

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2181

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DATE
03/20/2017

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to human rights; requiring certain notices in building inspection reports;
1.3 establishing requirements for disability discrimination claims related to architectural
1.4 barriers; amending Minnesota Statutes 2016, sections 326B.16, by adding a
1.5 subdivision; 363A.331, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2016, section 326B.16, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 5. **Notice of scope of compliance assessment.** If compliance with accessibility
1.10 requirements under law, as defined in section 363A.331, subdivision 1, is not included as
1.11 part of a state or local building inspection report issued to a place of public accommodation,
1.12 the report must:

1.13 (1) inform the recipient that the report does not contain an assessment of compliance
1.14 with those requirements; and

1.15 (2) refer the recipient to the Web site of the State Council on Disability for information
1.16 and resources regarding accessibility requirements.

1.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.18 Sec. 2. Minnesota Statutes 2016, section 363A.331, is amended by adding a subdivision
1.19 to read:

1.20 Subd. 3a. **When civil action may be filed or pursued.** (a) If a notice has been sent
1.21 under subdivision 2, a civil action may not be filed or pursued by the person alleging the

2.1 violation if, within 60 days of receipt of the notice, the person required to comply with
2.2 section 363A.11, subdivision 3:

2.3 (1) produces a barrier removal audit report prepared by a certified professional finding
2.4 that the alleged architectural barrier does not violate accessibility requirements under law
2.5 or that compliance with accessibility requirements under law is not readily achievable or
2.6 cannot be accomplished by alternative means; or

2.7 (2) removes the architectural barrier in a manner that complies with accessibility
2.8 requirements under law and provides reasonable proof of the removal to the attorney
2.9 representing the person alleging the violation. If extenuating circumstances make it
2.10 impossible to remove the barrier within 60 days of receipt of the notice, the plaintiff and
2.11 the defendant may agree on a deadline for removal of the barrier. If the plaintiff and the
2.12 defendant cannot agree, the civil action may proceed.

2.13 (b) The plaintiff is entitled to reasonable attorney fees for the provision of the notice
2.14 and investigation of the validity of the claim.

2.15 (c) Nothing in this subdivision or subdivision 2 bars a person from bringing an action
2.16 if:

2.17 (1) a plaintiff believes a potential defendant has failed to comply with a timetable for
2.18 completion of a plan to remove an architectural barrier;

2.19 (2) a person is challenging a finding contained in an audit prepared by a certified
2.20 professional;

2.21 (3) a person has a claim for damages resulting from an injury; or

2.22 (4) a person is filing charges pursuant to section 363A.28.

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.