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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1142

02/23/2015 Authored by Kahn, Mullery, McDonald, Mahoney, Loeffler and others
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to real property; defining certain residential property rights; proposing
1.3 coding for new law in Minnesota Statutes, chapter 500.

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

1.5 Section 1. [500.216] LIMITS ON CERTAIN RESIDENTIAL PROPERTY
1.6 RIGHTS PROHIBITED; SIGNS.

1.7 Subdivision 1. Political campaign signs. (a) Any provision of a homeowners
1.8 association document that limits the right of an owner of residential property to display a
1.9 political campaign sign during the calendar dates specified in section 211B.045 is void
1.10 and unenforceable.

1.11 (b) "Homeowners association document" includes the declaration, articles of
1.12 incorporation, bylaws, and rules and regulations of:

1.13 (1) a common interest community, as defined in section 515B.1-103 (10), regardless
1.14 of whether the common interest community is subject to chapter 515B; and

1.15 (2) a residential community that is not a common interest community, as defined in
1.16 section 515B.1-103 (10).

1.17 Subd. 2. Exceptions. (a) This section does not prohibit limitations narrowly tailored
1.18 to protect health or safety.

1.19 (b) This section does not prohibit limitations that restrict:

1.20 (1) the size of a sign to be displayed to a size customarily used on residential property;

1.21 (2) the installation and display of a sign to a portion of the residential property to
1.22 which the person who displays the sign has exclusive use; or

1.23 (3) illuminating a sign.

2.1 (c) This section does not prohibit a requirement that a sign be displayed in a legal  
2.2 manner under Minnesota law, that the sign be in good condition and not altered or defaced,  
2.3 or that the sign not be affixed in a permanent manner to that portion of property to be  
2.4 maintained by another person or in a way that causes more than inconsequential damage  
2.5 to another person's property. A person who causes damage is liable for the repair costs.

2.6 Subd. 3. **Recovery of attorney fees.** If an owner of residential property is denied  
2.7 a right provided by this section, the owner is entitled to recover, from the party who  
2.8 denied the right, reasonable attorney fees and expenses if the owner prevails in enforcing  
2.9 the right. If a sign is installed or displayed in violation of an enforceable restriction or  
2.10 limitation, the party enforcing the restriction or limitation is entitled to recover, from the  
2.11 party displaying the sign, reasonable attorney fees and expenses if the enforcing party  
2.12 prevails in enforcing the restriction or limitation.

2.13 Subd. 4. **Applicability.** This section applies to all limitations prohibited by this  
2.14 section, regardless of whether the homeowners association document was executed or  
2.15 adopted before, on, or after August 1, 2015.