

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5516

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DATE
05/07/2024

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Introduction and first reading
Referred to State and Local Government and Veterans

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to local government; prohibiting minimum parking mandates; prohibiting
1.3 counties and municipalities from requiring the creation of a homeowners association
1.4 as a condition for building permit; amending Minnesota Statutes 2022, section
1.5 394.25, by adding a subdivision; proposing coding for new law in Minnesota
1.6 Statutes, chapter 462.

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

1.8 Section 1. Minnesota Statutes 2022, section 394.25, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 11. Homeowners associations. (a) A county must not condition approval of a
1.11 residential building permit, residential subdivision development, or residential planned unit
1.12 development on the creation of a homeowners association or on the inclusion of any terms
1.13 in a homeowners association bylaws, articles of incorporation, or any other governing
1.14 document that is not required under state law.

1.15 (b) A county must not require that a residential property be part of a homeowners
1.16 association or provide an incentive for such membership. The county must also not require
1.17 or incentivize a homeowners association to adopt terms or conditions not required under
1.18 state law.

1.19 Sec. 2. [462.3577] MUNICIPALITIES; HOMEOWNERS ASSOCIATIONS.

1.20 (a) A municipality must not condition approval of a residential building permit, residential
1.21 subdivision development, or residential planned unit development on the creation of a
1.22 homeowners association or on the inclusion of any terms in a homeowners association

2.1 bylaws, articles of incorporation, or any other governing document that is not required under
2.2 state law.

2.3 (b) A municipality must not require that a residential property be part of a homeowners
2.4 association or provide an incentive for such membership. The municipality must also not
2.5 require or incentivize a homeowners association to adopt terms or conditions not required
2.6 under state law.

2.7 **Sec. 3. [462.3655] MINIMUM PARKING MANDATES PROHIBITED.**

2.8 (a) Notwithstanding any other provision of law, home rule charter, or ordinance to the
2.9 contrary, a political subdivision shall not impose minimum parking mandates for residential,
2.10 commercial, or industrial properties within its jurisdiction.

2.11 (b) For purposes of this section, "minimum parking mandate" means a law, rule, or
2.12 ordinance that specifies a minimum number of off-street vehicle parking spaces, including
2.13 within a garage or other enclosed area, except that additional disability parking spaces may
2.14 be required to meet the requirements of the Americans with Disabilities Act.

2.15 (c) This section does not prohibit a political subdivision from passing an ordinance under
2.16 section 169.346, subdivision 4, related to disability parking spaces.

2.17 (d) This section does not prohibit a political subdivision from offering a nonbinding
2.18 recommendation for a property within its jurisdiction to provide a specified number of
2.19 parking spaces.