed executed on or after that date*
- 6. Termination Period Extended**  
For residential CFDs sold by investor sellers, requires the seller to provide a 30-day notice prior to initiating a termination and gives the buyer 90 days to come current and avoid termination, for a total of 120 days. (The current termination period is 60 days and, if the seller wishes to seek attorneys’ fees, an additional 30 days.)  
*Amends Minn. Stat. § 559.21, subd. 4*  
*Effective August 1, 2024*
- 7. Refund if Contract Terminated**  
Provides that an investor seller must refund any portion of the downpayment that is greater than 10% of the purchase price if the investor seller terminates the contract any time within the first four years. Provides for a variety of offsets (e.g., unpaid taxes; cost of repairs for damage).  
*Adds Minn. Stat. § 559A.04, subd. 5*  
*Effective August 1, 2024, for all contracts for deed executed on or after that date*
- 8. Public Enforcement**  
Grants the Attorney General the power to enforce violations by investor sellers of the disclosure requirements and the prohibition against churning.  
*Adds Minn. Stat. § 559A.05, subd. 7*  
*Effective August 1, 2024, for all contracts for deed executed on or after that date*
- 9. Private Remedies**

  - a. For Disclosure Violations or Churning**  
Gives buyers a private right of action to bring an action for rescission within two years of the execution of the CFD for rescission and provides that a buyer showing a “material violation” of the disclosure requirements or that the seller engaged in churning is entitled to:  
(1) all sums paid (minus fair rental value of the property); (2) the reasonable value of improvements made; (3) damages; and  
(4) reasonable attorneys’ fees and costs. Defines “material violation.”  
*Adds Minn. Stat. § 559A.05, subds. 1 (definition) and 2 (private right)*  
*Effective August 1, 2024, for all contracts for deed executed on or after that date*

- b. For Failure of Seller to Procure Agreement with Mortgage Holder**  
Gives buyers a private right of action to bring an action at any time for rescission, all sums paid (minus fair rental value of the property), the reasonable value of improvements made; damages, and reasonable attorneys' fees and costs if the seller fails to procure an agreement from the mortgage holder not to invoke a due-on-sale clause and the mortgage holder commences a foreclosure.  
*Adds Minn. Stat. § 559A.05, subd. 3*  
*Effective August 1, 2024, for all contracts for deed executed on or after that date*

- D. Private Transfer Fees for Contracts for Deed Prohibited**  
Prohibits the imposition of a "private transfer fee" on a buyer on CFD. Private transfer Fees are sums a buyer is obligated to pay to a seller upon transfer of the property, in return for a small upfront payment. Private transfer fees have been banned for most real estate transactions since 2010.  
*Amends Minn. Stat. § 513.73, subd. 3*  
*Effective June 23, 2024*

### **III. COERCED DEBT AMENDMENTS**

*2024 Minn. Laws, Chapter 114, Article 3, Sections 69 - 76*  
*Amends Minn. Stat. §§ 332.71, subds. 2, 4, 5, and 7; 332.72; 332.73, subd. 1; and 332.74, subds. 3 and 5*  
*Repeals Minn. Stat. § 332.71, subd. 8*  
*Effective January 1, 2025, for all contracts entered into, modified, or renewed on or after that date*  
<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/114/>

Amends the 2023 Coerced Debt Law. Clarifies that the victim/survivor (debtor) must provide certain information on a notice the debtor must provide to a creditor if the information is not already contained in the documentation that debtor is required to provide (such as a police report or sworn certification from a domestic abuse advocate). Clarifies that the abuser is civilly liable to the creditor for the amount of any debt extinguished under the judicial procedure established in the 2023 law. Specifies requirements for service of an abuser of a creditor's motion to hold the abuser liable.

### **IV. JUNK FEES**

*2024 Minn. Laws, Chapter 111*  
*Adds Minn. Stat. § 344D.44, subds. 1a and 1b*  
*Effective January 1, 2025*  
<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/111/>

Makes it a deceptive trade practice for a business to fail to advertise or display all mandatory fees or surcharges (e.g. on a Web site, for example).

## **V. AUTOMATIC RENEWALS / INDEFINITE SUBSCRIPTIONS**

*2024 Minn. Laws, Chapter 114, Article 3, Sections 55 – 62*

*Adds Minn. Stat. §§ 326G.56 – 325G.63*

*Effective January 1, 2025, for all contracts entered into, modified, or renewed on or after that date*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/114/>

Establishes requirements for the offering of any subscription or plan that: (1) automatically renews at the end of its term; or (2) continues indefinitely until the consumer terminates it. Requires clear and conspicuous disclosure of the terms. Allows termination at any time. Prohibits a seller from engaging in abusive tactics if the consumer terminates the agreement.

## **VI. UNFAIR SERVICE AGREEMENTS**

*2024 Minn. Laws, Chapter 114, Article 3, Section 82*

*Adds Minn. Stat. § 513.80*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/114/>

Defines and prohibits unfair service agreements. Closes a gap in current law that permits unfair transactions in which, in exchange for a small upfront payment, a homeowner agrees to an exclusive service and maintenance contract and agrees to give the offeror exclusive real estate listing rights, sometimes for up to 40 years. These agreements are often recorded and purport to create liens and encumbrances.

### **A. Characteristics of an Unfair Service Agreement**

Prohibits agreements in excess of one year that: (1) purport to run with the land or bind future owners; (2) purport to create a lien, encumbrance, or other real property security interest; or (3) contains a provision that purports to automatically renew when the agreement expires.

### **B. Recording of Unfair Service Agreements Prohibited**

Prohibits solicitation or recording of unfair service agreements and makes unfair service agreements unenforceable.

### **C. Private Enforcement**

Creates a private right of action to enforce violations. Sets a six-year statute of limitations.

## **VII. STUDENT LOAN BILL OF RIGHTS AMENDMENTS**

*2024 Minn. Laws, Chapter 114, Article 3, Sections 11 - 24*

*Amends Minn. Stat. § 58B.02, subd. 8; 58B.06, subds. 4 and 5; 58B.07, subds. 1, 3, and 9*

*Adds Minn. Stat. § 58B.02, subds. 8a; 58B.03, subds. 10 and 11; and 58B.07, subds. 11 – 14; and 58B.09, subd. 4*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/114/>

Clarifies and improves the Student Loan Bill of Rights Act, passed in 2021. The new provisions: (1) expand the definition of “student loan” to include an extension of credit for tuition and education or living expenses; (2) add detail to the requirement that a student loan servicer evaluate the borrower’s eligibility for an income-driven repayment plan; (3) expand the protections against defrauding borrowers; (4) add prohibited, abusive acts and practices; (5) add public (Attorney General) enforcement; and (6) after failure of a servicer to cure, Permits a private right of action.

## **VIII. STANDARDS OF CONDUCT: MORTGAGE ORIGINATORS AND SERVICERS**

*2024 Minn. Laws, Chapter 114, Article 2, Section 30*

*Amends Minn. Stat. § 58.13*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/114/>

Strengthens the prohibition against “churning” – providing or arranging a new loan with no “reasonable, tangible net benefit to the borrower” -- by requiring documentation of the circumstances that demonstrate the loan provides the necessary net benefit.

## **IX. TOWING**

*2024 Minn. Laws, Chapter 104, Article 1, Section 25*

*Amends Minn. Stat. § 168B.035, subd. 3*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/104/>

In furtherance of ongoing equity and justice reform efforts, eliminates the provision allowing a city or an authorized private tow company to tow a car illegally parked if the car has five or more unpaid parking tickets.

## **X. AMENDMENTS TO THE UNIFORM COMMERCIAL CODE**

*2024 Minn. Laws, Chapter 93*

*Amends Minnesota Statutes, Chapter 336, Articles 1 – 9*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/93/>

Adopts numerous changes to the Uniform Commercial Code based on the 2022 amendments enacted by the Uniform Law Commission primarily to address emerging technologies, including cryptocurrencies.

Amendments include:

- The addition of a new Article 10 (Controllable Electronic Records), which establishes rules involving certain new types of digital assets, including: (1) cryptocurrency; (2) non-fungible tokens (NFTs); (3) assets created using “blockchain” technology; and (4) assets that may function similarly using future technologies.
- Changes to Article 9 (Secured Transactions) to govern the use of digital assets as collateral for loans.
- Revision of the definition of “money” in Article 1 (General Provisions) to add intangible currency but only if it has not been “authorized or adopted by the government.” Previously, all references were to tangible currency.
- Application of Article 2 (Sales) and Article 3 (Leases) to “hybrid transactions,” which involve both the sale of goods and services.
- Establishing a transition period to the new amendments (Article 11).

# **COURTS AND ADMINISTRATIVE LAW**

## **I. COURT FEE WAIVERS (IFPs)**

*2024 Minn. Laws, Chapter 123, Article 15, Section 14*

*Amends Minn. Stat. § 563.01*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Changes the term “in forma pauperis” to “court fee waiver.” Clarifies that court fee waivers are available for defenses and appeals, as well as for affirmative actions. Relieves a civil legal aid or pro bono attorney of the burden of having to file a petition for a court fee waiver. Relieves the court of the burden of having to make findings when the petition for a court fee waiver is filed by a civil legal aid program or pro bono attorney.

## **II. CONCILIATION COURT LIMITS**

*2024 Minn. Laws, Chapter 123, Article 15, Section 6*

*Amends Minn. Stat. § 491A.01, subd. 3a*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Increases the limit for Conciliation Court from \$15,000 to \$20,000 (but retains the \$4,000 limit on suits involving “consumer credit transactions”).

## **III. ADMINISTRATIVE PROCEDURES ACT: INTERPRETERS**

*2024 Minn. Laws, Chapter 123, Article 17, Section 11*

*Adds Minn. Stat. § 14.525*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Authorizes the chief administrative law judge to enter into contracts with interpreters identified by the Supreme Court through the Court Interpreter Program to be utilized as the chief administrative law judge directs. Exempts these contracts from: (1) the state procurement rules under Minnesota Statutes, Chapter 16C; and (2) any other requirements otherwise imposed on the Department of Administration under Minnesota Statutes, Chapter 16B).

# CRIMINAL JUSTICE

## **BAIL BONDS**

*2024 Minn. Laws, Chapter 114, Article 2, Sections 32 - 38*

*Adds Chapter 60M (Minn. Stat. §§ 60M.01 – 60M.07)*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/114/>

Adds a new chapter of law governing the issuance and usage of bail bonds and the acceptance of collateral, effectively codifying a consent decree agreed to by a subset of bail bonds companies, issued by the Department of Commerce in 2015. Among its provisions, the new law prohibits: (1) solicitation in or on the grounds of a jail or prison; (2) prohibits making cold calls or robocalls; (3) loitering in jails or courthouses; (4) using collateral for personal gain; (5) taking a quitclaim deed on real property as collateral; (5) paying a fee, commission or anything of value to a jailer, police officer, judge, public official or employee, or any other person who has the power to arrest or hold an individual in custody; and (5) paying a rebate to the person seeking the bail bond or paying a fee, commission or anything of value to an inmate for a referral.

# **DEPARTMENT OF HUMAN SERVICES (DHS) LICENSING**

## **I. 15-YEAR DISQUALIFICATION**

*2024 Minn. Laws, Chapter 127, Article 62, Section 21*

*Amends Minn. Stat. § 245C.15, subd. 2*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Adds the following felony-level crimes that disqualify a person from obtaining a DHS license for 15 years: (1) violation of an order for protection; (2) organized retail theft; (3) interference with privacy (moved from 10-year list); and (4) termination of parental rights in another state or country.

## **II. 10-YEAR DISQUALIFICATION**

*2024 Minn. Laws, Chapter 127, Article 62, Section 22*

*Amends Minn. Stat. § 245C.15, subd. 3*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Adds the following gross misdemeanor-level crimes that disqualify a person from obtaining a DHS license for 10 years: (1) criminal jurisdiction for contributing to status as a juvenile petty offender or delinquency or contributing to need for protection or services; and (2) organized retail theft. Deletes interference with privacy and moves that conduct to the 15-year disqualification list.

## **III. SEVEN-YEAR DISQUALIFICATION**

*2024 Minn. Laws, Chapter 127, Article 62, Section 23*

*Amends Minn. Stat. § 245C.15, subd. 4*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Adds the following misdemeanor-level crimes that disqualify a person from obtaining a DHS license for seven years: (1) criminal jurisdiction for contributing to status as a juvenile petty offender or delinquency or contributing to need for protection or services; and (2) organized retail theft.

#### **IV. TERMINATION OF PARENTAL RIGHTS AS DISQUALIFYING EVENT**

*2024 Minn. Laws, Chapter 127, Article 62, Section 19*

*Amends Minn. Stat. § 245C.14, subd. 1*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Adds termination of parental rights as an event disqualifying an applicant from having direct contact with a person receiving services from a DHS license holder.

#### **V. DISQUALIFICATION FOR EMPLOYMENT IN FOSTER SETTINGS**

*2024 Minn. Laws, Chapter 127, Article 62, Section 24*

*Amends Minn. Stat. § 245C.15, subd. 4a*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Adds felony-level sexual extortion to permanent disqualifying crimes for employment in licensed family foster settings.

#### **VI. SET-ASIDES AND VARIANCES**

*2024 Minn. Laws, Chapter 127, Article 62, Sections 26 and 27*

*Amends Minn. Stat. § 245C.24, subds. 2 and 5*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Prohibits the DHS Commissioner from setting aside a permanent disqualification for felony-level sexual extortion. Prohibits the DHS Commissioner from granting a variance in connection with a foster residence setting for an individual who was convicted of a physical assault, battery, or drug-related felony within the past five years.

# **DEPARTMENT OF DIRECT CARE AND TREATMENT**

Pursuant to Minnesota Laws 2023, chapter 61, article 8, now codified as Minnesota Statutes, chapter 246C, state-operated services was split off from the Department of Human Services into a separate agency - the new Department of Direct Care and Treatment, effective January 1, 2025. The 2024 changes summarized below make the necessary amendments to Minnesota Statutes to transfer to the Direct Care and Treatment Executive Board all the duties and authorities currently vested in the Commissioner of Human Services with respect to the activities of the Division of Direct Care and Treatment.

## **I. TRANSFER OF DUTIES TO DCT**

*2024 Minn. Laws, Chapter 79, Article 1, Sections 1-3, 19, and 21*

*Amends Minn. Stat. §§ 245.474, subds. 1 & 3; 246.0135; 246C.02, subd. 3; and 246C.04, subd. 2*

*Adds Minn. Stat. § 246C.04, subd. 3*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/79/>

### **A. Regional Treatment Centers**

DCT will be responsible for the operation of regional treatment centers (including the Minnesota Sex Offender Program) while ensuring sufficient inpatient capacity and assistance with transition services. This includes: (1) specialized inpatient programs at secure treatment facilities; (2) community preparation services; (3) community-based services and programs (4) regional treatment centers; (5) enterprise, consultative, aftercare, transition, nursing home, and other services consistent with DCT's mission.

### **B. Civilly Committed Persons**

Custody of civilly committed persons is transferred to DCT.

## II. NEW DUTIES OF DCT

*2024 Minn. Laws, Chapter 79, Article 1, Sections 4, 5, 24, and 25*

*Amends Minn. Stat. § 246.018, subds. 1 and 2*

*Adds Minn. Stat. §§ 246C.10; and 246C.11, subs. 1 - 4*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/79/>

### A. Forensic Services Programs

Requires the executive board to: (1) create and maintain forensic services programs in coordination with counties and other vendors; and (2) adopt rules to carry out the provision of this section and to govern the operation of the services and programs. Specifies forensic services that must be included.

### B. State-Operated, Community-Based Programs

Requires the executive board to establish and maintain a system of state-operated, community-based programs for persons with developmental disabilities to provide treatment and habilitation in noninstitutional community settings. Lists programs that may be included.

## III. DCT STRUCTURE

*2024 Minn. Laws, Chapter 79, Article 1, Sections 6, 7, 19, 28, and 30*

*Amends Minn. Stat. §§ 246.018, subds. 3 & 4; 246C.02, subd. 1; 252.50, subd. 2; and 253.017, subd. 2*

*Adds Minn. Stat. § 246C.06, subds. 2-3*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/79/>

### A. Executive Board

Creates an executive board of no more than five persons to head DCT. Specifies qualifications for and powers of board members, including the authority to build, purchase, or lease suitable buildings, at least a portion of which must be used for state-operated, community-based programs and the power to determine the need for the psychiatric services based upon individual needs assessments of persons in the state-operated services.

*Effective July 1, 2025*

### B. The Office of Executive Medical Director

Creates an Office of Executive Medical Director to: (1) establish and direct staff; (2) oversee inpatient mental health services in regional treatment centers; (3) recruit and train psychiatrists; and (4) develop standards for treatment of patients in DCT programs.

### C. Physician Standards and Oversight

Charges DCT medical staff and the Executive Medical Director with: (1) establishing standards and qualifications for physicians; (2) monitoring the performance of physicians; and recommending changes in procedures for DCT facilities.

#### IV. OTHER

*2024 Minn. Laws, Chapter 79, Article 1, Sections 28-29*

*Amends Minn. Stat. § 252.50, subd. 4*

*Adds Minn. Stat. § 246C.20, subds. 1-2*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/79/>

##### **A. Contract with the Department of Human Services**

Requires DCT to contract with the DHS to: (1) determine the county of financial responsibility; and (2) administer appeals and reviews.

##### **B. Authority to Develop Services with Counties**

Permits state-operated, community-based programs to be developed in conjunction and consistent with existing county responsibilities and authorities for persons with developmental disabilities. Requires that assessment, placement, screening, case

# DISABILITY LAW

## **I. GUARDIAN IMMUNITY**

*2024 Minn. Laws, Chapter 123, Article 15, Sections 10 and 11*

*Amends Minn. Stat. §§ 524.5-313 and 524.5-315*

*Effective May 18, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Makes guardians liable for acts or omissions that: (1) result in harm to the person subject to guardianship; and (2) constitute reckless or willful misconduct, or gross negligence.

Overturns Zika v. Elder Care of Minnesota, Inc., 979 N.W.2d 472 (Minn. Ct. App. 2022).

## **II. GUARDIAN RESIGNATIONS**

*2024 Minn. Laws, Chapter 123, Article 15, Section 12*

*Amends Minn. Stat. § 524.5-317*

*Effective May 18, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Gives courts the authority to allow a guardian to resign if: (1) after a good faith effort, the guardian is unable to find a successor; and (2) based on “clear and convincing evidence,” the resignation would not result in “imminent substantial harm” to the subject.

## **III. LEGISLATIVE TASK FORCE ON GUARDIANSHIP**

*2024 Minn. Laws, Chapter 125, Article 1, Section 39*

*2024 Minn. Laws, Chapter 127, Article 46, Section 39*

*Session Law*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Establishes a Legislative Task Force on Guardianship to recommend actions to: (1) address concerns and gaps related to guardianships; and (2) promote less restrictive alternatives to guardianships. Duties and goals include: (1) increasing the number of guardians; (2) increasing compensation for IFP guardians; (3) guardian licensure; (4) identifying standards of practice; (5) expanding supported decision-making alternatives; and (6) maximizing the civil rights of persons subject to guardianship.

### **A. Membership**

Names the Minnesota Council on Disability as chair and sets membership of nearly 30 individuals, including a judge; individuals who have been the subject of a guardianship; a professional or advocacy group representing the interests of guardians; and a professional or advocacy group representing persons subject to guardianship.

### **B. Report**

Requires the task force to submit a report to the Legislature by January 15, 2027.

## IV. ASSISTED LIVING LAW CHANGES

### A. Applicability of Local Rental Licenses

*2024 Minn. Laws, Chapter 108, Article 1, Section 1*

*Amends Minn. Stat. § 144G.45, subd. 3*

*Effective May 18, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

Exempts assisted living facilities with six or fewer residents from having to comply with local rental licensing laws.

### B. Relocations of Certain Customized Living Settings

*2024 Minn. Laws, Chapter 125, Article 2, Section 1*

*Adds Minn. Stat. § 144G.195, subd. 2; and 256B.49, subd. 28a*

*Effective January 1, 2025, or 90 days after federal approval, whichever is later*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Requires an assisted living facility to notify the Department of Health and continue services if the facility relocates and: (1) is a customized living setting; and (2) provides services through a brain injury, CADI, or HCBS services waiver plan. Allows the relocating facility to operate under its current license for the current license period.

### C. Mental Illness and De-escalation Training

*2024 Minn. Laws, Chapter 125, Article 2, Sections 6 and 7*

*Adds Minn. Stat. §§ 144G.63, subd. 4; and 144G.64*

*Effective July 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Requires assisted living facility employees and their supervisors to receive initial and ongoing training in topics related to mental illness and de-escalation, including: (1) recognizing symptoms of common mental illness diagnoses; (2) de-escalation techniques and communication; and (3) crisis resolution and suicide prevention.

### D. Protection of “Assisted Living” Title

*2024 Minn. Laws, Chapter 127, Article 59, Section 42*

*Adds Minn. Stat. § 144G.10, subd. 5*

*Effective January 1, 2026*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

On or after January 1, 2026, prohibits: (1) the use of the phrase “assisted living” unless the user is licensed and complies with the requirements of the assisted living law; and (2) a new assisted living facility from using the terms “home care” or “nursing home.”

## **V. HOME AND COMMUNITY-BASED SERVICES**

*2024 Minn. Laws, Chapter 108, Article 1, Sections 3, 4, and 10  
Amends Minn. Stat. §§ 245D.071, subds. 3 and 4; and 245D.10, subd. 1  
Effective August 1, 2024  
<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>*

### **A. Timing of Assessments for Intensive Supports**

Changes timing of assessments from “before the 45-day planning meeting” to “before providing 45 days of service or within 60 calendar days of service initiation, whichever is shorter.” Requires inclusion of possible uses of technology at -- and service plans to be developed within 10 working days of in the initial planning meeting,

### **B. Reporting of Suspensions and Service Terminations**

Requires license holders to use forms provided by the Department of Human Services when reporting service suspensions and service terminations under subdivisions 3 and 3a.

## **VI. MEDICAL ASSISTANCE FOR EMPLOYED PERSONS WITH DISABILITIES (MA-EPD)**

*2024 Minn. Laws, Chapter 108, Article 1, Section 11  
Amends Minn. Stat. § 256B.057, subd. 9  
Effective August 1, 2024  
<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>*

### **A. Tax Requirements**

Simplifies the language regarding the withholding of taxes on income necessary to qualify for MA-EPD. Language now reads: “A person who is self-employed must file and pay all applicable taxes.”

### **B. Recertification**

Changes recertification from semi-annual to annual.

### **C. Reporting Changes**

Changes time to report changes to household size or income from 10 to 30 days.

## **VII. REMOTE REASSESSMENTS FOR PCAs AND COMMUNITY FIRST SERVICES AND SUPPORTS**

*2024 Minn. Laws, Chapter 108, Article 1, Section 14  
Amends Minn. Stat. § 256B.0911, subd. 24  
Effective Upon Federal Approval  
<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>*

Allows up to two consecutive remote reassessments to replace in-person reassessments.

## **VIII. AUTHORIZATION AND PRIORITIZATION OF TECHNOLOGY SERVICES**

*2024 Minn. Laws, Chapter 108, Article 1, Sections 15 - 17*

*Amends Minn. Stat. §§ 256B.092, subd. 3a; 256B.49 subd. 16b; and 256B.4905, subd. 12*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

### **A. Authorization**

Prohibits lead agencies from implementing additional requirements that could result in the delay of approval or implementation of technology. Requires approval or denial of technology for individuals receiving developmental disability waiver services, community alternative care, community access for disability inclusion (CADI), or brain injury waiver services to occur within 30 business days of the receipt of the initial request. If denied, requires the lead agency to submit a notice of action form clearly stating the reason for the denial.

### **B. Prioritization**

Requires DHS to ensure that each individual accessing waiver services is offered assistive technology, remote support, or both prior to the DHS offering or reauthorizing services that utilize direct support staff.

## **IX. DATA COLLECTION FOR RATE DETERMINATION**

*2024 Minn. Laws, Chapter 108, Article 1, Section 18*

*Amends Minn. Stat. § 256B.4914, subd. 4*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

Requires lead agencies to use the form provided by DHS when calculating an individual's rate in the rate management system.

## **X. CFSS DELIVERY PLANS AND TERMINATIONS**

*2024 Minn. Laws, Chapter 108, Article 1, Sections 20, 24, and 27*

*Amends Minn. Stat. § 256B.85, subds. 6, 13a, and 20*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

### **A. Service Delivery Plans**

Requires the lead agency to: (1) approve the Community First Services and Supports (CFSS) service delivery plan (it is now approved by the consultation services provider); and (2) if the plan is denied, provide a notice explaining the reason(s) for the denial.

### **B. Terminations**

Creates exceptions to the 30-day notice requirement for financial management providers when: (1) the participant engages in conduct that significantly alters the terms of the CFSS service delivery plan; (2) the participant or other persons at the setting engage in conduct that creates and imminent risk of harm to the support worker or other staff; and (3) an emergency or significant change in the participant's condition occurs within a 24-hour period that results in the participant's service exceeding the plan, and the plan can no longer meet the participant's needs.

## **XI. WAIVER REIMAGINE AND INFORMED CHOICE STAKEHOLDER CONSULTATION**

*2024 Minn. Laws, Chapter 108, Article 1, Section 28*

*Amends 2021 Minn. Laws, First Special Session, Chapter 7, Article 13, Section 75*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

Directs DHS to consult with, seek input and assistance from, and collaborate with stakeholders concerning the implementation and revisions of the MnCHOICES 2.0 assessment tool. Changes from "regular" to "quarterly" the requirement to provide public updates on policy development and the incorporation of stakeholder input.

## **XII. COMMUNITY ACCESS FOR DISABILITY INCLUSION (CADI) WAIVER CUSTOMIZED LIVING SERVICES PROVIDERS IN HENNEPIN COUNTY**

*2024 Minn. Laws, Chapter 108, Article 1, Section 29*

*Session Law*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

Specifies that the CADI waiver customized living and 24-hour customized living size and age limitations do not apply to two housing settings located in Minneapolis that are financed by low-income housing tax credits and in which 24-hour customized living services are provided to residents enrolled in CADI waivers by Clare Housing.

### **XIII. DEAF, DEAFBLIND, AND HARD-OF-HEARING SERVICES ACT**

*2024 Minn. Laws, Chapter 108, Article 2, Sections 1 - 10*

*Amends Minn. Stat. §§ 256C.21 and 256C.23*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

Adds “Deafblind” to the name of the act. Adds or modifies definitions in the act, such as “culturally competent” and “linguistically competent.”

### **XIV. CORPORATE FOSTER CARE LICENSING MORATORIUM EXCEPTION**

*2024 Minn. Laws, Chapter 125, Article 1, Section 4*

*Amends Minn. Stat. § 245A.03, subd. 7*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Allows an exception to the corporate foster care moratorium for new community residential setting licenses for people affected by the closure of homes with a capacity of five or six beds currently licensed as supervised living facilities. The exception is available until June 30, 2025.

### **XV. ADULT FOSTER CARE AND COMMUNITY RESIDENTIAL SETTING LICENSE CAPACITY**

*2024 Minn. Laws, Chapter 125, Article 1, Section 5*

*Amends Minn. Stat. § 245A.11, subd. 2a*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Allows DHS to: (1) issue an adult foster care or community residential setting license with a capacity of five or six adults to facilities meeting the criteria in the licensing moratorium section of statutes; and (2) grant variances to allow the facility to admit an individual under the age of 55 if the variance complies with DHS licensing variance statutes and approval of the variance is recommended by the county in which the licensed facility is located.

### **XVI. CASE MANAGEMENT SERVICES – CULTURAL RESPONSIVENESS**

*2024 Minn. Laws, Chapter 125, Article 1, Sections 12, 17, 20, and 27*

*Adds Minn. Stat. § 256B.076, subd. 4*

*Amends Minn. Stat. §§ 256B.092, subd. 1a; 256B.49, subd. 13; and 256S.07, subd. 1*

*Effective August 1, 2024, and applies to procurement services that start on or after this date*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Requires a competitive proposal process used by a county agency providing case management to include evaluation criteria to ensure that the county maintains a culturally responsive program adequate to meet the needs of the population of the county for: (1) community alternative care; (2) CADL; and (3) brain injury waivers; (4) developmental disability waivers; and (5) elderly waiver case management.

## **XVII. MnCHOICES ASSESSMENTS**

2024 Minn. Laws, Chapter 125, Article 1, Sections 13 - 16

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

2024 Minn. Laws, Chapter 127, Article 46, Sections 13 - 16

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Adds Minn. Stat. § 256B.0911, subds. 12, 13, 17, and 20

Various Effective Dates

### **A. Contracted Assessors**

Removes the expiration of the exception for counties that have not implemented MnCHOICES assessments and use contracted assessors.

*Effective August 1, 2024*

### **B. Assessor Qualifications**

Removes the two-year home and community-based experience requirement.

*Effective July 1, 2024*

### **C. Assessment Timeframe Extended**

Extends the assessment timeframe for persons requesting long-term care consultation services from 20 calendar days to 20 working days.

*Effective August 1, 2024.*

### **D. Duration of Validity**

Extends the validity of assessments from 60 days to 365 days.

*Effective July 1, 2025.*

## **XVIII. HOME AND COMMUNITY-BASED (HCBS) WAIVERS**

2024 Minn. Laws, Chapter 125, Article 1, Sections 21, 24, and 40

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

2024 Minn. Laws, Chapter 127, Article 46, Sections 21, 24, and 40

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Amends Minn. Stat. §§ 256B.49, subd. 16; and 256B.4912, subd. 1

Various Effective Dates

### **A. Transitional Support Allowances**

Increases transitional support amount to \$5,000.

*Effective January 1, 2025, or upon federal approval, whichever is later.*

### **B. Provider Qualifications**

Prohibits providers from requiring or coercing any service recipient to change waiver programs or move to a different location, consistent with statutory informed choice and independent living policies.

*Effective August 1, 2024.*

## **XIX. CONSUMER DIRECTED COMMUNITY SUPPORTS (CDCS)**

*2024 Minn. Laws, Chapter 125, Article 1, Sections 22, 23, and 34*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

*2024 Minn. Laws, Chapter 127, Article 46, Sections 22, 23, and 34*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

*Adds Minn. Stat. § 256B.4911, subds. 7 and 8*

*Effective August 1, 2024*

### **A. Budget Disclosures**

Requires lead agencies, when authorizing or reauthorizing CDCS, to provide:

(1) an explanation of how the budget was calculated; (2) a copy of the formula used; and (3) appeal rights.

### **B. Policies**

Dictates that policies are created solely by the commissioner. Prohibits lead agencies from creating policies in addition to or inconsistent with policies created by DHS or with federal or state laws. Provides that any handbooks, procedures, or other guidance documents maintained by a lead agency do not have the force or effect of law and must not be given deference if introduced in a state fair hearing.

### **C. Goods and Services**

Directs DHS to seek necessary changes to HCBS waiver plans regarding CDCS to clarify that goods and services: (1) do not need to be for the sole benefit of the participant; (2) may benefit others if there is also a direct benefit to the participant based on the participant's assessed needs; and (3) that support the participant's assessed needs for community integration and inclusion are allowable.

### **D. Rates**

Requires DHS to seek any necessary changes to HCBS waiver plans regarding CDCS to clarify that: (1) the rate authorized for personal assistance services may exceed the reasonable range of similar services in the participant's community if the participant has an assessed need for an enhanced rate; and (2) a participant's spouse or a parent of a minor participant may be paid for at a higher rate if the participant has an assessed need for an enhanced rate.

## **XX. ENTERAL NUTRITION**

2024 Minn. Laws, Chapter 125, Article 1, Section 25

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

2024 Minn. Laws, Chapter 127, Article 46, Section 25

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Amends Minn. Stat. § 256B.766

Effective August 1, 2024

Extends the sunset date of the current enteral nutrition and supplies payment methodology from June 30, 2024, to June 30, 2025. Extends the start date of the new payment methodology to July 1, 2025.

## **XXI. ACUTE HOSPITAL STAYS**

2024 Minn. Laws, Chapter 125, Article 1, Sections 30 and 36

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

2024 Minn. Laws, Chapter 127, Article 46, Sections 30 and 36

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Amends Laws 2021, First Special Session Chapter 7, Article 13, Section 68

Various Effective Dates

### **A. Report to the Legislature Regarding Community First Services and Supports**

Clarifies the requirements for recommendations and extends the due date for a report to the legislature related to the provision of home care services and CFSS while a patient is in an acute care hospital.

Effective May 25, 2024

### **B. Disability Waiver Plans**

Requires DHS to seek approval to amend the MA disability waiver plans to reimburse for delivery of unit-based services under the disability waiver rate system in acute care hospital settings.

Effective August 1, 2024.

### **C. Reimbursed Services**

Requires that reimbursed services must: (1) be identified in an individual's person-centered support plan; (2) be provided to meet the needs of the person that are not met through the provision of hospital services; (3) not substitute services the hospital is obligated to provide; and (4) be designed to ensure smooth transitions between acute care settings and HCBS settings and to preserve the person's functional abilities.

Effective January 1, 2025, or upon federal approval, whichever is later.

## **XXII. TRIBAL VULNERABLE ADULT AND DEVELOPMENTAL DISABILITY TARGETED CASE MANAGEMENT MEDICAL ASSISTANCE BENEFIT**

*2024 Minn. Laws, Chapter 125, Article 1, Section 41*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

*2024 Minn. Laws, Chapter 127, Article 46, Section 41*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

*Session Law*

*Effective July 1, 2024*

Directs DHS to engage with Minnesota's federally-recognized Tribal Nations and urban American Indian providers and leaders to design and recommend a Tribal-specific vulnerable adult and developmental disability medical assistance targeted case management benefit to meet community needs and reduce disparities. Report to the Legislature required by January 1, 2025.

## **XXIII. ELECTRONIC VISIT SIMPLIFICATION FOR LIVE-IN CAREGIVERS**

*2024 Minn. Laws, Chapter 125, Article 1, Section 42*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

*2024 Minn. Laws, Chapter 127, Article 46, Section 42*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

*Amends Minn. Stat. § 256B.766*

*Effective July 1, 2024*

Directs DHS to explore options to simplify documentation requirements for direct support professionals who live in the same house as the person they support and report recommendations to the legislature by February 1, 2025.

## **XIV. DISABILITY SERVICES PERSON-CENTERED ENGAGEMENT AND NAVIGATION STUDY**

*2024 Minn. Laws, Chapter 125, Article 1, Section 44*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

*2024 Minn. Laws, Chapter 127, Article 46, Section 44*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

*Session Law*

*Effective July 1, 2024*

Requires DHS to issue a request for proposals for the design and administration of a study of a person's experience in accessing and navigating medical assistance state plan and home and community-based waiver services and state funded disability services to improve people's experiences in accessing and navigating the system. Requires report of the results of the study and specific recommendations to the Legislature by January 15, 2026.

## **XXV. PCA COMPENSATION FOR PARENTS AND SPOUSES**

*2024 Minn. Laws, Chapter 125, Article 1, Section 45*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

*2024 Minn. Laws, Chapter 127, Article 46, Section 45*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

*Session Law*

*Effective October 1, 2024*

*Expires Upon Full Implementation of CFSS*

Allows a parent, stepparent, or legal guardian of a minor who is a PCA recipient or the spouse of a Personal Care Assistance (PCA) recipient to provide PCA services under MA.

## **XXVI. OWN HOME SERVICE PROVIDER CAPACITY BUILDING GRANTS**

*2024 Minn. Laws, Chapter 125, Article 1, Section 46*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

*2024 Minn. Laws, Chapter 127, Article 46, Section 46*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

*Session Law*

*Effective August 1, 2024*

*Expires June 30, 2026*

Establishes a grant program to incentivize providers to move individuals from group settings to individual homes.

## **XXVII. SMALL ASSISTED LIVING FACILITIES EXEMPT FROM RENTAL LICENSING**

*2024 Minn. Laws, Chapter 108, Article 1, Section 2*

*Amends Minn. Stat. § 245A.11, subd. 2*

*Effective May 18, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

Exempts community residential with six or fewer residents from having to comply with local rental licensing laws.

## **XXVIII. ACCESS TO SPACE FOR MENTAL HEALTH CARE**

*2023 Minn. Laws, Chapter 109, Article 8, Section 4*

*Adds Minn. Stat. § 121A.216*

*Effective in the 2024-2025 school year*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/109/>

Requires school districts, where possible, to create a space within the school for students to access mental health care from a mental health provider via telehealth. Requires privacy for the student and the ability to access care on a school-issued device. Authorizes the school to require a signed and dated consent form from a parent or guardian if the student is under 16.

# DOMESTIC ABUSE AND SEXUAL ASSAULT

## **I. RIGHT OF VICTIMS/SURVIVORS OF DOMESTIC VIOLENCE TO BREAK LEASE**

*2024 Minn. Laws, Chapter 118, Sections 1, 17 – 20, and 26*

*Amends Minn. Stat. §§ 484.014, subd. 3; 504B.206, subds. 1, 2, 3, and 6; and 504B.285, subd. 1*

*Various Effective Dates*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Strengthens the existing statutes (primarily, Minn. Stat. § 504B.206) that provide the right of and set forth the requirements for a victim/survivor who is a tenant to break the lease.

### **A. Date Tenancy Terminates**

Clarifies that: (1) the tenancy terminates on the date specified in the required notice that the tenant must provide to the landlord; and (2) the vacation of the premises by the victim/survivor prior to the date specified on the notice does not constitute termination of the tenancy.

*Amends Minn. Stat. § 504B.206, subd. 1*

*Effective June 23, 2024*

### **B. Impermissible Disclosure of Victim/Survivor Information**

Adds that a landlord who violates the existing provision to keep information provided by the victim/survivor confidential is liable for \$2,000, plus reasonable attorneys' fees and costs.

*Amends Minn. Stat. § 504B.206, subd. 2*

*Effective August 1, 2024*

### **C. Condition to Break Lease Clarified**

Clarifies that any "professional services" rendered and attested to by a qualified third party satisfies one of the documentary requirements of the statute to allow the victim/survivor to exercise the right to break the lease.

*Amends Minn. Stat. § 504B.206, subd. 6*

*Effective June 23, 2024*

### **D. Eviction Prohibited for Tenants Who Invoke Right to Break Lease**

Prohibits a landlord from evicting a victim/survivor who has exercised the right under section 504B.206 to break the lease. Allows eviction if the tenant fails to vacate on or after the date the tenant specifies in the required notice to the landlord.

*Amends Minn. Stat. §§ 504B.206, subd. 3; and 504B.285, subd. 1(b)*

*Effective June 23, 2024*

### **E. Right to Expungement if Landlord Impermissibly Evicts a Tenant**

Requires the court, upon motion by a victim/survivor, to expunge an eviction action taken against a victim/survivor who lawfully broke the lease. Provides for reasonable attorneys' fees and costs to the victim/survivor incurred for the expungement action.

*Amends Minn. Stat. §§ 484.014, subd. 3; and 504B.285, subd. 1(b)*

*Effective June 23, 2024*

## II. COERCED DEBT AMENDMENTS

2024 Minn. Laws, Chapter 114, Article 3, Sections 69 - 76

Adds Minn. Stat. §§ 332.71, subds. 2, 4, 5, and 7; 332.72; 332.73, subd. 1; and 332.74, subds. 3 and 5  
Repeals Minn. Stat. § 332.71, subd. 8

Effective January 1, 2025, for all contracts entered into, modified, or renewed on or after that date  
<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/114/>

Makes technical and substantive changes to the Coerced Debt Law enacted in 2023. Clarifies that the victim/survivor (debtor) must provide certain information on the required notice to the creditor if that information is not already included in the enumerated forms of documentation under the statute. Clarifies that the abuser is civilly liable to the creditor for the amount of any debt extinguished under the judicial procedure established in the 2023 law. Adds specific requirements for service upon an abuser of a creditor's motion.

## III. CHANGES TO THE DOMESTIC ABUSE ACT (CHAPTER 518B)

2024 Minn. Laws, Chapter 123, Article 10, Section 1 - 13

Amends Minn. Stat. §§ 504B.01, subds. 3a, 3b, 4, 5, 6, 7, 8, 8a, 9, 9a, and 11

Adds Minn. Stat. § 504B.01, subds. 2(d) and 11a

Effective August 1, 2024

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

### A. Definition of “Custodian”

Adds a definition of “custodian” to mean a person with “a legal obligation to provide – or who is in fact providing – care and support for a minor child. Declares that person whose parental rights have been terminated is not a custodian.

Adds Minn. Stat. § 518B.01, subd. 2(d)

### B. Orders for Protection

#### 1. Information on a Petitioner’s Location or Residence

Allows a petitioner or a custodian of the petitioner’s minor child to ask the court to classify information location or residence of the petitioner's minor children as not accessible to the public.

Amends Minn. Stat. § 518B.01, subd. 3a

#### 2. Petition for Relief

Requires a petition for relief to state whether the petitioner has minor children and, if so, provide the custodian’s name and residence.

Amends Minn. Stat. § 518B.01, subd. 4

**3. Service**

Consolidates service requirements and addresses responsibilities of law enforcement officers and court administrators. Requires custodians to get hearing notices and service of petitions and ex parte orders. Allows custodians to direct the court to use an address provided under the Safe at Home Program if the subject is a program participant.

*Amends Minn. Stat. §§ 518B.01, subs. 4, 5, 6, 7, 8, 9a, and 11*

*Adds Minn. Stat. § 518B.01, subd. 11a*

**IV. HARASSMENT RESTRAINING ORDERS**

*2024 Minn. Laws, Chapter 123, Article 10, Sections 15 - 17*

*Amends Minn. Stat. §§ 609.748, subs. 3a, 5, and 5b*

*Adds Minn. Stat. § 609.748, subd. 5c*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Consolidates service requirements and addresses responsibilities of sheriffs, law enforcement officers, and court administrators. Allows orders for dismissal of a temporary restraining order or a restraining order to be served either personally or by certified mail.

**V. CHANGES TO THE “SAFE AT HOME” PROGRAM**

*2024 Minn. Laws, Chapter 123, Article 15, Sections 1 - 5*

*Amends Minn. Stat. §§ 5B.02; 5B.03, subd. 3; 5B.04; 5B.05; and 13.045, subd. 3*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

**A. Eligibility Based on Residence**

Expands eligibility for the Safe at Home Program to include persons who intend to move to Minnesota within 60 days. Establishes a 60-day certification during that period. Certification is cancelled if the person does not move.

*Amends Minn. Stat. §§ 5B.02; 5B.03, subd. 3; 5B.04*

**B. Designated Address**

Allows a participant to use an address other than the program’s address if the address is associated with real property owned by a trust or limited liability corporation (LLC).

*Amends Minn. Stat. § 5B.05*

# EDUCATION LAW

## **I. PRONE RESTRAINT ALLOWED IN SCHOOLS**

*2024 Minn. Laws, Chapter 78*

*Amends Minn. Stat. §§ 121A.58, subd. 1 and 2a; 121A.582, subd. 1; 609.06, subd. 1, and 609.379, subd. 1*

*Adds Minn. Stat. §§ 121A.582, subd. 5; 123B.02, subd. 25; 124E.03, subd. 10; and 626.8482*

*Prone ban repealed effective March 14, 2024; various other effective dates*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/78/>

Repeals the ban on school resource officers using prone restraint. Establishes that school resource officers are allowed to use prone restraint on children in school buildings and on school grounds. Requires the POST Board to convene education stakeholders and create a statewide model policy for school resource officers. Requires training for school resource officers.

## **II. CELL PHONE POLICY**

*2024 Minn. Laws, Chapter 109, Article 1, Section 1*

*Adds Minn. Stat. § 121A.73*

*Effective May 17, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/109/>

Requires school districts to adopt a policy on students' possession and use of cell phones by March 15, 2025. Requires school principal associations to collaborate and make best practices available regarding minimizing the impact of cell phones on student behavior, mental health, and academic attainment.

## **III. LANGUAGE ACCESS PLAN**

*2024 Minn. Laws, Chapter 109, Article 2, Section 22*

*Adds Minn. Stat. §123B.32*

*Effective 2024-2025 School Year*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/109/>

Requires school boards to adopt a language access plan that specifies the district's process to render effective language assistance to students and adults who communicate in a language other than English. Requires the language access plan to be available to the public and included in the school's handbook. Requires the plan to identify: (1) how the district and its schools will use trained or certified spoken language interpreters for communication related to academic outcomes, progress, determinations, and placement of students in specialized programs and services; and (2) how families and communities will be notified of their rights under this plan.

#### **IV. IEPs: DEVELOPMENTAL ADAPTED PHYSICAL EDUCATION ASSESSMENT**

*2024 Minn. Laws, Chapter 109, Article 5, Section 2*

*Amends Minn. Stat. § 125A.08, subd. 4*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/109/>

Authorizes school districts to conduct an assessment for developmental adapted physical education, as defined in Minnesota Rules, part 3525.1352, as a stand-alone evaluation without conducting a comprehensive evaluation in accordance with section 125A.091, subdivision 3a. Establishes that a parent or guardian may request a comprehensive evaluation.

#### **V. ACCESS TO SPACE FOR MENTAL HEALTH CARE**

*2024 Minn. Laws, Chapter 109, Article 8, Section 4*

*Adds Minn. Stat. § 121A.216*

*Effective in the 2024-2025 school year*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/109/>

Requires school districts, where possible, to create a space within the school for students to access mental health care from a mental health provider via telehealth. Requires privacy for the student and the ability to access care on a school-issued device. Authorizes the school to require a signed and dated consent form from a parent or guardian if the student is under 16.

#### **VI. STUDENT ATTENDANCE PILOT**

*2024 Minn. Laws, Chapter 115, Article 1, Section 20*

*Session Law*

*Effective for the 2024-2025, 2025-2026, and 2026-2027 school years*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Appropriates funds for a pilot project to improve student attendance and engagement. Participating districts include: Special School District No. 1, Minneapolis, Columbia Heights, Red Lake, Sauk Rapids-Rice, Mankato, Moorhead, Cook County, Windom, Burnsville, Rochester, Northfield, and Chisholm. Requires participating districts to convene quarterly. Requires progress reporting to the Legislature.

## VII. HIGHER EDUCATION

### A. Transcript Access

Prohibits Minnesota public and private colleges from refusing to provide a transcript where the student owes a debt, if: (1) the debt owed is less than \$1,000; (2) the student has entered into and is complying with a payment plan, (3) the transcript request is made by a prospective employer; (4) the school has sent the debt for repayment to the Department of Revenue or to a collection agency, and the debt has not been returned to the institution unpaid; or (5) the person is incarcerated at a Minnesota correctional facility. Prohibits schools from charging an additional or higher fee to obtain a transcript or providing less favorable treatment of a transcript request due to a debt. Requires schools using transcript restrictions as debt collection to make their policy known to students and to minimize use of the tool.

*2024 Minn. Laws, Chapter 124, Article 2, Section 3*

*Adds Minn. Stat. § 135A.144*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/124/>

### B. Minnesota Respond, Innovate, Succeed and Empower (RISE) Act

*2024 Minn. Laws, Chapter 127, Article 35, Section 9*

*Adds Minn. Stat. § 135A.163*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

#### 1. Applicability

Applies to institutions of higher education that receive federal funding: public postsecondary institutions; tribal colleges; and private institutions that receive federal funding). The University of Minnesota is requested to comply.

#### 2. Notice of Right to Requests Reasonable Accommodations

Requires institutions to notify admitted students of their right to request reasonable accommodations before the start of each term. Permits students to request reasonable accommodations at any time.

#### 3. Process

Requires covered institutions to engage in an interactive process to document the student's accommodation needs to establish a reasonable accommodation. Lists documentation that satisfies the requirements to establish the student's need for a reasonable accommodation.

#### 4. Denials

Provides that an institution can deny a request for a reasonable accommodation if it would fundamentally alter the nature of the course. Requires an instructor provide notification to the student and institution and the offering of the opportunity to appeal without financial penalty to the student.

# ELDER LAW

## **I. GUARDIAN IMMUNITY**

*2024 Minn. Laws, Chapter 123, Article 15, Sections 10 and 11*

*Amends Minn. Stat. §§ 524.5-313 and 524.5-315*

*Effective May 18, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Makes guardians liable for acts or omissions that: (1) result in harm to the person subject to guardianship; and (2) constitute reckless or willful misconduct, or gross negligence.

Overturns Zika v. Elder Care of Minnesota, Inc., 979 N.W.2d 472 (Minn. Ct. App. 2022).

## **II. GUARDIAN RESIGNATIONS**

*2024 Minn. Laws, Chapter 123, Article 15, Section 12*

*Amends Minn. Stat. § 524.5-317*

*Effective May 18, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Gives courts the authority to allow a guardian to resign if: (1) after a good faith effort, the guardian is unable to find a successor; and (2) based on “clear and convincing evidence,” the resignation would not result in “imminent substantial harm” to the subject.

## **III. LEGISLATIVE TASK FORCE ON GUARDIANSHIP**

*2024 Minn. Laws, Chapter 125, Article 1, Section 39*

*2024 Minn. Laws, Chapter 127, Article 46, Section 39*

*Session Law*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Establishes a Legislative Task Force on Guardianship to recommend actions to: (1) address concerns and gaps related to guardianships; and (2) promote less restrictive alternatives to guardianships. Duties and goals include: (1) increasing the number of guardians; (2) increasing compensation for IFP guardians; (3) guardian licensure; (4) identifying standards of practice; (5) expanding supported decision-making alternatives; and (6) maximizing the civil rights of persons subject to guardianship.

### **A. Membership**

Names the Minnesota Council on Disability as chair and sets membership of nearly 30 individuals, including a judge; individuals who have been the subject of a guardianship; a professional or advocacy group representing the interests of guardians; and a professional or advocacy group representing persons subject to guardianship.

### **B. Report**

Requires the task force to submit a report to the Legislature by January 15, 2027.

## IV. ASSISTED LIVING LAW CHANGES

### A. Applicability of Local Rental Licenses

*2024 Minn. Laws, Chapter 108, Article 1, Section 1*

*Amends Minn. Stat. § 144G.45, subd. 3*

*Effective May 18, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

Exempts assisted living facilities with six or fewer residents from having to comply with local rental licensing laws.

### B. Relocations of Certain Customized Living Settings

*2024 Minn. Laws, Chapter 125, Article 2, Section 1*

*Adds Minn. Stat. § 144G.195, subd. 2; and 256B.49, subd. 28a*

*Effective January 1, 2025, or 90 days after federal approval, whichever is later*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Requires an assisted living facility to notify the Department of Health and continue services if the facility relocates and: (1) is a customized living setting; and (2) provides services through a brain injury, CADI, or HCBS services waiver plan. Allows the relocating facility to operate under its current license for the current license period.

### C. Mental Illness and De-escalation Training

*2024 Minn. Laws, Chapter 125, Article 2, Sections 6 and 7*

*Adds Minn. Stat. §§ 144G.63, subd. 4; and 144G.64*

*Effective July 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Requires assisted living facility employees and their supervisors to receive initial and ongoing training in topics related to mental illness and de-escalation, including: (1) recognizing symptoms of common mental illness diagnoses; (2) de-escalation techniques and communication; and (3) crisis resolution and suicide prevention.

### D. Protection of “Assisted Living” Title

*2024 Minn. Laws, Chapter 127, Article 59, Section 42*

*Adds Minn. Stat. § 144G.10, subd. 5*

*Effective January 1, 2026*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

On or after January 1, 2026, prohibits: (1) the use of the phrase “assisted living” unless the user is licensed and complies with the requirements of the assisted living law; and (2) a new assisted living facility from using the terms “home care” or “nursing home.”

## **V. ELDERLY WAIVER BUDGET: HIGH NEED PARTICIPANTS**

*2024 Minn. Laws, Chapter 125, Article 2, Section 17*

*2024 Minn. Laws, Chapter 127, Article 47, Section 17*

*Adds Minn. Stat. § 256S.191*

*Effective July 1, 2026, or upon federal approval, whichever is later*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Allows a participant to request an elderly waiver budget and rate exception when requesting an eligibility determination for EW services if: (1) hospitalization is no longer medically necessary but the participant has not been discharged to the community due to lack of community care options; (2) the participant requires a support plan that exceeds EW budget and rates due to the participant's specific assessed needs; and (3) the participant meets all eligibility criteria for the elderly waiver.

# **EMPLOYMENT LAW**

## **I. WAGE THEFT PREVENTION**

*2024 Minn. Laws, Chapter 127, Article 9, Section 5*

*Amends Minn. Stat. § 462A.051*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Requires applicants for Minnesota Housing Finance Agency (MHFA) funding or a federal low-income housing credit to disclose labor law violations. Requires a project sponsor to verify use of responsible contractors and the applicant to maintain a list of contractors and subcontractors. Requires contractors and subcontractors to put in place wage theft prevention plans if workers are underpaid and allows MHFA to disqualify a project sponsor for three years for failure to pay statutorily required wages.

## **II. EMPLOYEE MISCLASSIFICATION**

*2024 Minn. Laws, Chapter 127, Article 10, Sections 1, 3, and 5-8*

*Amends Minn. Stat. §§ 177.27, subds. 1, 3, 4, and 7; 181.171, subd. 1; 181.722; and 181.723, subds. 4 and 5*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

### **A. Examination and Adequacy of Records of Records**

Strengthens statute to allow the Department of Labor and Industry (DLI) to question an employer and other individuals when investigating wage violation and employee misclassification cases. Removes mediation language when employer records are inadequate.

### **B. Construction Workers**

Adds construction workers to the list of types of employers about which DLI can issue compliance orders. Allows for personal and successor liability. Adds document retention requirements and provides additional penalties, investigation, and enforcement provisions.

### **C. Test to Determine Status**

Enumerates new factors for determining when someone is an independent contractor.

### **D. Prohibited Activities for Independent Contractors**

Adds a list of prohibited activities, which includes failure to properly classify an independent contractor as an employee.

### **E. Liability**

Clarifies that employer liability for an order to comply is in addition to any liability or remedies otherwise provided for in the specific violated section.

### **F. Damages**

Adds misclassification of employees, including construction employees, to the list of labor sections that can be enforced through a private civil cause of action.

# FAMILY LAW

## I. CUSTODY AND PARENTING TIME

*2024 Minn. Laws, Chapter 101*

*Amends Minn. Stat. §§ 257.025; 518.131, subd. 1 and 11; 518.14; 518.17, subd. 1 and 3; and 518.175, subds. 1 and 6*

*Adds Minn. Stat. § 518.0011*

*Effective August 1, 2024, and applies to proceedings commenced on or after that date*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/101/>

### A. Public Policy Statement

Adds a section declaring that the public policy of the state is to encourage parents to share in childrearing and to ensure: (1) children “have “frequent and substantial contact” with the parents (provided they have demonstrated the ability to act in the child’s best interests) and (2) parents provide “a safe and nurturing environment.”

*Amends Minn. Stat. § 518.0011*

### B. Best Interests of the Child Standard

Emphasizes that custody determinations should be made based solely on the best interests of the child. Moves the prohibition on the court favoring one parent because of gender to the “best interests” portion of the statute from the “custody order” portion.

*Amends Minn. Stat. § 518.17, subd. 1*

### C. Permissible Orders

Requires the court to consider the child's parenting time with each parent before the pending action commenced. If the child's access to a parent was limited or restricted, requires the court to determine custody and parenting time considering the child's opportunity to develop a relationship with both parents. That determination must be made in accordance with sections 518.17 and 518.175.

*Amends Minn. Stat. § 518.131, subd. 1*

### D. Custody Order

Requires the court to order parenting time when determining custody.

*Amends Minn. Stat. § 518.17, subd. 3*

### E. Parenting Time

Adds endangerment of a child’s mental health or emotional safety and school breaks as factors the court must consider when determining parenting time and the parenting time schedule. Clarifies that absent factors dictating the contrary, there is a presumption of at least 25% parenting time.

*Amends Minn. Stat. § 518.175, subd. 1*

### F. Disputes

Requires courts to consider custody and parenting time statutes when determining custody and parenting time. Adds that whether the parents were not married is not determinative of parenting time.

*Amends Minn. Stat. § 257.025*

- G. Expedited Hearing if Credible Allegation of Denial of Parenting Time**  
Requires the court to hold a hearing for temporary relief within 30 days of a request “when a party credibly alleges” denial of parenting time for at least 14 days or unreasonable denial of access to financial resources. Requires the court to consider “credible allegations of domestic abuse, substance abuse, maltreatment findings, or neglect” as a reasonable basis for the denial. Permits the court to order child support if the alleging party is awarded parenting time.  
*Amends Minn. Stat. § 518.131, subd. 11*
- H. Failure to Comply with Order**  
Gives the court discretion to award additional fees, costs, and disbursements against a party for the “unreasonable failure to comply” with an order or decree.  
*Amends Minn. Stat. § 518.14*
- I. Causing Procedural Delay, Expense**  
Requires the court to consider the circumstances and factors when determining whether to award additional fees for causing delay or expense involving the proceeding.  
*Amends Minn. Stat. § 518.14*
- J. Remedies for Violation of Court-Ordered Parenting Time**  
Defines “court-ordered parenting time” to include: (1) a temporary order issued by the court; (2) a permanent order issued in any court; (3) an order issued by a court-appointed person; or (4) a binding agreement arrived at through parenting time dispute. Strengthens the requirement of court consideration of providing compensatory parenting time for violation but requires: (1) the denial of parenting time must be intentional; and (2) all relevant evidence must be considered. Removes court discretion by requiring an award of compensatory and reimbursement of costs. Permits the court to modify legal or physical custody in the case of a violation.  
*Amends Minn. Stat. § 518.175, subd. 6*

## **II. SPOUSAL MAINTENANCE**

*2024 Minn. Laws, Chapter 101*

*Amends Minn. Stat. §§ 558.552, subds. 1, 2, 3, 6, and 8; and 518A.39, subds. 1 and 2*

*Adds Minn. Stat. § 558.552, subd. 5a, 5b, and 7*

*Repeals Minn. Stat. § 518.39.subd. 3*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/101/>

Alters the factors the court must consider when determining spousal maintenance. Among the new factors are: (1) the mental or chemical health of both spouses; (2) the ability of each spouse to plan for retirement; and (3) earnings and benefits forgone by the spouse seeking maintenance. Establishes rebuttable presumptions as to the duration of maintenance based on years of marriage. Specifies that maintenance terminates upon the death of either party or remarriage of the spouse receiving maintenance.

### **III. MFIP FAMILY VIOLENCE WAIVER**

*2024 Minn. Laws, Chapter 115, Article 18, Section 13*

*Amends Minn. Stat. § 256J.08, subd. 34a*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Fear of physical harm, bodily injury, or assault no longer needs to be “imminent” for a Participant to be eligible for an MFIP family violence waiver; “imminent” stricken from the statutory definition of “family violence.”

### **IV. PERMANENCY PROCEEDINGS: TRANSFER OF PERMANENT CUSTODY**

*2024 Minn. Laws, Chapter 115, Article 18, Section 39*

*Amends Minn. Stat. § 260C.515, subd. 4*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Makes technical and clarifying amendments regarding the transfer of permanent custody, including: (1) clarifying that the court may order a transfer of permanent legal and physical custody to a parent as well as a relative; (2) clarifying the court’s review must include background study information; and (3) requiring the court to issue specified, written findings when transferring custody.

### **V. PARENTS WITH DISABILITIES**

*2024 Minn. Laws, Chapter 115, Article 18, Section 47*

*Adds Minn. Stat. § 518.17, subd. 2a*

*Effective August 1, 2024, and applies to pleadings and motions pending on or after that date.*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Prohibits a court from denying or restricting custody or parenting time because of a parent’s disability, unless, by clear and convincing evidence, specific behaviors would endanger the child. Gives parents whose custody or parenting time would be denied or restricted the ability to show that supportive services would alleviate the barrier to custody or parenting time. Requires the court to make written findings if it denies or restricts custody or parenting time.

# HEALTH LAW

## I. MEDICAL ASSISTANCE (MA) CHANGES

### A. Eligibility

#### 1. Certain Income and Assets Excluded

*2024 Minn. Laws, Chapter 127, Article 55, Section 5*

*Amends Minn. Stat. § 256B.056, subd. 1a*

*Effective May 25, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Excludes state tax credits, rebates, and refunds from being counted as income for MA eligibility determinations for persons who are blind, have disabilities, or are age 65 or older.

#### 2. Eligibility Verification

*2024 Minn. Laws, Chapter 127, Article 55, Section 6*

*Amends Minn. Stat. § 256B.056, subd. 10*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Allows DHS to obtain information from financial institutions to verify all assets. (Currently, DHS is only allowed to obtain information on “unreported assets.”)

### B. Elderly Waiver Budget: High Need Participants

*2024 Minn. Laws, Chapter 125, Article 2, Section 17*

*Adds Minn. Stat. § 256S.191*

*Effective July 1, 2026, or upon federal approval, whichever is later*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Allows a participant to request an elderly waiver budget and rate exception when requesting an eligibility determination for EW services if: (1) hospitalization is no longer medically necessary but the participant has not been discharged to the community due to lack of community care options; (2) the participant requires a support plan that exceeds EW budget and rates due to the participant's specific assessed needs; and (3) the participant meets all eligibility criteria for the elderly waiver.

## C. Coverage

2024 Minn. Laws, Chapter 127, Article 57, Sections 56 – 65

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

### 1. Abortion

Provides that MA covers all abortion (whether or not medically necessary) and abortion-related services, including preabortion and follow-up services.

*Amends Minn. Stat. § 256.0625, subd. 16*

*Effective January 1, 2025, or upon federal approval, which is later*

### 2. Orthotic and Prosthetic Devices

Specifies requirements related to MA coverage for orthotic and prosthetic devices, supplies, and services.

*Amends Minn. Stat. § 256B.0625, subd. 12*

*Adds Minn. Stat. §§ 256.0625, subd. 72; and 256B.066*

*Effective January 1, 2025, or upon federal approval, which is later*

### 3. Transfer of Mothers and Newborns

Provides that MA covers the transfer of mothers and newborns between facilities.

*Adds Minn. Stat. § 256.0625, subd. 76*

*Effective January 1, 2025*

### 4. Rapid Whole Genome Sequencing Testing

Provides that MA covers rapid whole genome sequencing testing (rWGS).

*Adds Minn. Stat. § 256.0625, subd. 73*

*Effective January 1, 2025*

### 5. Intermittent Catheters

Provides that MA covers intermittent catheters.

*Adds Minn. Stat. § 256.0625, subd. 74*

*Effective August 1, 2024*

### 6. Scalp Hair Protheses

Provides that MA covers scalp hair protheses.

*Adds Minn. Stat. § 256.0625, subd. 75*

*Effective January 1, 2025*

**D. Medical Assistance for Employed Persons with Disabilities (MA-EPD)**

*2024 Minn. Laws, Chapter 108, Article 1, Section 11*

*Amends Minn. Stat. § 256B.057, subd. 9*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

**1. Tax Requirements**

Simplifies the language regarding the withholding of taxes on income necessary to qualify for MA-EPD. Language now reads: “A person who is self-employed must file and pay all applicable taxes.”

**2. Recertification**

Changes recertification from semi-annual to annual.

**3. Reporting Changes**

Changes time to report changes to household size or income from 10 to 30 days.

**II. MINNESOTACARE CHANGES**

*2024 Minn. Laws, Chapter 127, Article 55, Section 14*

*Amends Minn. Stat. § 256L.03, subd. 1*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Clarifies that MinnesotaCare adult dental services and orthodontic services are covered as they are under MA.

**III. HOME CARE**

*2024 Minn. Laws, Chapter 127, Article 59, Section 37*

*Adds Minn. Stat. § 144A.471, subd. 1a*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Provides that a home care licensee is prohibited from providing “sleeping accommodations as a provision of home care services.” A home care licensee wishing to provide sleeping accommodations and assisted living services must apply for an assisted living license.

# HOUSING LAW

## I. CHANGES TO LANDLORD-TENANT LAW (CHAPTER 504B)

### A. Right of Victims/Survivors of Domestic Violence to Break Lease

*2024 Minn. Laws, Chapter 118, Sections 1, 17 – 20, and 26*

*Amends Minn. Stat. §§ 484.014, subd. 3; 504B.206, subds. 1, 2, 3, and 6; and 504B.285, subd. 1*

*Various Effective Dates*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Strengthens the existing statutes that provide the right of and set forth the requirements for a victim/survivor who is a tenant to break the lease.

#### 1. Date Tenancy Terminates

Clarifies that: (1) the tenancy terminates on the date specified in the required notice that the tenant must provide to the landlord; and (2) the vacation of the premises by the victim/survivor prior to the date specified on the notice does not constitute termination of the tenancy.

*Amends Minn. Stat. § 504B.206, subd. 1*

*Effective June 23, 2024*

#### 2. Impermissible Disclosure of Victim/Survivor Information

Adds that a landlord who violates the existing provision to keep information provided by the victim/survivor confidential is liable for \$2,000, plus reasonable attorneys' fees and costs.

*Amends Minn. Stat. § 504B.206, subd. 2*

*Effective August 1, 2024*

#### 3. Condition to Break Lease Clarified

Clarifies that any "professional services" rendered and attested to by a qualified third party satisfies one of the documentary requirements of the statute to allow the victim/survivor to exercise the right to break the lease.

*Amends Minn. Stat. § 504B.206, subd. 6*

*Effective June 23, 2024*

#### 4. Eviction Prohibited for Tenants Who Invoke Right to Break Lease

Prohibits a landlord from evicting a victim/survivor who has exercised the right to break the lease. Allows eviction if the tenant fails to vacate on or after the date the tenant specifies in the required notice to the landlord.

*Amends Minn. Stat. §§ 504B.206, subd. 3; and 504B.285, subd. 1(b)*

*Effective June 23, 2024*

**5. Right to Expungement if Landlord Impermissibly Evicts a Tenant**

Requires the court, upon motion by a victim/survivor, to expunge an eviction action taken against a victim/survivor who lawfully broke the lease. Provides for reasonable attorneys' fees and costs to the victim/survivor incurred for the expungement action.

*Amends Minn. Stat. §§ 484.014, subd. 3; and 504B.285, subd. 1(b)*  
*Effective June 23, 2024*

**B. Denial of Rental Application for Pending Evictions Prohibited**

*2024 Minn. Laws, Chapter 118, Section 12*

*Adds Minn. Stat. § 504B.173, subd. 3a*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Prohibits a landlord from denying a rental application based on: (1) a pending eviction action; (2) a nonpublic court file; (3) any file that has been expunged or destroyed; or (4) an eviction action that has not resulted in a writ of recovery and order to vacate.

**C. New Requirements for Tenant Screening Agencies**

*2024 Minn. Laws, Chapter 118, Sections 22 and 23*

*Amends Minn. Stat. §§ 504B.241, subd. 4; and 504B.245*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Imposes an affirmative duty on tenant screening companies to update and verify the current status of court files no more than 24 hours prior to issuing a residential tenant screening report by accessing the Minnesota Court Records Online. Removes the safe harbor for a tenant screening agency of compliance with the Fair Credit Reporting Act. Provides for public enforcement by the Attorney General and a private right of action for a violation, imposing liability of the greater of \$1,000 or actual damages and reasonable attorneys' fees.

**D. Late Fees**

*2024 Minn. Laws, Chapter 118, Section 13*

*Amends Minn. Stat. § 504B.177*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Clarifies that late fees charged to a tenant receiving a housing subsidy may only be charged on the tenant's portion of the rent.

**E. ITINS on Rental Applications Allowed**

*2024 Minn. Laws, Chapter 118, Section 7*

*Adds Minn. Stat. § 504B.117*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Requires landlords to accept individual taxpayer identification numbers (ITINs) in lieu of a social security number on rental applications. Prohibits denial of a rental application solely because the applicant provided an ITIN.

**F. Attorney General Enforcement of Chapter 504B**

*2024 Minn. Laws, Chapter 118, Section 30*

*Adds Minn. Stat. § 504B.501*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Grants the Attorney General the power to enforce all of Chapter 504B.

**G. Right of Renters with Mental Illness to Make Emergency Calls**

*2024 Minn. Laws, Chapter 118, Sections 15 and 16*

*Amends Minn. Stat. §§ 504B.205, subds. 2 and 3*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Clarifies the right of persons with mental illness to call the police or 911 without limitation or fear of retaliation.

**H. Covenants of Habitability**

*2024 Minn. Laws, Chapter 118, Section 11*

*Amends Minn. Stat. § 504B.161, subd. 1*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Elaborates on what constitutes the covenants of habitability by adding that: (1) common areas are part of the premises a landlord must keep in reasonable repair and make energy efficient; (2) a landlord’s duties include the extermination of pests; and (3) the landlord must comply with ordinances regulating rental licenses.

**I. Rent Escrow and Tenant Remedies Actions for “Violations”**

*2024 Minn. Laws, Chapter 118, Section 4*

*Amends Minn. Stat. § 504B.001, subd. 14*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

For the purposes of taking a rent escrow action under section 504B.385 or a tenant remedies action under 504B.395, expands the definition of “violation” beyond just a violation of the covenants of habitability under section 504B.161 to mean a violation of any section of Chapter 504B.

**J. Service of Summons and Complaint**

*2024 Minn. Laws, Chapter 118, Sections 27, 29, and 31*

*Amends Minn. Stat. § 504B.385, subd. 2*

*Adds Minn. Stat. § 504B.332*

*Repeals Minn. Stat. § 504B.331*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Replaces the existing section governing service of a summons and complaint with a new section that is updated and reorganized for clarity.

**K. When a Writ of Recovery May Issue**

*2024 Minn. Laws, Chapter 118, Section 28*

*Amends Minn. Stat. § 504B.345, subd. 1*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Corrects an oversight in a 2023 law, providing that the court may stay an eviction action for nonpayment, except where the court has issued a default judgment.

**L. Termination of Lease Upon Infirmary**

*2024 Minn. Laws, Chapter 118, Section 24*

*Amends Minn. Stat. § 504B.266, subd. 2*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Clarifies that the right to break a lease due to infirmity applies if any of the tenants on lease needs to move into a medical care facility.

**M. Right to Organize**

*2024 Minn. Laws, Chapter 118, Sections, 2, 3, and 21*

*Adds Minn. Stat. § 504B.001, subds. 13a and 13b; and 504B.212*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Grants residential tenants the right to establish a tenants' association to address "issues related to their living environment, which includes the terms and conditions of their tenancy as well as activities related to housing and community development." Defines "tenant association" and "tenant organizer." Requires landlords to allow tenants and tenant organizers to conduct organizing activities for the purpose stated. Prohibits retaliation against tenants for joining a tenants' association or for taking other actions (e.g., reporting a code violation). Makes landlords liable for bad faith violations and provides for the recovery of \$1,000 per occurrence plus reasonable attorneys' fees.

**N. Disclosure of Pet Fees**

*2024 Minn. Laws, Chapter 118, Section 6*

*Amends Minn. Stat. § 504B.113, subd. 3*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Requires a landlord to disclose any additional fee, charge, or deposit required under a pet policy. Creates a private right of action to recover the fee if: (1) the landlord failed to disclose the fees; and (2) the tenant can show the tenant would have requested a reasonable accommodation.

**O. Tenant Remedies for New Construction Delays**

*2024 Minn. Laws, Chapter 118, Section 9*

*Adds Minn. Stat. § 504B.153*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Gives tenants several options for remedies for a tenant if a landlord cannot deliver possession on the date promised in a lease in a new building (or a rehabilitation, reconstruction, or remodeling of a building). The options include: (1) accepting an offer of alternative housing; (2) accepting payment of the cost to rent elsewhere until the unit is ready; or (3) terminating the lease without penalty. Prohibits waiver. Provides for remedies for violation.

**P. Mitigation by Landlord Upon Abandonment by Tenant**

*2024 Minn. Laws, Chapter 118, Sections 5 and 10*

*Adds Minn. Stat. § 504B.001, subd. 16; and 504B.154*

*Effective January 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/118/>

Defines “abandonment of tenancy” and requires landlords to make reasonable efforts to re-rent the unit if the tenant vacates before the end of the tenancy. Provides that the tenancy of the abandoning tenant ends when the new tenant’s lease begins.

## II. CONTRACT FOR DEED REFORMS

*2024 Minn. Laws, Chapter 123, Article 16*

*Amends Minn. Stat. §§ 272.12; 507.235, subds. 1a and 5; 513.73, subd. 3; 559.21, subds. 2a and 4; 559.211, subd. 1; and 559.213*

*Adds Minnesota Statutes, Chapter 559A (Minn. Stat. §§ 559A.01 – 559A.05); and Minn. Stat. § 559.21, subds. 4a, 4b, and 9*

*Repeals Minn. Stat. §§ 559.201 and 559.202*

*Various Effective Dates*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Overhauls Minnesota’s contract for deed (CFD) laws and establishes protections for buyers, particularly for buyers who are buying on CFD from investors and speculators (“investor sellers”). Replaces the existing contract for deed disclosure statutes with a new Chapter (Minnesota Statutes, Chapter 559A) that expands and improves disclosures and adds new requirements for investor sellers and remedies for violation of the new provisions.

### A. Recording

Shifts burden to record a *residential* contract for deed from buyer to seller. Requires the contract for deed to be recorded – or “make a good faith effort” to record by correcting defects -- within four months of execution.

*Amends Minn. Stat. § 507.235, subd. 1a*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

### B. Consumer Protections: All Buyers

The following protections apply to all buyers on contract for deed.

#### 1. Termination Prohibited if Seller Fails to Record

Prohibits any seller from terminating a CFD if the seller has neither recorded nor made a good faith effort to record the contract.

*Adds Minn. Stat. § 559.21, subd. 4b*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

#### 2. Termination Prohibited for Certain Transfers

Prohibits any seller from terminating a CFD where, among other things there is a transfer: (1) according to a transfer on death deed; (2) to a spouse or child; (3) as a result of a divorce or separation agreement; or (4) into an inter vivos trust.

*Adds Minn. Stat. § 559.21, subd. 4a*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

#### 3. Attorneys’ Fees for Successful Defense Against Termination

Directs the court to award court costs and reasonable attorneys’ fees to a buyer: (1) who successfully asserts a defense against a termination; or (2) where the court finds the termination notice was invalid. Grants the court discretion to award court costs and reasonable attorneys’ fees to a buyer who obtains a temporary restraining order or injunction against termination, provided the seller has made an appearance.

*Amends Minn. Stat. § 559.211, subd. 1*

*Effective August 1, 2024*

**C. Consumer Protections: Buyers Purchasing from “Investor Sellers”**

The following protections apply only to buyers on residential contracts for deed sold by “investor sellers.”

**1. Definition of “Investor Seller”**

Defines “investor seller as a seller or assignee on a CFD who is not:

(1) a natural person who has owned and occupied the property as the primary residence for a continuous 12-month period; (2) a person selling to a family member; (3) a personal representative; (4) an heir; (5) a grantee under a transfer on death deed; (6) a trust; (7) a regulated financial institution or mortgage originator; (9) a landlord who has owned and rented the property for at least two years; or (10) a developer.

*Adds Minn. Stat. § 559A.01, subd. 5*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**2. Required Disclosures**

Requires specifies verbatim disclosures required to be provided by an investor seller to a CFD buyer that must be given 10 days before execution of the CFD.

The required disclosures include: (1) the amount and due date of all balloon payments; (2) the price paid to acquire the property being sold (if acquired the property within two years of the prospective sale); (3) costs and essential terms of the sale; (4) a general “disclosure that provides important basic information and warnings to a potential buyer. Requires disclosures in a language other than English if the transaction was negotiated in that language.

*Adds Minn. Stat. § 559A.03*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**3. Seller Requirement if Mortgage Exists**

Prohibits an investor seller from executing a contract for deed on a residential property that is subject to a mortgage unless the seller has obtained a binding agreement from the mortgage holder that the holder will not exercise rights under a due-on-sale clause upon transfer of the property to the buyer when the contract is satisfied. Requires that the contract contain: (1) a disclosure of the existence of the mortgage; (2) the seller’s promise to perform all obligations under the mortgage; and (3) the seller’s express representation that the seller has obtained the binding agreement from the mortgage holder.

*Adds Minn. Stat. § 559A.04, subd. 1*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**4. Buyer’s Right to Cancel**

Gives the buyer the right to cancel the CFD within 10 calendar days after receiving the required disclosures.

*Adds Minn. Stat. § 559A.04, subd. 2*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**5. Flipping (“Churning”) Prohibited**

Prohibits the practice of flipping properties (called “churning” in the new law). Defines “churning” as frequently or repeatedly executing and terminating CFDs. Establishes rebuttable presumptions of churning. Contains protections against evasion and subterfuge.

*Adds Minn. Stat. § 559A.04, subd. 4*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**6. Termination Period Extended**

For residential CFDs sold by an investor seller, requires the seller to provide a 30-day notice prior to initiating a termination and gives the buyer 90 days to come current and avoid termination. All told, the termination period is now 120 days.

*Amends Minn. Stat. § 559.21, subd. 4*

*Effective August 1, 2024*

**7. Refund if Contract Terminated**

Provides that an investor seller must refund any portion of the downpayment that is greater than 10% of the purchase price if the investor seller terminates the CFD within the first four years. Provides for a variety of offsets.

*Adds Minn. Stat. § 559A.04, subd. 5*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**8. Public Enforcement**

Grants the Attorney General the power to enforce violations by investor sellers of the disclosure requirements and the prohibition against churning.

*Adds Minn. Stat. § 559A.05, subd. 7*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**9. Private Remedies**

**a. Violation of Disclosure Requirement or for Churning**

Gives buyers a private right of action to bring an action within two years of the execution of the CFD for: (1) a “material violation” of the disclosure requirements; or (2) a violation of the prohibition against churning. Defines “material violation.” Lists remedies, which include: (1) rescission; (2) refund of sums paid (minus fair rental value); (3) damages; and (4) reasonable attorneys’ fees.

*Adds Minn. Stat. § 559A.05, subs. 1 (definition) and 2 (private right)*

*Effective August 1, 2024, for all contracts for deed executed on or after that date*

**b. Failure of Seller to Procure Agreement with Mortgage Holder**

Gives buyers a private right of action to bring an action at any time if the seller fails to obtain an agreement from the mortgage holder not to invoke a due-on-sale clause and the mortgage holder commences a foreclosure. Lists remedies, which include: (1) rescission; (2) refund of sums paid (minus fair rental value); (3) damages; and (4) reasonable attorneys’ fees.

*Adds Minn. Stat. § 559A.05, subd. 3*

*Effective August 1, 2024 for all contracts for deed executed on or after that date*

### III. UTILITIES IN SHARED-METERED BUILDINGS

*2024 Minn. Laws, Chapter 107*

*Amends Minn. Stat. §§ 216B.022; 216B.098; 216B.172, subds. 1 and 2; and 504B.285, subd. 4*

*Adds Minn. Stat. §§ 216B.023 216B.024; and 504B.216*

*Repeals Minn. Stat. § 504B.215*

*Various Effective Dates*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/107/>

Adds new sections in the Chapter 216B (the Public Utilities Act) and a new section in Chapter 504B (Landlord-Tenant Law) establishing a comprehensive new regulatory structure governing the billing and metering of natural gas, electricity, and water in “shared-metered buildings.”<sup>1</sup> Establishes requirements for metering and billing consumer protections for tenants in Shared-Metered Buildings comparable to those currently available under law, rule, tariff, and ordinance for tenants in directly-metered buildings. Gives the Minnesota Public Utilities Commission (PUC) complaint handling and oversight authority over the passthrough of gas or electric bills in shared-metered buildings. Makes third-party billing companies agents of landlords.

#### A. Metering

For leases entered into or renewed on or after January 1, 2025, a landlord who bills separately from rent for electricity may only do so if electricity is submetered. Prohibits apportionment of electricity to tenants entering or renewing leases after that date.

*Adds Minn. Stat. § 216B.023, subd. 2*

##### 1. Submetering Generally (Residential Buildings)

Gives the Public Utilities Commission authority over landlords who install submeters to measure natural gas or electricity. Requires submeters to be accurate, regardless of when they were installed. Requires submeters installed on or after January 1, 2025, to meet national standards. Limits applicability to only residential buildings.

*Adds Minn. Stat. § 216B.022, subds. 2 and 3*

*Effective January 1, 2025*

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<sup>1</sup> “Shared-Metered Buildings” are multi-family buildings where the utility company delivers utility service to the building, the landlord is the exclusive customer of the utility, and the landlord passes the utility service along and charges separately from rent for utilities. “Directly-Metered Buildings are multi-family buildings where each tenant is a direct customer and pays bills directly to the utility.

## 2. Submetering of Electricity or Natural Gas Utility Service

### a. Billing

#### 1) Methodology

Requires landlords to charge for submetered electricity or gas based solely on submeter readings measuring service used exclusively in the tenant's unit. Prohibits charging tenants for electricity or gas used in common areas or spaces used exclusively or primarily for the landlord's purposes. Requires that nonusage charges, like taxes, must be divided equally among the total number of units in the building. Prohibits markups of the rate the landlord pays the utility.

*Adds Minn. Stat. § 216B.023, subds. 2 and 3  
Effective January 1, 2025*

#### 2) Billing Basis and Frequency

Requires that landlords bill tenants for electricity and gas based solely on actual meter readings and in no less frequent intervals than the utility bills the landlord.

*Adds Minn. Stat. § 216B.023, subd. 1  
Effective January 1, 2025*

#### 3) Bill Content

Specifies what must be contained in a bill from a tenant to a landlord for electricity or gas.

*Adds Minn. Stat. § 216B.023, subd. 1  
Effective January 1, 2025*

#### 4) Fees

##### a) Submetering Fees

Prohibits any "administrative, capital, or any other expenses associated with the installation, maintenance, repair, replacement, or reading of submeters, unless the expense is due to the tenant's willful, malicious, or negligent conduct."

*Adds Minn. Stat. § 216B.022, subd. 5  
Effective January 1, 2025*

##### b) Late Fee and Administrative Billing Fee

Prohibits the addition of any fees to utility bills except:

(1) a late payment charge capped at \$5 per month for all utilities bill separately; and (2) an administrative billing charge capped at \$8 for all utilities billed separately.

*Adds Minn. Stat. §§ 216B.023, subds. 6 and 8; and 504B.216, subds. 8 and 9  
Effective for leases entered into or renewed on or after January 1, 2025*

**3. Submetering of Water**

Adopts the same requirements to submeter and bill for water as are required of landlords who submeter gas or electricity. Regarding meter standards, provides that on or after January 1, 2025, any submeters installed to measure water must meet standards with which the local municipal water company must comply.

*Adds Minn. Stat. § 504B.216, subd.4*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**4. Inaccurate Submeters and Billing Errors**

Upon notice of a tenant of a suspected meter malfunction, a landlord must: (1) promptly investigate; (2) promptly refund any overcharge; and (3) adhere to a statutory plan to recover any undercharge. Limits recovery of undercharge to six months and prohibits the imposition of any interest or delinquency fee.

*Adds Minn. Stat. §§ 216B.022, subd. 4; and 216B.023, subd. 5.*

*Effective January 1, 2025*

**B. Apportionment of Electricity**

Prohibits the apportionment of electricity.

*Adds Minn. Stat. §§ 216B.023, subd. 2; and 504B.216, subd. 5*

*Effective January 1, 2025*

**C. Apportionment of Natural Gas or Water**

Permits the apportionment of gas or water, according to new statutory requirements.

*Adds Minn. Stat. § 504B.216, subds. 5, 6, and 7*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**1. Apportionment Generally**

Prohibits landlords from billing tenants for gas or water less frequently than the landlord is billed by the utility.

*Adds Minn. Stat. § 504B.216, subd. 5*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**2. Apportionment of Gas**

Sets forth a uniform, statewide apportionment formula under which each unit's proportional charges are based exclusively on the square footage of the unit.

Prohibits landlords from charging tenants for gas used: (1) in common areas; (2) in vacant units; and (3) in spaces used exclusively or primarily by the landlord. Prohibits markups of the rate the landlord pays the utility.

*Adds Minn. Stat. § 504B.216, subd. 6*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**3. Apportionment of Water (and Sewer)**

Sets forth a uniform, statewide apportionment formula under which each unit's proportional charges are based exclusively on the number of occupants of the unit, as listed on the lease. Prohibits landlords from charging tenants for water used: (1) in common areas; (2) in vacant units; (3) in spaces used exclusively or primarily by the landlord; (4) for maintenance of the property; or (5) for shared amenities, including but not limited to laundry facilities and pools. Prohibits markups of the rate the landlord pays the utility.

*Adds Minn. Stat. § 504B.216, subd. 7*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**D. Other Consumer Protections**

**1. Disputed Gas or Electric Bills**

Gives PUC authority over landlords (and third-party billers as agents of landlords) who bill separately from rent for gas and electricity in shared-metered buildings: (1) to adjudicate complaints by tenants; and (2) address complaints about violations of the new sections of the Public Utilities Act governing submetering and providing consumer protections. Applies all appeal rights available to regulated utility customers to disputes involving metering or billing in shared-meter situations.

*Amends Minn. Stat. §§ 216B.098, subd. 6; and 216B.172, subds. 1 and 2*

*Adds Minn. Stat. §§ 216B.022, subd. 2; and 216B.024*

*Effective January 1, 2025*

**2. Payment Plans**

Requires landlords to offer a payment plan for overdue utility bills. Provides that the plan must: (1) be reasonable; and (2) take into account financial or other extenuating circumstances voluntarily disclosed by the tenant. Requires notice of the availability of the PUC to resolve disputes about gas or electric bills.

*Adds Minn. Stat. § 216B.023, subd. 7*

*Effective January 1, 2025*

**3. Disconnection of Utility Service by Landlord**

Prohibits disconnection of a tenant's utility service by a landlord for the failure to pay utility service charges. Allows landlord to take an eviction action for breach of lease if the tenant fails to make two consecutive utility payments.

*Adds Minn. Stat. § 504B.216, subd. 12*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**4. Special Protection Against Eviction**

Requires that eviction actions must be stayed if the tenant has filed a complaint about gas or electric bills with the PUC. Prohibits eviction: (1) for the failure to pay for gas or electricity during the cold weather period (April 1 to October 30); (2) for failure to pay for electricity if the National Weather Service has declared a heat emergency; or (3) if anyone in the household has a medical emergency or needs utility service for life sustaining medical equipment.

*Adds Minn. Stat. § 504B.216, subd. 12*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**5. Defending Against Eviction Action**

Provides that a court cannot ask a tenant to pay any money into court or post a bond of any kind: (1) if the tenant has filed a complaint with the PUC, until the PUC makes a final determination; (2) if the tenant is eligible for a court fee waiver; or (3) to enable the tenant to assert a claim or defense.

*Amends Minn. Stat. § 504B.285, subd. 4*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**6. Account Switching**

Prohibits a landlord from removing – or requesting a utility from removing -- a directly-metered tenant from the tenant's existing utility account.

*Adds Minn. Stat. § 504B.216, subd. 2*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**E. Public Enforcement**

Specifically grants the Attorney General’s authority to enforce the new section of Chapter 504B (i.e., Minn. Stat. § 504B.216).

*Adds Minn. Stat. § 504B.216, subd. 17*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**F. Violations**

Makes violations of the relevant portions of the new section (i.e., Minn. Stat. § 504B.216) a violation of the covenants of habitability (Minn. Stat. § 504B.161) or the prohibition against lockouts (Minn. Stat. § 504B.221), or both.

*Adds Minn. Stat. § 504B.216, subd. 16*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

#### **IV. EMERGENCY RENTAL ASSISTANCE: ANNUAL ASSESSMENT OF NEED**

*2024 Minn. Laws, Chapter 127, Article 16, Section 1*

*Adds Minn. Stat. § 462A.2096*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Directs the Minnesota Housing Finance Agency (MHFA) to develop a projection of all emergency rental assistance needs, the emergency assistance program, and emergency general assistance. Requires MHFA to submit a report every January to the Legislature on the projected need.

#### **V. WORKGROUP ON EXPEDITING RENTAL ASSISTANCE**

*2024 Minn. Laws, Chapter 127, Article 16, Sections 2 - 5*

*Session Law*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

##### **A. Goals for Processing Applications and Distributing Funds**

Sets goals to: (1) process emergency rental assistance applications within two weeks of receipt of a completed application; and (2) issue payment to landlords within 30 days of the receipt the application.

##### **B. Charge to the Minnesota Housing Financing Agency**

Directs MHFA to: (1) develop criteria for measuring the timeliness of processing applications for rental assistance; (2) develop and implement a uniform e-signature option for applications; and (3) develop recommendations to simplify the verification process in the Family Homelessness Prevention and Assistance Program (FHPAP), including allowing self-attestation of emergencies, assets, and income. Requires MHFA to ensure its work is “culturally responsive” and “trauma informed.”

##### **C. Reports to the Legislature**

Requires MHFA to report to the Legislature: (1) by January 12, 2025, describing recommendations adopted for simplifying the verification procedures; and (2) by January 15, 2027, as to whether the application and distribution goals have been met.

## **VI. HOMEOWNER ASSOCIATIONS (HOA) WORKGROUP**

*2024 Minn. Laws, Chapter 127, Article 15, Section 48*

*Session Law*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Creates a Working Group on Common Interest Communities and Homeowners Associations to study the prevalence and impact of, and existing law governing, common interest communities (CICs) and homeowners associations (HOAs) in Minnesota. Directs the workgroup to specifically study: (1) the number of existing CICs and HOAs; (2) whether there should be uniform, statutory standards regarding fees, fines, and costs assessed to residents; and (3) the racial disparity in homeownership as it relates to CICs and HOAs. Mandates the submission of a final report to the Legislature in February, 2025, which should include recommendations for “legislative reforms or other methods to regulate CICs and HOAs, including the consolidation or recodification of existing chapters regulating CICs and HOAs.”

## **VII. EMERGENCY SHELTER: TRANSGENDER ADULTS EXPERIENCING HOMELESSNESS**

*2024 Minn. Laws, Chapter 115, Article 14, Section 1*

*Session Law*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Directs the DHS Commissioner to contract with Propel Nonprofits to conduct a needs analysis for emergency shelter serving transgender adults experiencing homelessness and to develop a plan for building emergency shelter. Requires a report with the Legislature.

## **VIII. PREGNANT AND PARENTING HOMELESS YOUTH STUDY**

*2024 Minn. Laws, Chapter 115, Article 14, Section 2*

*Session Law*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Directs the DHS Commissioner to contract with the Wilder Foundation to study: (1) the statewide numbers and unique needs of pregnant and parenting youth experiencing homelessness; and (2) best practices in supporting pregnant and parenting homeless youth within programing, emergency shelter, and housing settings. Requires a report by December 31, 2025.

## **IX. HOUSING AND HOMELESSNESS AGENCY REPORTING**

*2023 Minn. Laws, Chapter 125 (SF5335), Article 6, section 5*

*Session Law*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Requires the DHS Commissioner, in cooperation with MHFA and other relevant departments, to report to the Legislature by January 15, 2025 on the DHS' activities to reduce homelessness.

## **X. MINNESOTA COOPERATIVE HOUSING ACT**

*2024 Minn. Laws, Chapter 96*

*Adds Minnesota Statutes, Chapter 308C (Minn. Stat. §§ 308C.001 – 308C.975)*

*Effective August 1, 2025*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/96/>

Creates a new chapter of law governing the formation, conversion, and operation of housing cooperatives. Like similar laws on cooperatives (Chapters 308A and 308B), it specifies the organization, powers, governance, and operation of a housing cooperative and rights and duties of members and board members. The new law provides that Chapter 515B, which governs homeowners who are members of an association (an HOA) in developments, prevails if there is a conflict between it and the new Chapter 308C.

This Act covers all types of housing cooperatives, including manufactured home park cooperatives, where residents convert privately-owned parks into cooperatives. It also covers and has additional requirements for senior housing cooperatives and permits the formation of cooperatives that have the purpose of providing and preserving affordable housing for low- and moderate- income households.

## **XI. SMALL ASSISTED LIVING FACILITIES EXEMPT FROM RENTAL LICENSING**

*2024 Minn. Laws, Chapter 108*

*Amends Minn. Stat. § 144G.45, subd. 3*

*Effective May 18, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/108/>

Exempts assisted living facilities with six or fewer residents from having to comply with local rental licensing laws.

# HUMAN RIGHTS LAW

## HUMAN RIGHTS ACT AMENDMENTS

2024 Minn. Laws, Chapter 105

Amends Minn. Stat. §§ 363A.02, subd. 1; 363A.03, subs. 12, 13, 18, and 29; 363A.04; 363A.06, subd. 4; 363A.07, subd. 4; 363A.16, subd. 1; 363A.19; 363A.20, subd. 2; 363A.26; 363A.28, subd. 5; 363A.29, subs. 1 and 2; and 363A.33, subs. 1 and 6

Adds Minn. Stat. § 363A.33, subs. 8 and 9

Repeals Minn. Stat. § 363A.03, subd. 3

Effective August 1, 2024

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/105/>

### A. Freedom from Discrimination Public Policy

Clarifies that discrimination from *one or more* types of discrimination (e.g., race, disability) is the public policy of the state.

Amends Minn. Stat. § 363A.02, subd. 1

### B. Definitional Changes

#### 1. Definition of “Disability”

Expands the definition to include persons with an impairment that is episodic or in remission.

Amends Minn. Stat. § 363A.03, subd. 12

#### 2. Definition of “Discriminate”

Expands the definition to include harassment against any protected class (not just because of gender) as discriminatory.

Amends Minn. Stat. § 363A.03, subd. 13

#### 3. Definition of “Familial Status”

Expands the definition to include parents and guardians and persons caring for someone unable to make or communicate decisions.

Amends Minn. Stat. § 363A.03, subd. 18

### C. Exclusivity of Human Rights Administrative Proceedings

Clarifies that Department of Human Rights administrative proceedings are exclusive while pending. Clarifies that the rights and remedies under the Human Rights Act are in addition to those at law or in equity.

Amends Minn. Stat. § 363A.04

### D. Discrimination in the Extension of Credit

Adds that discrimination based on familial status in the extension of credit is discriminatory.

Amends Minn. Stat. § 363A.016, subd. 1

**E. Service Animals**

Expands to any person with a disability (not just a person with a physical or sensory disability) protection against discrimination for the use of a service dog.  
*Amends Minn. Stat. § 363A.019*

**F. Alternative Dispute Resolution**

Allows parties to request – and requires the Department of Human Rights to offer – alternative dispute resolution to resolve a complaint.  
*Amends Minn. Stat. § 363A.028, subd. 5*

**G. Investigation of Complaint; Bringing an Action**

**1. Investigation**

Extends the period within which the Department of Human Rights must make a determination of probable cause or no probable cause from six months to one year. Provides for periods of tolling (e.g., during “significant settlement negotiations”).  
*Amends Minn. Stat. § 363A.29, subd. 2*

**2. Bringing an Action**

Extends the time from 45 to 90 days within which a person can bring an action following a Department of Human Rights determination of probable cause or no probable cause.  
*Amends Minn. Stat. § 363A.33, subd. 1*

**H. Remedies for Violation**

**1. Civil Penalties**

Requires the court to impose a civil penalty for violation of the Human Rights Act in addition to any other damages. Establishes factors for the court to determine the amount of the civil penalty (but limits the penalty to \$25,000 for government actors).  
*Adds Minn. Stat. § 363A.33, subd. 8*

**2. Bringing an Action**

Requires the court to award compensatory damages in the amount of three times actual damages to the person who was the victim of discrimination.  
*Adds Minn. Stat. § 363A.33, subd. 8*

**3. Employment Discrimination – Equitable Relief**

In cases involving employment discrimination, gives the court the authority to order, among other things, the hiring, reinstatement, or upgrading, with or without back pay, for the aggrieved individual.  
*Adds Minn. Stat. § 363A.33, subd. 9*

**4. Housing Discrimination – Equitable Relief**

In cases involving housing discrimination, gives the court the authority to order, among other things, alternative housing.  
*Adds Minn. Stat. § 363A.33, subd. 9*

## **PUBLIC BENEFITS LAW**

### **I. NEW DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES (DCYF)**

*2024 Minn. Laws, Chapter 80 and Chapter 115, Article 16*

*Amends and adds numerous statutes*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/80/>

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Provides additional technical clarification around the transfer of public benefits programming from DHS to DCYF. Does not make substantive changes to benefit levels, participation, benefit delivery, or appeals rights within public benefits programs. Provisions contained in this article:

- Clarify the duties and powers of the DCYF Commissioner and rights of clients.
- Create Advisory Task Forces at the discretion of the Commissioner.
- Direct the DCYF Commissioner to appoint a department leader responsible for coordination of services and outcomes around children's mental health and for children with disabilities.
- Authorize a centralized disbursement system for public benefits issued through DCYF and authorize contracts with financial institutions.
- Give the DCYF Commissioner authority to establish American Indian child welfare projects.
- Clarify systems reporting requirements for immigration status verifications and other federal public assistance reporting rules.
- Authorize multiple data sharing, contract service, and systems continuity agreements.
- Establish contract and grant procedures and federal fund management.
- Clarify county roles and responsibilities.
- Clarify the administrative appeals and hearings process.
- Clarify licensing roles and responsibilities.
- Clarify enforcement powers.

## II. DISCLOSURE OF SSI, RSDI, AND VETERANS’S BENEFITS PAYMENTS FOR CHILDREN IN FOSTER CARE

*2024 Minn. Laws, Chapter 115, Article 12, Sections 2 and 3*

*Amends Minn. Stat. § 256N.26, subds. 12 and 13*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

### A. New Notice Requirements

Requires new notice and disclosure requirements where a financially responsible agency applies to be the payee for a child who receives benefits through SSI, RSDI, Veteran’s Benefits, Railroad Retirement Benefits, or black lung benefits. Requires the agency to provide written notice by certified mail to: (1) a child who is 13 years of age or older; (2) the child's parent, guardian, or custodian, or if there is no legal parent or custodian, the child's relative selected by the agency; (3) the guardian ad litem; (4) the legally responsible agency; and (5) the counsel appointed for the child pursuant to section 260C.163, subdivision 3.

### B. Restriction on Agency’s Use of Funds

Clarifies that the agency is prohibited from: (1) using the child’s funds for any purpose other than the care of the child: and (2) commingling the funds into a general fund.

### C. Record Keeping and Reporting Requirements

Requires detailed record keeping and requires agencies to share aggregate records of total children served and funds managed each year with the Commissioner of Children, Youth, and Families. Requires a report to the Legislature due September 1 each year.

## III. SNAP FOR COLLEGE STUDENTS

*2024 Minn. Laws, Chapter 115, Article 13, Section 1*

*Adds Minn. Stat. § 142F.103*

*Effective upon federal approval*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Establishes an inter-agency effort to expand SNAP benefits to more college students enrolled in employment and training programs. Directs DHS, in consultation with the Office of Higher Education, to issue guidance to counties, Tribal Nations, Tribal colleges, and public postsecondary institutions regarding federal SNAP exemptions for participation in campus-based employment and training programs. Requires DHS to establish an application process for institutions of higher education to apply for a campus-based employment and training program designation for SNAP purposes.

#### **IV. SUMMER EBT**

*2023 Minn. Laws, Chapter 115, Article 22, Section 3(a)*

*Session Law*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Appropriates the requisite matching funds for Minnesota to implement a summer EBT program for income eligible school children between ages 7-17 to access groceries during the summer. Allows for a \$120 summer benefit per child. Allows for automatic benefit enrollment for any child in foster care or any child accessing: (1) MFIP; (2) SNAP; (3) Tribal TANF; (4) Medical Assistance; or (5) Food Distribution on Indian Reservations (FDPIR). Allows auto enrollment for children who have completed an application for free or reduced price lunch. Provides for a statewide application based on household income for any child not auto-enrolled.

#### **V. FAMILY ASSETS FOR INDEPENDENCE**

*2023 Minn. Laws, Chapter 115, Article 13, Section 2*

*Amends Minn. Stat. § 256E.35*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

##### **A. Definition of “Household” and “Sharing Finances”**

Clarifies that: (1) “household” includes all individuals who share finance; and (2) “sharing finances” does not include situations in which a person is living in the same dwelling unit as others without sharing any other financial arrangements.

##### **B. Eligibility**

Clarifies that income eligibility is equal to or less than the greater of: (1) 50% of area median income; or (2) 200% of the federal poverty guideline.

#### **VI. MFIP FAMILY VIOLENCE WAIVER**

*2024 Minn. Laws, Chapter 115, Article 18, Section 13*

*Amends Minn. Stat. § 256J.08, subd. 34a*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Fear of physical harm, bodily injury, or assault no longer needs to be “imminent” for a Participant to be eligible for an MFIP family violence waiver; “imminent” stricken from the statutory definition of “family violence.”

## **VII. RENTAL INCOME ACROSS PUBLIC BENEFITS**

*2024 Minn. Laws, Chapter 115, Article 18, Sections 22 and 23*

*Amends Minn. Stat. § 256P.06, subd. 3*

*Adds Minn. Stat. § 256P.05, subd. 4*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Codifies current agency interpretation and practice of counting rental income as earned income (earnings from self-employment). Aligns with current policy and guidance for the Minnesota Family Investment Program, Diversionary Work Program, Refugee Cash Assistance, General Assistance, Minnesota Supplemental Aid, and Housing Support.

## **VIII. FEDERAL WAIVERS FOR HEALTH-RELATED SOCIAL NEEDS**

*2024 Minn. Laws, Chapter 125, Article 6, Section 3*

*Session Law*

*Effective May 23, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/125/>

Directs the DHS Commissioner to “develop a strategy to implement interventions to: (1) address unmet health-related social needs, including nutrition and housing support and violence prevention; (2) consider whether services could be reimbursed under section 1115 of the Social Security Act, other federal waivers, or existing state authority; (3) collaborate with other agencies and most impacted communities; (4) provide a strategy to the Legislature by March 1, 2025 that includes a timeline, estimate of costs, and statutory changes necessary to seek ongoing state funding and federal approval of the proposed strategies.

## IX. PAID FAMILY AND MEDICAL LEAVE

*2023 Minn. Laws, Chapter 127, Article 73*

*Amends and adds numerous statutes*

*Various effective dates*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Makes technical, clarifying, and substantive changes to paid family and medical leave benefits under chapter 268B. Provisions in this article:

- Create several new or amended definitions.
- Clarify that an applicant can have an authorized representative act on their behalf.
- Make technical and clarifying changes around financial eligibility.
- Clarify minimum increment of leave amount for intermittent leave.
- Allow the Commissioner of Employment and Economic Development to backdate a claim if an applicant was unable to apply in a timely manner through no fault of their own.
- Clarify who may provide documentation for an applicant taking safety leave.
- Establish that an applicant is ineligible for benefits in a workweek in which the person was incarcerated or receiving unemployment insurance benefits.
- Specify that an employer may provide an employee with wage replacement during an absence, but any benefit amounts that exceed the employee's salary must be returned by the employee to the employer or the paid leave division.
- Create a separate subdivision addressing the mechanics of an offset for disability insurance payments.
- Make clarifying changes regarding employer notification.
- Make conforming and clarifying changes regarding amended determinations.
- Provide an appeals process very similar to the unemployment insurance appeals process; however, filing timelines are 30 days and there is a good cause exception for a late appeal up to 60 days.
- Make technical and clarifying changes to the section prohibiting employer retaliation.
- Make technical and clarifying changes to an employee's right to reinstatement.
- Make clarifying changes around maintenance of group health plan benefits and limitations on the employee's right to reinstatement.
- Provide new specifics for insurers.
- Clarify coverage timing for former employees for purposes of medical leave benefit program applications under a private plan, and clarifies the right to administrative review under a private plan.
- Provide more clarification around private plan mechanics.
- Provide the mechanics for setting rates, adjustments, and refunds for employers and small employers.
- Provide clarification around penalties.
- Clarify notice requirements.
- Establish a grant program for small business assistance.
- Create a new section of PFML law on data privacy.

# TAX LAW

## **I. CHILD TAX CREDIT ADVANCE PAYMENTS**

*2024 Minn. Laws, Chapter 127, Article 68*

*Amends Minn. Stat. §§ 289A.08, subd. 1; 290.0661, subds. 4 and 8*

*Adds Minn. Stat. § 290.0661, subd. 9*

*Effective for taxable years beginning after December 31, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Directs the Commissioner of Revenue to create a process for periodic and advance payments of the Minnesota Child Tax Credit. Creates guardrails against tax debt for people opting into advance credits.

## **II. TAX FORFEITURE LAW REVISION**

*2024 Minn. Laws, Chapter 127, Article 70, Sections 4 – 8*

*Adds Minn. Stat. § 292.005 and 292.007 (and makes conforming amendments to other sections)*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

In its 2023 decision in *Tyler vs. Hennepin County*, the United States Supreme Court held that Minnesota’s long-standing tax forfeiture practice of retaining all proceeds from a tax forfeiture sale even if exceeded the amount owed, was unconstitutional. *Tyler v. Hennepin Cnty.*, Minnesota, 598 U.S. 631 (2023). As a result, the 2024 Minnesota Legislature altered the existing tax forfeiture law to comport with the 2023 U.S. Supreme Court decision.

While keeping the existing right of redemption (typically three years) and the right to repurchase, under the new process, the county must, with some exceptions, sell the property and distribute the homeowner and other claimants the excess proceeds after satisfaction of the tax owed (and associated interest and costs).

### **A. Public Auction**

Requires a county to hold a tax-forfeiture sale for tax-forfeited properties. If the property cannot be sold, the state is deemed to have purchased it.

*Adds Minn. Stat. § 292.005, subds. 1 and 4 (requirement of auction)*

*Effective for forfeitures occurring on or after December 31, 2023*

### **B. Exception to Public Auction Requirement**

Provides that a public auction is not required for properties with mineral interest (which are to be sold to the state for \$50). Allows the Department of Natural Resources (DNR) to withdraw a property from sale.

*Adds Minn. Stat. § 282.005, subds. 1 and 8 (properties with mineral interests)*

*Adds Minn. Stat. § 282.007 (properties withdrawn from sale by DNR)*

*Effective for forfeitures occurring on or after December 31, 2023*

## **C. Distribution of Excess Proceeds**

### **1. Distribution Required**

Correcting the heart of the defect in the current tax forfeiture process that the Supreme Court ruled unconstitutional, requires the county to distribute to the homeowner and any other claimant any surplus (i.e., proceeds of the sale in excess of the amount necessary to satisfy back taxes owed and associated costs, interest, and penalties).

*Adds Minn. Stat. §§ 292.005, subs. 5 and 6*

*Effective for forfeitures occurring on or after December 31, 2023*

### **2. Notice of Surplus; Filing of Claim**

Requires the county auditor to notify the homeowner and other “interested parties” (e.g., lienholders) of the surplus. Gives claimants six months from the date of the notice to file a claim. If there is a dispute about how to divide the surplus, the county must file a petition to have a district court determine the claimants’ rights.

*Adds Minn. Stat. §§ 292.005, subs. 6 and 7*

*Effective for forfeitures occurring on or after December 31, 2023*

## **D. Repurchase**

Preserves the repurchase opportunity and provides that the homeowner and any interested party may repurchase the property: (1) prior to the public auction; or (2) if the property is withdrawn from public sale, prior to the initiation of the condemnation proceedings that is required.

*Adds Minn. Stat. § 292.005, subd. 3 (repurchase prior to public sale)*

*Adds Minn. Stat. § 292.007, subd. 3 (repurchase prior to initiation of condemnation proceedings)*

*Effective for forfeitures occurring on or after December 31, 2023*

## **III. NOTICE OF EXPIRATION OF REDEMPTION PERIOD**

*2024 Minn. Laws, Chapter 127, Article 70, Section 3*

*Amends Minn. Stat. § 281.23, subd. 2*

*Effective May 25, 2025 for notices issued on or after that date*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Requires the notice to the homeowner that the period to redeem has expired to conspicuously inform the homeowner: (1) the property will be sold if it goes to tax forfeiture; (2) may be entitled to excess proceeds if the sale price exceeds the taxes, assessments, costs, penalties and interest; and (3) if there are excess proceeds, that the homeowner will be notified and must submit a claim.

#### **IV. DELINQUENT PROPETY TAX NOTICE**

*2024 Minn. Laws, Chapter 127, Article 70, Section 2*

*Amends Minn. Stat. § 279.06, subd. 1*

*Effective January 1, 2025*

Requires information about property tax relief programs, including the senior citizens' property tax deferral program, to be included in the notice of delinquent property taxes.

## **TRANSPORTATION LAW**

### **TOWING**

*2024 Minn. Laws, Chapter 104, Article 1, Section 25*

*Amends Minn. Stat. § 168B.035, subd. 3*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/104/>

In furtherance of ongoing justice reform efforts, eliminates the provision allowing a city or private tow company authorized by the city to tow a car parked at a meter whose time has expired if the car has five or more unpaid parking tickets.

# UTILITIES LAW

## I. UTILITIES IN SHARED-METERED BUILDINGS

*2024 Minn. Laws, Chapter 107*

*Amends Minn. Stat. §§ 216B.022; 216B.098; 216B.172, subs. 1 and 2; and 504B.285, subd. 4*

*Adds Minn. Stat. §§ 216B.023 216B.024; and 504B.216*

*Repeals Minn. Stat. § 504B.215*

*Various Effective Dates*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/107/>

Adds new sections in the Chapter 216B (the Public Utilities Act) and a new section in Chapter 504B (Landlord-Tenant Law) establishing a comprehensive new regulatory structure governing the billing and metering of natural gas, electricity, and water in “shared-metered buildings.”<sup>2</sup>

Establishes requirements for metering and billing consumer protections for tenants in Shared-Metered Buildings comparable to those currently available under law, rule, tariff, and ordinance for tenants in directly-metered buildings. Gives the Minnesota Public Utilities Commission (PUC) complaint handling and oversight authority over the passthrough of gas or electric bills in shared-metered buildings. Makes third-party billing companies agents of landlords.

### A. Metering

For leases entered into or renewed on or after January 1, 2025, a landlord who bills separately from rent for electricity may only do so if electricity is submetered. Prohibits apportionment of electricity to tenants entering or renewing leases after that date.

*Adds Minn. Stat. § 216B.023, subd. 2*

#### 1. Submetering Generally (Residential Buildings)

Gives the Public Utilities Commission authority over landlords who install submeters to measure natural gas or electricity. Requires submeters to be accurate, regardless of when they were installed. Requires submeters installed on or after January 1, 2025, to meet national standards. Limits applicability to only residential buildings.

*Adds Minn. Stat. § 216B.022, subs. 2 and 3*

*Effective January 1, 2025*

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<sup>2</sup> “Shared-Metered Buildings” are multi-family buildings where the utility company delivers utility service to the building, the landlord is the exclusive customer of the utility, and the landlord passes the utility service along and charges separately from rent for utilities. “Directly-Metered Buildings are multi-family buildings where each tenant is a direct customer and pays bills directly to the utility.

## 2. Submetering of Electricity or Natural Gas Utility Service

### a. Billing

#### 1) Methodology

Requires landlords to charge for submetered electricity or gas based solely on submeter readings measuring service used exclusively in the tenant's unit. Prohibits charging tenants for electricity or gas used in common areas or spaces used exclusively or primarily for the landlord's purposes. Requires that nonusage charges, like taxes, must be divided equally among the total number of units in the building. Prohibits markups of the rate the landlord pays the utility.

*Adds Minn. Stat. § 216B.023, subds. 2 and 3  
Effective January 1, 2025*

#### 2) Billing Basis and Frequency

Requires that landlords bill tenants for electricity and gas based solely on actual meter readings and in no less frequent intervals than the utility bills the landlord.

*Adds Minn. Stat. § 216B.023, subd. 1  
Effective January 1, 2025*

#### 3) Bill Content

Specifies what must be contained in a bill from a tenant to a landlord for electricity or gas.

*Adds Minn. Stat. § 216B.023, subd. 1  
Effective January 1, 2025*

#### 4) Fees

##### a) Submetering Fees

Prohibits any "administrative, capital, or any other expenses associated with the installation, maintenance, repair, replacement, or reading of submeters, unless the expense is due to the tenant's willful, malicious, or negligent conduct."

*Adds Minn. Stat. § 216B.022, subd. 5  
Effective January 1, 2025*

##### b) Late Fee and Administrative Billing Fee

Prohibits the addition of any fees to utility bills except:

(1) a late payment charge capped at \$5 per month for all utilities bill separately; and (2) an administrative billing charge capped at \$8 for all utilities billed separately.

*Adds Minn. Stat. §§ 216B.023, subds. 6 and 8; and 504B.216, subds. 8 and 9  
Effective for leases entered into or renewed on or after January 1, 2025*

**3. Submetering of Water**

Adopts the same requirements to submeter and bill for water as are required of landlords who submeter gas or electricity. Regarding meter standards, provides that on or after January 1, 2025, any submeters installed to measure water must meet standards with which the local municipal water company must comply.

*Adds Minn. Stat. § 504B.216, subd.4*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**4. Inaccurate Submeters and Billing Errors**

Upon notice of a tenant of a suspected meter malfunction, a landlord must: (1) promptly investigate; (2) promptly refund any overcharge; and (3) adhere a statutory plan to recover any undercharge. Limits recovery of undercharge to six months and prohibits the imposition of any interest or delinquency fee.

*Adds Minn. Stat. §§ 216B.022, subd. 4; and 216B.023, subd. 5.*

*Effective January 1, 2025*

**B. Apportionment of Electricity**

Prohibits the apportionment of electricity.

*Adds Minn. Stat. §§ 216B.023, subd. 2; and 504B.216, subd. 5*

*Effective January 1, 2025*

**C. Apportionment of Natural Gas or Water**

Permits the apportionment of gas or water, according to new statutory requirements.

*Adds Minn. Stat. § 504B.216, subds. 5, 6, and 7*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**1. Apportionment Generally**

Prohibits landlords from billing tenants for gas or water less frequently than the landlord is billed by the utility.

*Adds Minn. Stat. § 504B.216, subd. 5*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**2. Apportionment of Gas**

Sets forth a uniform, statewide apportionment formula under which each unit's proportional charges are based exclusively on the square footage of the unit.

Prohibits landlords from charging tenants for gas used: (1) in common areas; (2) in vacant units; and (3) in spaces used exclusively or primarily by the landlord. Prohibits markups of the rate the landlord pays the utility.

*Adds Minn. Stat. § 504B.216, subd. 6*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**3. Apportionment of Water (and Sewer)**

Sets forth a uniform, statewide apportionment formula under which each unit's proportional charges are based exclusively on the number of occupants of the unit, as listed on the lease. Prohibits landlords from charging tenants for water used: (1) in common areas; (2) in vacant units; (3) in spaces used exclusively or primarily by the landlord; (4) for maintenance of the property; or (5) for shared amenities, including but not limited to laundry facilities and pools. Prohibits markups of the rate the landlord pays the utility.

*Adds Minn. Stat. § 504B.216, subd. 7*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**D. Other Consumer Protections**

**1. Disputed Gas or Electric Bills**

Gives PUC authority over landlords (and third-party billers as agents of landlords) who bill separately from rent for gas and electricity in shared-metered buildings: (1) to adjudicate complaints by tenants; and (2) address complaints about violations of the new sections of the Public Utilities Act governing submetering and providing consumer protections. Applies all appeal rights available to regulated utility customers to disputes involving metering or billing in shared-meter situations.

*Amends Minn. Stat. §§ 216B.098, subd. 6; and 216B.172, subds. 1 and 2*

*Adds Minn. Stat. §§ 216B.022, subd. 2; and 216B.024*

*Effective January 1, 2025*

**2. Payment Plans**

Requires landlords to offer a payment plan for overdue utility bills. Provides that the plan must: (1) be reasonable; and (2) take into account financial or other extenuating circumstances voluntarily disclosed by the tenant. Requires notice of the availability of the PUC to resolve disputes about gas or electric bills.

*Adds Minn. Stat. § 216B.023, subd. 7*

*Effective January 1, 2025*

**3. Disconnection of Utility Service by Landlord**

Prohibits disconnection of a tenant's utility service by a landlord for the failure to pay utility service charges. Allows landlord to take an eviction action for breach of lease if the tenant fails to make two consecutive utility payments.

*Adds Minn. Stat. § 504B.216, subd. 12*

*Effective January 1, 2025, for leases entered into or renewed on or after that date*

**4. Special Protection Against Eviction**

Requires that eviction actions must be stayed if the tenant has filed a complaint about gas or electric bills with the PUC. Prohibits eviction: (1) for the failure to pay for gas or electricity during the cold weather period (April 1 to October 30); (2) for failure to pay for electricity if the National Weather Service has declared a heat emergency; or (3) if anyone in the household has a medical emergency or needs utility service for life sustaining medical equipment.

*Adds Minn. Stat. § 504B.216, subd. 12*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**5. Defending Against Eviction Action**

Provides that a court cannot ask a tenant to pay any money into court or post a bond of any kind: (1) if the tenant has filed a complaint with the PUC, until the PUC makes a final determination; (2) if the tenant is eligible for a court fee waiver; or (3) to enable the tenant to assert a claim or defense.

*Amends Minn. Stat. § 504B.285, subd. 4*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**6. Account Switching**

Prohibits a landlord from removing – or requesting a utility from removing -- a directly-metered tenant from the tenant's existing utility account.

*Adds Minn. Stat. § 504B.216, subd. 2*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**E. Public Enforcement**

Specifically grants the Attorney General’s authority to enforce the new section of Chapter 504B (i.e., Minn. Stat. § 504B.216).

*Adds Minn. Stat. § 504B.216, subd. 17*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**F. Violations**

Makes violations of the relevant portions of the new section (i.e., Minn. Stat. § 504B.216) a violation of the covenants of habitability (Minn. Stat. § 504B.161) or the prohibition against lockouts (Minn. Stat. § 504B.221), or both.

*Adds Minn. Stat. § 504B.216, subd. 16*

*Effective January 1, 2025, for all leases entered into or renewed on or after that date*

**II. ITINS ALLOWED ON APPLICATIONS FOR UTILITY SERVICE**

*2024 Minn. Laws, Chapter 126, Article 6, Section 5*

*2024 Minn. Laws, Chapter 127, Article 42, Section 5*

*Adds Minn. Stat. § 216B.098, subd. 7*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/126/>

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/127/>

Requires every utility company to accept an individual taxpayer identification number (ITIN) on an application for utility service in lieu of a social security number if the utility requires a new customer to provide a social security number.

# YOUTH LAW

## **I. CHILD IN NEED OF PROTECTION OR SERVICES (CHIPS) AMENDMENT**

*2024 Minn. Laws, Chapter 123, Article 4, Section 5*

*Adds Minn. Stat. § 260C.007, subd. 6*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

As of August 1, 2026, increases the age from before becoming 10 to before becoming 13 when the act of committing a delinquent act or juvenile petty offense defines a youth as a “child in need of protection or services.”

## **II. CHANGES TO THE DOMESTIC ABUSE ACT**

*2024 Minn. Laws, Chapter 123, Article 10, Section 1 - 13*

*Amends Minn. Stat. §§ 504B.01, subs. 3a, 3b, 4, 5, 6, 7, 8, 8a, 9, 9a, 11*

*Adds Minn. Stat. § 504B.01, subsd. 2(d) and 11a*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

### **A. Definition of “Custodian”**

Adds a definition of “custodian” to mean a person with “a legal obligation to provide – or is in fact providing – care and support for a minor child. Provides that person whose parental rights have been terminated is not a custodian.

*Adds Minn. Stat. § 518B.01, subd. 2(d) (definition)*

### **B. Orders for Protection**

#### **1. Information on a Petitioner’s Location or Residence**

Allows a petitioner or a custodian of the petitioner’s minor child to request the court to make information maintained by the court about the location or residence of the petitioner’s minor children not accessible to the public.

*Amends Minn. Stat. § 518B.01, subd. 3a*

#### **2. Petition for Relief**

Requires a petition for relief to state if the petitioner has minor children and, if so, the custodian’s name and residence, provided that a petition may not be rejected or denied for the failure to provide this information.

*Amends Minn. Stat. § 518B.01, subd. 4*

### **III. HARASSMENT RESTRAINING ORDERS**

*2024 Minn. Laws, Chapter 123, Article 10, Sections 15 - 17*

*Amends Minn. Stat. §§ 609.748, subds. 3a, 5, and 5b*

*Adds Minn. Stat. § 609.748, subd. 5c*

*Effective August 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/123/>

Consolidates service requirements in one subdivision (5b) and addresses responsibilities of sheriffs, law enforcement officers, and court administrators. Allows orders for dismissal of a temporary restraining order or a restraining order may be served personally or by certified mail.

### **IV. LABOR TRAFFICKED YOUTH**

*2024 Minn. Laws, Chapter 115, Article 12, Section 7*

*Amends Minn. Stat. § 260C.007, subd. 6*

*Effective July 1, 2024*

<https://www.revisor.mn.gov/laws/2024/0/Session+Law/Chapter/115/>

Adds “labor trafficked youth” to the population of children eligible for child protective services. Defines a labor trafficked youth as a child who: (1) is a labor trafficking victim as defined in section 609.281, subdivision 6; or (2) is a victim of severe forms of trafficking in persons as defined in United States Code, title 22, section 7102(11)(B).