

This Document can be made available  
in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **77**

January 12, 2009

Authored by Mullery

The bill was read for the first time and referred to the Housing Finance and Policy and Public Health Finance Division

1.1 A bill for an act  
1.2 relating to landlords and tenants; modifying provisions relating to applicant  
1.3 screening fees; amending Minnesota Statutes 2008, section 504B.173,  
1.4 subdivision 1, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2008, section 504B.173, subdivision 1, is amended to  
1.7 read:

1.8 Subdivision 1. **Limit on number of applicant screening fees.** A landlord or the  
1.9 landlord's agent may not charge an applicant a screening fee when the landlord knows or  
1.10 should have known that no rental unit is available at that time or will be available within a  
1.11 reasonable future time. If a landlord requires payment of an applicant screening charge but  
1.12 fills the vacant rental unit before screening the applicant or does not conduct a screening  
1.13 of the applicant for any reason, the landlord must refund the applicant screening charge to  
1.14 the applicant within a reasonable time, not to exceed two weeks.

1.15 Sec. 2. Minnesota Statutes 2008, section 504B.173, is amended by adding a  
1.16 subdivision to read:

1.17 Subd. 3a. **Disclosures; metropolitan area.** (a) A landlord or the landlord's  
1.18 agent, prior to taking an application fee from a prospective tenant, must disclose on the  
1.19 preapplication form:

- 1.20 (1) the amount of the applicant screening fee;
- 1.21 (2) the landlord's screening or admission criteria;
- 1.22 (3) the process that the landlord typically will follow in screening the applicant,  
1.23 including whether the landlord uses a tenant screening service and, if so, the name,

2.1 address, and telephone number of the tenant screening service the owner will use; credit  
2.2 reports, public records, or criminal records; or contacts of employers, landlords, or other  
2.3 references;

2.4 (4) the applicant's rights to dispute the accuracy of any information provided to the  
2.5 landlord by a screening company or credit reporting agency; and

2.6 (5) an estimate, made to the best of the landlord's ability at that time, of the  
2.7 approximate number of rental units of the type, and in the area, sought by the applicant  
2.8 that are, or within a reasonable future time will be, available to rent from that landlord.

2.9 The estimate must include the approximate number of applications previously accepted  
2.10 and remaining under consideration for those units.

2.11 (b) A landlord or landlord's agent, prior to taking an application fee from a  
2.12 prospective tenant, must provide a preapplication form that requires the prospective tenant  
2.13 to provide information relating to the screening or admission criteria. On the same day a  
2.14 completed preapplication form is submitted to the landlord or landlord's agent, the landlord  
2.15 or landlord's agent must make an initial determination, based on the preapplication  
2.16 form, that the prospective tenant meets or does not meet the landlord's screening or  
2.17 admission criteria and must inform the prospective tenant of the determination. If, after a  
2.18 determination based on the preapplication form, a prospective tenant decides to complete  
2.19 the application process, the applicant may be required to pay an application fee. If the  
2.20 residential tenant report or results of the screening process conducted by the landlord or  
2.21 landlord's agent is substantially consistent with the preapplication form and the applicant  
2.22 meets the screening or admission criteria, the landlord must rent to the applicant.

2.23 (c) This subdivision applies in the counties of Anoka, Carver, Dakota, Hennepin,  
2.24 Ramsey, Scott, and Washington.