



VICTIMS OF DOMESTIC VIOLENCE: YOUR RIGHTS IN BREAKING YOUR LEASE

If you are a victim of domestic violence, Minnesota law lets you break your lease to get away from the abuse in some situations. It starts with a written notice to your landlord **BUT**, each step must be done right and in order for it to be legal.

WRITTEN NOTICE

You have to give written notice to the landlord. The notice has to say that you are in imminent fear of domestic abuse from someone. The abuser has to be named in an Order for Protection or a No Contact order. Also:

- The notice **must** state that you need to end your lease
- The notice **must** state the date you will move out
- The notice **must** be delivered before that move out date by mail, fax, or in person
- You **must** put a copy of your Order for Protection or No Contact Order in with the notice
- You **must** pay the current month's rent plus an additional month's rent. This money **must** be paid on or before the date that said you need your lease to end.

KEEP A COPY OF THE NOTICE!

If you do all of these things, then the lease is ended. You are no longer responsible for rent for the time left on the lease. **BUT**, if you do not do these things exactly how the law says, you might still be held responsible for the rest of the lease.

NOTE: ONLY a victim of abuse and the victim's children can break the lease with this law. Any other tenants or roommates are still covered by the lease and cannot break it this way.



WHAT HAPPENS TO MY DAMAGE DEPOSIT?

- If there are **no** other tenants, **and** you put an address in your notice where you wanted your security deposit money sent, then you should get your damage deposit back 21 days after:
 - the first day of the month following the date you did move out **OR**
 - the date that you said you were moving in your noticewhichever date is later.

For example: You give written Notice to tell the landlord that you are moving out June 1st. You actually move out May 31st. You should get your damage deposit back or a letter saying what the damage deposit was used for by July 21st.

Your landlord has to return your deposit OR give you a letter saying why you are not getting the full amount back. If you are not getting money back, the letter also needs to say what rent or damages the landlord used the deposit on. If you disagree with the landlord's reasons you can use Conciliation Court to sue for your deposit back. See our fact sheet [C-1 Conciliation Court](#).

- If there **are** tenants still living in the apartment, you will get your damage deposit back when the lease is up for the remaining tenants.

For example: You give written Notice that says you will move out June 1st. You live in the unit with your abuser. You actually move out on May 31st. The lease does not end until December 31st and the abuser moves at the end of the lease. You should get the damage deposit, or a letter stating what the damage deposit was used for, January 21st. That is 21 days after the lease ended.



PRIVACY

The landlord must not give the information that you give him to anyone else **unless** he needs to give the information to court to evict someone or collect damages for the apartment. Otherwise he needs your permission.

IF YOU ARE IN SUBSIDIZED HOUSING

If you live in Public Housing, Subsidized Housing or have a Section 8 voucher there are federal laws that protect the rights of victims of domestic violence. You may have more protections than the Minnesota law described in this fact sheet gives you. Before sending your Notice to your landlord you should talk to a domestic violence advocate or a legal services advocate. See our fact sheet [H-22 Housing Rights for Victims of Domestic Violence](#).

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To find other Legal Aid Society materials, including the fact sheets mentioned in this document, go to www.lawhelpmn.org/LASMfactsheets.

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