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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **3428**

February 25, 2008

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 6, 2008

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Local Government and Metropolitan Affairs

1.1 A bill for an act  
1.2 relating to landlord and tenant; modifying right of tenant to pay utility bills;  
1.3 amending Minnesota Statutes 2006, section 504B.215, subdivision 3.

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

1.5 Section 1. Minnesota Statutes 2006, section 504B.215, subdivision 3, is amended to  
1.6 read:

1.7 Subd. 3. ~~Procedure~~ Right of tenants to pay utility bills. (a) When a municipality,  
1.8 utility company, or other company supplying home heating oil, propane, natural gas,  
1.9 electricity, or water to a building has issued a final notice or has posted the building  
1.10 proposing to disconnect or discontinue the service to the building because a landlord who  
1.11 has contracted for the service has failed to pay for it or because a landlord is required by  
1.12 law or contract to pay for the service and fails to do so, a tenant or group of tenants may  
1.13 pay to have the service continued or reconnected as provided under this section. Before  
1.14 paying for the service, the tenant or group of tenants shall give oral or written notice to  
1.15 the landlord of the tenant's intention to pay after 48 hours, or a shorter period that is  
1.16 reasonable under the circumstances, if the landlord has not already paid for the service. In  
1.17 the case of oral notification, written notice shall be mailed or delivered to the landlord  
1.18 within 24 hours after oral notice is given.

1.19 (b) In the case of natural gas, electricity, or water, if the landlord has not yet paid the  
1.20 bill by the time of the tenant's intended payment, or if the service remains discontinued;

1.21 (1) the tenant or tenants may pay the outstanding bill current charges for the most  
1.22 recent billing period, ~~if and~~ and the utility company or municipality ~~will~~ must restore the  
1.23 service for at least one billing period; or

2.1 (2) in a residential building with less than five units, and notwithstanding subdivision  
2.2 2 or local law, one of the tenants may notify the utility company or municipality that the  
2.3 tenant agrees to become the bill payer responsible and customer of record, and the utility  
2.4 company or municipality must place the account disconnected or subject to disconnection  
2.5 in the tenant's name and provide service prospectively, provided the tenant satisfies all  
2.6 requirements for establishing service. The right to become the bill payer responsible and  
2.7 the customer of record under this paragraph may be exercised only once in any 12-month  
2.8 period.

2.9 Exercise of the right granted in paragraph (b), clause (1), does not preclude exercise  
2.10 of the right granted in paragraph (b), clause (2).

2.11 In a single-metered residential building, other residential tenants in the building may  
2.12 contribute payments to the utility company or municipality on the landlord's account under  
2.13 paragraph (b), clause (1), or on the account of the tenant who is the customer of record  
2.14 under paragraph (b), clause (2).

2.15 For the purposes of this subdivision, "current charges" shall not include any arrears  
2.16 incurred by the landlord.

2.17 A landlord who satisfies all requirements for reestablishing service, including  
2.18 paying, or entering into an agreement acceptable to the utility company or municipality to  
2.19 pay, all arrears and all other lawful charges incurred by the landlord on the account that  
2.20 was placed in the tenant's name, may reestablish service in the landlord's name.

2.21 (c) In the case of home heating oil or propane, if the landlord has not yet paid the  
2.22 bill by the time of the tenant's intended payment, or if the service remains discontinued,  
2.23 the tenant or tenants may order and pay for one month's supply of the proper grade and  
2.24 quality of oil or propane.

2.25 (d) After submitting ~~receipts for~~ documentation to the landlord of the tenant's  
2.26 payment to the ~~landlord~~ utility company or municipality, a tenant may deduct the amount  
2.27 of the tenant's payment to the utility company or municipality from the rental payment  
2.28 next paid to the landlord. Any amount paid to the municipality, utility company, or other  
2.29 company by a tenant under this subdivision is considered payment of rent to the landlord  
2.30 for purposes of section 504B.291.