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S.F. No. 4292 – Minnesota Human Rights Act

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Overview

S.F. 4292 modifies chapter 363A, the Minnesota Human Rights Act (MHRA). This bill updates definitions, clarifies procedures, increases procedural timelines, amends damage awards in civil actions, and clarifies remedies.

Summary

Section 1. Freedom from discrimination. Clarifies that it is the public policy of this state to protect persons from discrimination based on multiple grounds.

Section 2. Disability. Modifies the definition of “disability” to include an impairment that is episodic or in remission and would materially limit a major life activity when active.

Section 3. Discriminate. Modifies the definition of “discriminate” to include harassment based on any protected class.

Section 4. Familial status. Clarifies and expands the definition of “familial status.” Includes parents and guardians who have custody or written permission from the parents to care for the child, and includes adults with disabilities who need assistance or care from another.

Section 5. Party in interest. Removes an obsolete reference from the definition of “party in interest.”

Section 6. Construction and exclusivity. Clarifies that in some cases, the administrative proceeding, while pending, is exclusive. Clarifies that the rights and remedies under the MHRA do not preclude other remedies available at law or in equity.

Section 7. Publication of case account. Modifies the ability of the Department of Human Rights to publish accounts of cases that are dismissed or voluntarily resolved.

Section 8. Withdrawal from local commission. Changes the time a person has to file a civil action, when a charge has been dismissed by a local human rights commission, from 45 days to 90 days.

Section 9. Personal or commercial credit. Adds familial status to the protected class from discrimination for the extension of credit.

Section 10. Discrimination against persons with disabilities prohibited. Provides that it is unfair discrimination in certain places of public accommodation to discriminate based on the use of a service animal when the person has a disability. The current law limits the application to physical and sensory disabilities.

Section 11. Alternative dispute resolution. Allows parties to an administrative dispute to use alternative dispute resolution (ADR) including mediation to try to resolve the matter.

Section 12. Conduct of hearings. Clarifies the procedure when a party contests a determination made by the commissioner.

Section 13. Tolling during investigation. Changes the time for the commissioner to make a determination from six months to one year and removes the process for complex cases, which under current law are subject to a one year timeline for the commissioner to make a determination.

Section 14. Court actions, suits by private parties, intervention. Amends the time a person or the commissioner can bring a civil cause of action from 45 days to 90 days when the issue has been dismissed or there is a no probable cause determination.

Section 15. Civil penalty; punitive damages. Requires the court to order a civil penalty fine against a party who violated the discrimination sections within the Minnesota Human Rights Act. Requires respondents to pay damages to a party who has suffered from the discrimination. The court shall order treble damages, including mental anguish and suffering, and may order punitive damages. Punitive damages against a political subdivision are capped at \$25,000, and liability is limited against individual actors of the political subdivision.

Section 16. Other remedies. Permits a court to order equitable relief in employment and housing cases, including reinstatement, back pay, and alternative housing.

Section 17. Repealer. Repeals section 363A.03, subdivision 3 (definition of “board”), an obsolete provision.