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## **RECORDING THE OWNER OCCUPANCY COVENANT FOR ACCESSORY DWELLINGS**

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The property owner must occupy either the home or the accessory dwelling unit (ADU) as their primary place of residence, per section 537.110 of the Minneapolis zoning code regulations. As part of the ADU zoning approval process, the owner(s) must sign, notarize, and record an owner-occupancy covenant with the Hennepin County recorder. A copy of the recorded covenant and receipt from Hennepin County must be returned to CPED before we may issue the permit for the ADU.

**Recording is required to finalize the ADU approval before any building permits may be issued, or before the use of the ADU may commence.**

- 1) Print the covenant document single-sided and leave the pages unstapled.** Minnesota Statutes Section 507.093 requires specific formatting for recordable documents. Please use the recordable covenant documents provided by CPED to ensure that the documents comply with the formatting standards.
- 2) Fill out the covenant form.** Please print clearly in black ink or type in a font that is 8 pt. or larger.

### Legal Description

You can find the legal description of your property on a survey, deed, or certificate of title. For assistance, please contact Hennepin County Taxpayer Services Division: <http://www.hennepin.us/residents/property/property-information-search> or call the Hennepin County at (612) 348-3011 with the street address or Property Identification Number (PIN). CPED is not responsible for reviewing the legal description for accuracy.

Write down the legal description on the first line of page 1 of the form; attach a separate form if there is not enough room.

### Owner signatures

Fill in the first and last name of all owners on page 1 of the covenant form. At least one owner must sign the bottom of the page in the presence of a Notary Public, and have the Notary complete the affidavit on page 2. For multiple owner signatures, you may make copies of the affidavit and have the Notary complete them, as needed.

- 3) Record the covenant document with Hennepin County.**

### Property Type

Identify if your property is Abstract or Torrens. If you do not know if the land is Abstract or Torrens, call the Hennepin County Torrens Filing Information Line at (612) 348-5139 with the legal description or Property Identification Number (PIN) or search the Hennepin County website at [www.hennepin.us](http://www.hennepin.us) and select Property Information Search under Online Services.

### Hennepin County Government Center (300 S. 6<sup>th</sup> Street, Minneapolis, MN, 55487-0055) Skyway level or Fifth Floor

Bring the unstapled covenant document pages to Hennepin County for recording either in the Skyway Level or on the 5<sup>th</sup> Floor (A-500) of the Hennepin County Government Center (300 S. 6<sup>th</sup> Street) in downtown Minneapolis. Documents relating to Torrens property must be filed with the Hennepin County Registrar of Titles, while documents relating to Abstract property must be filed with the Hennepin County Recorder. The County will charge a fee for recording documents.

For more information, please refer to <http://www.hennepin.us/residents/property/real-estate-recording-information> and/or contact Hennepin County at [recordinginfo@hennepin.us](mailto:recordinginfo@hennepin.us) or (612) 348-5139

- 4) Bring proof of recording to CPED.** Return a copy of the receipt and recorded document with recording number stamp to your planner at CPED to receive your permit. M-F, 8 a.m. to 4:30 p.m.

## Covenant for Accessory Dwelling Unit

Minneapolis Code of Ordinances, Title 20, section 537.110 addresses accessory uses and structures on residential property located in the City of Minneapolis. Paragraph (6) of section 537.110 requires the owner of property to record a Covenant in the real estate records, before a building permit for an accessory use structure can be obtained.

The owners intend to build an accessory dwelling unit, and to record this Covenant in compliance with the Ordinance.

Legal Description of Property:

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*(If the legal description is lengthy, you may use an attachment. Important: Use the legal description from the Deed or Certificate of Title, not a property tax legal description or street address. )*

The Owners of the above property are: *(List each owner's first and last name)*

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The Owners agree to restrict use of the principal and accessory dwelling units located on the above-described property in compliance with Minneapolis Code of Ordinances, Title 20, section 537.110.

The Owners agree to notify all prospective purchasers of those requirements.

The restrictions include that an owner of the property shall occupy at least one dwelling unit on the zoning lot as their primary place of residence, or, the owner shall remove those features of the accessory dwelling unit that make it a dwelling unit, as determined by the City of Minneapolis.

At the request of a property owner and upon an inspection finding that an accessory dwelling unit has been removed from the owner's property, the zoning administrator for the City of Minneapolis shall record a release of this Covenant.

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*(signature)*

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*(signature)*

State of \_\_\_\_\_

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_(date) by  
\_\_\_\_\_(names(s) of person(s)).

*stamp*

\_\_\_\_\_  
*Signature of notarial officer*

Title \_\_\_\_\_

My commission expires: \_\_\_\_\_

Drafted by:  
The City of Minneapolis  
Community Planning & Economic Development  
250 S. 4<sup>th</sup> Street – Room 300  
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