

1.1 Senator ..... moves to amend H.F. No. 2309 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2024, section 394.25, is amended by adding a subdivision  
1.4 to read:

1.5 Subd. 11. Homeowners associations. (a) A county must not condition approval of a  
1.6 residential building permit or conditional use permit, residential subdivision development  
1.7 or residential planned unit development, or any other permit related to residential  
1.8 development, on the:

1.9 (1) creation of a homeowners association;

1.10 (2) inclusion of any service, feature, or common property necessitating a homeowners  
1.11 association;

1.12 (3) inclusion of any terms in a homeowners association declaration, bylaws, articles of  
1.13 incorporation, or any other governing document that is not required under state law or state  
1.14 rule; or

1.15 (4) adoption or revocation of, or amendment to, a rule or regulation governing the  
1.16 homeowners association or its members.

1.17 (b) A county must not take any action that requires a residential property to be part of  
1.18 a homeowners association or provide an incentive for such membership. A county must not  
1.19 require or incentivize a homeowners association to adopt, revoke, or amend a term in any  
1.20 governing document or a rule or regulation not required under state law or state rule.

1.21 (c) Nothing in this section prohibits a county from adopting or enforcing ordinances  
1.22 relating to the maintenance or insurance of private common areas.

1.23 (d) Nothing in this section prohibits a project applicant from providing a utility easement  
1.24 to access public infrastructure.

1.25 **EFFECTIVE DATE.** This section is effective January 1, 2026.

1.26 Sec. 2. Minnesota Statutes 2024, section 394.25, is amended by adding a subdivision to  
1.27 read:

1.28 Subd. 12. Residential construction materials and design standards. (a) A county  
1.29 must not impose any of the following requirements, by ordinance or as a condition of  
1.30 approval of any request related to a residential development, if the residential development  
1.31 meets or exceeds applicable standards established in the State Building Code:

- 2.1 (1) a minimum number or type of exterior finish materials, including siding;  
 2.2 (2) the presence of shutters, columns, gables, decks, balconies, or porches;  
 2.3 (3) minimum garage square footage, size, width, or depth;  
 2.4 (4) front elevation design requirements regarding proportions of building features;  
 2.5 (5) building articulation, roof pitch, or garage protrusion;  
 2.6 (6) minimum number or placement of windows; or  
 2.7 (7) the orientation or dimensions of the structure except that a county may require an  
 2.8 egress point on a street-facing side of the structure.

2.9 (b) A county must not impose any other standards or requirements that exceed those  
 2.10 established by the State Building Code related to architectural design elements, aesthetic  
 2.11 standards, or specific construction materials, except a county may impose such standards  
 2.12 if:

- 2.13 (1) the county identifies a documented risk to public health, safety, or general welfare;  
 2.14 and  
 2.15 (2) the requirement is not prohibited by paragraph (a).

2.16 (c) Properties in a historic district under sections 138.73 and 471.193, are exempt from  
 2.17 this subdivision.

2.18 **EFFECTIVE DATE.** This section is effective January 1, 2026.

2.19 Sec. 3. Minnesota Statutes 2024, section 394.25, is amended by adding a subdivision to  
 2.20 read:

2.21 Subd. 13. **Minimum parking mandates restricted.** (a) For the purposes of this  
 2.22 subdivision, "minimum parking mandate" means a law, rule, or ordinance that specifies a  
 2.23 minimum number of motor vehicle parking spaces, including on-street or off-street within  
 2.24 a garage or other enclosed area.

2.25 (b) A county must not impose minimum parking mandates greater than one stall per  
 2.26 residential unit, except that a county may pass and enforce an ordinance under section  
 2.27 169.346, subdivision 4, related to disability parking spaces or any provision of the Minnesota  
 2.28 Accessibility Code, Minnesota Rules, chapter 1341.

2.29 **EFFECTIVE DATE.** This section is effective January 1, 2026.

3.1 Sec. 4. Minnesota Statutes 2024, section 462.357, is amended by adding a subdivision to  
3.2 read:

3.3 Subd. 10. **Minimum parking mandates restricted.** (a) For the purposes of this  
3.4 subdivision, "minimum parking mandate" means a law, rule, or ordinance that specifies a  
3.5 minimum number of motor vehicle parking spaces, including on-street or off-street within  
3.6 a garage or other enclosed area.

3.7 (b) A municipality must not impose minimum parking mandates greater than one stall  
3.8 per residential unit, except that a municipality may pass and enforce an ordinance under  
3.9 section 169.346, subdivision 4, related to disability parking spaces or any provision of the  
3.10 Minnesota Accessibility Code, Minnesota Rules, chapter 1341.

3.11 **EFFECTIVE DATE.** This section is effective January 1, 2026.

3.12 Sec. 5. **[462.3577] MUNICIPALITIES; HOMEOWNERS ASSOCIATIONS.**

3.13 (a) A municipality, joint planning board, or public corporation must not condition  
3.14 approval of a residential building permit or conditional use permit, residential subdivision  
3.15 development or residential planned unit development, or any other permit related to  
3.16 residential development, on the:

3.17 (1) creation of a homeowners association;

3.18 (2) inclusion of any service, feature, or common property necessitating a homeowners  
3.19 association;

3.20 (3) inclusion of any terms in a homeowners association declaration, bylaws, articles of  
3.21 incorporation, or any other governing document that is not required under state law or state  
3.22 rule; or

3.23 (4) adoption or revocation of, or amendment to, a rule or regulation governing the  
3.24 homeowners association or its members.

3.25 (b) A municipality, joint planning board, public corporation, or the Metropolitan Council  
3.26 must not take any action that requires a residential property to be part of a homeowners  
3.27 association or provide an incentive for such membership. A municipality, joint planning  
3.28 board, public corporation, or the Metropolitan Council must not require or incentivize a  
3.29 homeowners association to adopt, revoke, or amend a term in any governing document or  
3.30 a rule or regulation not required under state law or rule.

3.31 (c) Nothing in this section prohibits a municipality from adopting or enforcing ordinances  
3.32 relating to the maintenance or insurance of private common areas.

4.1 (d) Nothing in this section prohibits a project applicant from providing a utility easement  
4.2 to access public infrastructure.

4.3 **EFFECTIVE DATE.** This section is effective January 1, 2026.

4.4 Sec. 6. **[462.3578] MUNICIPALITIES; RESIDENTIAL DESIGN STANDARDS.**

4.5 (a) A municipality or the Metropolitan Council must not impose any of the following  
4.6 requirements, by ordinance or as a condition of approval of any request related to a residential  
4.7 development, if the residential development meets or exceeds applicable standards established  
4.8 in the State Building Code:

4.9 (1) a minimum number or type of exterior finish materials, including siding;

4.10 (2) the presence of shutters, columns, gables, decks, balconies, or porches;

4.11 (3) minimum garage square footage, size, width, or depth;

4.12 (4) front elevation design requirements regarding proportions of building features;

4.13 (5) building articulation, roof pitch, or garage protrusion;

4.14 (6) minimum number or placement of windows; or

4.15 (7) the orientation or dimensions of the structure except that a municipality may require  
4.16 an egress point on a street-facing side of the structure.

4.17 (b) A municipality or the Metropolitan Council must not impose any other standards or  
4.18 requirements that exceed those established by the State Building Code related to architectural  
4.19 design elements, aesthetic standards, or specific construction materials, except a municipality  
4.20 may impose such standards if:

4.21 (1) the municipality identifies a documented risk to public health, safety, or general  
4.22 welfare; and

4.23 (2) the requirement is not prohibited by paragraph (a).

4.24 (c) Properties in a historic district under sections 138.73 and 471.193, are exempt from  
4.25 this section.

4.26 **EFFECTIVE DATE.** This section is effective January 1, 2026.

4.27 Sec. 7. **[462.3594] ADMINISTRATIVE REVIEW.**

4.28 (a) A municipality must establish and follow an administrative process to review requests  
4.29 related to any proposed residential development adhering to local zoning controls in a zoning

5.1 district that permits residential buildings in accordance with the process outlined in section  
5.2 15.99. Notwithstanding language to the contrary in section 15.99, subdivision 2, for both  
5.3 the preliminary and final plat, the time limit in section 15.99 applies in lieu of the process  
5.4 required under section 462.358.

5.5 (b) A municipality must specify in writing, including on any application form provided  
5.6 by the municipality, all requirements that a request must fulfill for a request to be deemed  
5.7 complete and for the time limit in section 15.99, subdivision 2, to begin. Such requirements  
5.8 may not include a requirement that an applicant waive any rights, forgo the process  
5.9 established in this subdivision, or consent to exactions, dedications, or fees, except that a  
5.10 municipality may charge a standard application fee for the request and require compliance  
5.11 with any generally applicable municipal requirement or ordinance that imposes exactions,  
5.12 dedications, or fees authorized under section 462.358 or by session law.

5.13 (c) A municipality engaging in the process established in paragraph (a) must:

5.14 (1) approve or deny a land use request or proposed subdivision request based on the  
5.15 alignment of the request with the municipality's comprehensive plan, applicable zoning  
5.16 requirements, and subdivision regulations;

5.17 (2) not require a conditional use permit or planned unit development agreement, except  
5.18 that a municipality may require a conditional use permit or planned unit development  
5.19 agreement to address an identified and documented risk to health or safety;

5.20 (3) not require more than two community meetings prior to approval of a request, except  
5.21 if more are required by state or federal law, or the project involves or affects a lot located  
5.22 in a historic district under section 138.73; and

5.23 (4) provide any development agreement to the applicant no less than three days in advance  
5.24 of final plat approval or before final approval of a request if a plat is not required.

5.25 **EFFECTIVE DATE.** This section is effective January 1, 2026."

5.26 Amend the title accordingly