

<https://mn.gov/mdhr/yourrights/retaliation/>



Your Rights

Businesses Open to the Public

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Education

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Government Services

> Retaliation

Service Animals

Retaliation

Under the [Minnesota Human Rights Act](#), employers, schools, landlords, and businesses open to the public are prohibited from retaliating against you.

If you believe you experienced retaliation, [complete this form](#) .

How you might experience retaliation

If you:	Retaliation may look like:
<ul style="list-style-type: none">• Oppose discrimination• Report discrimination• File a charge of discrimination with the Minnesota Department of Human Rights• Participate in a discrimination investigation or lawsuit	<ul style="list-style-type: none">• You are denied a job or housing• You are fired or demoted• You are re-assigned to a different worksite• Your hours are reduced• You are intimidated or discouraged from participating in discrimination investigation

What the text says: Under the Minnesota Human Rights Act, employers, schools, **landlords**, and businesses open to the public are prohibited from retaliating against you.

Issue: HOAs in general are not landlords. There can be rental property within a HOA – either units owned by the HOA or units owned by a specific homeowner – but the entire HOA would not qualify to be a landlord under the definition of the law.

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Your Rights

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Minnesota Human Rights Act

The Minnesota Human Rights Act (MHRA) is the state law prohibiting discrimination in Minnesota and is enforced by the Minnesota Department of Human Rights (MDHR).

It is one of the strongest civil rights laws in the country.

The state law prohibits discrimination in employment, housing, public accommodations, public services, education, credit, and business based on protected class, such as: race, religion, disability, national origin, sex, marital status, familial status, age, sexual orientation, and gender identity.

Use the links below to navigate directly to a section of the Minnesota Human Rights Act on the Office of Revisor of Statutes' website.

Civil Rights Fact Sheets

- [English \(PDF\)](#)
- [Español \(PDF\)](#)
- [Hmoob \(PDF\)](#)
- [Soomaali \(PDF\)](#)

What the text says: The state law prohibits discrimination in employment, **housing**, public accommodations, public services, education, credit, and business based on protected class, such as: race, religion, disability, national origin, sex, marital status, familial status, age, sexual orientation, and gender identity.

Issue: Other page says **rental** housing. **Compliance Reporting** section talks about **rental** housing and **manufactured** housing. Manufactured housing can be rental housing, but can be a form of homeownership. However, none of this is specific to HOAs.

Legal Proceedings and Actions

- [363A.27 Construction of Law](#)
- [363A.28 Grievances](#)
- [363A.29 Hearings](#)
- [363A.30 District Court, Review Orders of Panel or Examiner; Enforcement; Misdemeanor](#)
- [363A.31 Limitations On Waiver](#)
- [363A.32 Department Attorney](#)
- [363A.33 Court Actions, Suits By Private Parties, Intervention, District Court Jurisdiction, Attorney's Fees, and Costs](#)
- [363A.34 Notice of Appeal to Commissioner](#)
- [363A.35 Access to Case Files](#)

Compliance Requirements

- [363A.36 Certificates of Compliance For Public Contracts](#)
- [363A.37 Certificates of Compliance](#)
- [363A.38 Manufactured Home Parks](#)
- [363A.39 Affirmative Marketing Regulations](#)
- [363A.40 Rental Housing Priority; Accessible Units](#)
- [363A.41 Criminal Code; Effect](#)
- [363A.42 Public Records; Accessibility](#)
- [363A.43 Continuing Education; Accessibility](#)
- [363A.44 Equal Pay Certificate](#)

Minnesota Administrative Rules

[Chapter 5000, Complaints; Procedures; Compliance](#)

2024 Statutes

<https://www.revisor.mn.gov/statutes/cite/363A.02>

363A.02

363A.02 PUBLIC POLICY.

§Subdivision 1.Freedom from discrimination. (a) It is the public policy of this state to secure for persons in this state, freedom from discrimination:

(2) in housing and real property because of one or more of the following: race, color, creed, religion, national origin, sex, gender identity, marital status, disability, status with regard to public assistance, sexual orientation, and familial status;

Issue: Age is not specifically listed as a protected class in housing.

Subd. 2.Civil right. The opportunity to **obtain** employment, housing, and other real estate, and full and equal utilization of **public accommodations**, public services, and educational institutions without such discrimination as is prohibited by this chapter is hereby recognized as and declared to be a civil right.

Issue: This doesn't address what happens by an HOA after the sale is made or what a homeowner does with their own property that does not involve a common area or a shared wall.

Example: The shed on the left is on their own property, built with their own money and a permit from the city. There was no cost to the association for putting it up, nor is there no ongoing expense to the HOA for having it. The purpose of it was to store a shed so the disabled homeowner could mow her own lawn. The HOA does not provide yard maintenance services. The shed is no longer there because the board threatened her that if the family didn't remove it, the board would remove it and charge her for it. There is no justification for it – it didn't violate any bylaws that were in place at the time and there is no conformity issue when other homes have metal sheds, and the houses themselves are different sizes and colors and lot sizes are different sizes.



Your office told her you don't get involved in HOAs.

Subd. 34. Place of public accommodation. "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

Issue: This wasn't a public accommodation. It was her personal property, and they aren't a landlord. The CCRs are about managing the common areas. This isn't a part of a common area, yet she couldn't even get a restraining order to keep them from standing in the street taking pictures of her to somehow "prove" she's not disabled.

Subd. 38. Real estate broker or salesperson. "Real estate broker or salesperson" means, respectively, a real estate broker as defined by section 82.55, subdivision 19, and a real estate salesperson as defined by section 82.55, subdivision 20.

Subd. 39. Real property. "Real property" includes real estate, lands, tenements, and hereditaments, corporeal and incorporeal.

Issue: These have more to do with the transfer or sale of property than what happens once you acquire it.

363A.09 UNFAIR DISCRIMINATORY PRACTICES RELATING TO REAL PROPERTY.

Issue: The majority of this statute is around the sale or transfer of property.

Subd. 5. Real property full and equal access. It is an unfair discriminatory practice for a person to deny full and equal access to real property provided for in sections 363A.08 to 363A.19, and 363A.28, subdivision 10, to a person who has a disability and who uses a service animal. The person may not be required to pay extra compensation for the service animal but is liable for damage done to the premises by the service animal.

Issue: The substance of this is about rental housing. There wouldn't be an extra fee by an HOA, if the HOA doesn't own the property.

363A.10 REAL PROPERTY; DISABILITY DISCRIMINATION.

§Subdivision 1. Reasonable modifications/accommodations. For purposes of section 363A.09, discrimination includes:

(1) a refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the disabled person if modifications may be necessary to afford the disabled person full enjoyment of the premises; a **landlord** may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, excluding reasonable wear and tear;

Issue: This is rental housing.

363A.03 DEFINITIONS.

Subd. 30. Person. "Person" includes partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, receiver, and the state and its departments, agencies, and political subdivisions.

Subd. 31. Physical access. "Physical access" means (1) the absence of physical obstacles that limit a disabled person's opportunity for full and equal use of or benefit from goods, services, and privileges; or, when necessary, (2) the use of methods to overcome the discriminatory effect of physical obstacles. The methods may include redesign of equipment, assignment of aides, or use of alternate accessible locations.