

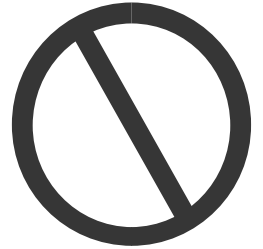
MAINTENANCE AND REPAIR PROBLEMS AND LANDLORD VIOLATIONS OF THE LEASE

Your landlord has to keep up your home so that it is fit to live in and in good repair. There are also statewide electrical, energy efficiency, fire, and health codes. Some cities and towns have local housing maintenance codes which have detailed maintenance rules that the landlord must meet. If you do not know if your town has a maintenance code, call the local building inspector or the town clerk.



Common repair problems are things like

- faulty or exposed wiring
- leaky plumbing and bad drain
- non-working appliances
- broken windows, no screens, or no storm windows
- falling plaster
- no deadbolt locks or smoke detectors
- bugs or mice.



If you have problems with bugs or mice, get evidence of it, like dead bugs/mice or droppings to show to the inspector or the court.

The first step to getting repairs made is to call your landlord. If you have problems getting your landlord to fix things in your apartment, there are **3 ways** to use the courts to force your landlord to make repairs

1. File a Rent Escrow court case (pay rent to the court). See page 20.
2. Sue under the Minnesota Tenants Remedies Act. See page 23.
3. File an Emergency Tenants Remedies Action to get an immediate repair ordered. See page 24.

RENT ESCROW

If a landlord will not make the repairs, a tenant can file a **Rent Escrow** court case. Under the Rent Escrow law, tenants pay their rent to the court, instead of to the landlord, and ask the court to order the landlord to make repairs, follow the terms of the lease, or comply with state privacy laws. The following are the rules and procedures for Rent

Escrow. **These rules and procedures must be strictly followed.** Contact a lawyer or your local legal services office before starting a Rent Escrow court case.

BEFORE YOU PAY YOUR RENT INTO COURT

You must do one of two things before you pay your rent into court and start a **Rent Escrow** case. It is best to do both, but you only have to do one of the following

1. Write a letter to your landlord asking that repairs be made. The letter should have your name, your address, and the list of everything you want to have fixed. Sign and date the letter. **Keep a copy of the letter for yourself.** Your landlord has 14 days from the time they get the letter to make all of the repairs. If all of the repairs are not made after 14 days you can take the letter to court with you to file the Rent Escrow.

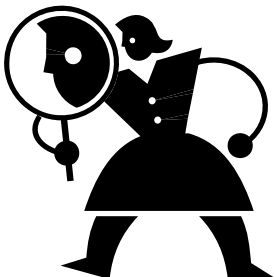
or

2. **Call the housing inspector in your area.** The housing inspector will come to your home and do an inspection. The inspector will write a report that gives your landlord a certain amount of time to make repairs. Ask for a copy of the report. You will take that report to court to file a Rent Escrow case. If the inspections department has ordered the landlord to make repairs by a certain date, you **must wait until after that date** to start a Rent Escrow case. However, if you believe that the inspector gave the landlord too much time to make the repairs, you do not need to wait. But you should note the date and tell the court why it is too long.



INSPECTIONS

It is a good idea to have an inspection of your apartment if there is an inspector in your area. Even if you write a letter to your landlord asking for repairs, you still may want to call the housing inspector. Keep in mind that the inspector may give your landlord more than 2 weeks to fix the problems.



To ask for an inspection you should do the following

1. Contact the local housing inspector and ask for an inspection. If you do not have a local housing code, contact the state fire marshal, health department, or building codes department for an inspection.
2. During the inspection, walk through your place, room by room, with the inspector. Ask if there are state or local code violations in your place.
3. Get a copy of the inspections report from the inspector. Also get a copy of the Order to Repair, if it is separate from the inspection report.
4. Ask the inspector how long the landlord has to make the repairs ordered.
5. If you are not satisfied with the inspection, complain to the inspector's supervisor. Ask the inspector for the name of his or her boss and their phone number. Call the number as soon as you can and tell them your concern.
6. **If repairs are not made as ordered, you can ask for another inspection to help prove the repairs were not made.**

Depending on where you live, the inspections department may follow up with your landlord to see that repairs are properly made. Your landlord could face fines or other problems if he does not make the repairs. You may want to call the inspector back to inspect again if the repairs are not made by the deadline. Or you can use the inspection report to start a Rent Escrow case.

STARTING A RENT ESCROW COURT CASE

- You must pay **all** the rent that is due to the clerk of the district court when you file the Rent Escrow court case. If you do not owe rent, you do not have to pay any into the court. But, until the case is done, you have to pay your rent each month to the court. There is a small filing fee to start a Rent Escrow court case, but the court can waive (excuse) the fee if you cannot afford it.

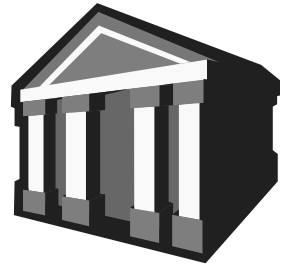
- You must give the clerk a copy of the inspector's report (a certified copy is best) **or** your copy of the letter you wrote to the landlord asking for repairs.
- You must also give the clerk your landlord's name and address and estimate how much it will cost to make the repairs.
- The clerk will help you fill out a Rent Escrow petition. There are special forms available at the clerk's office. The clerk also will schedule the hearing.

NOTICE TO YOUR LANDLORD

- If your estimate of the cost of repairs is less than \$7,500, the clerk will send a notice of the hearing to your landlord.
- If your estimate of the cost of repairs is greater than \$7,500, you must have someone (other than yourself) give the notice of hearing to the landlord. If you want, the sheriff can deliver the notice. The clerk can tell you where to find the sheriff's office and someone there can help you.

THE HEARING

- The hearing will take place 10 to 14 days after you pay your rent into court.
- Bring all of your witnesses to the hearing, pictures (if possible) and copies of letters and notices you sent to the landlord. If an inspection was done, bring a **certified** copy of the inspector's report. A certified copy has the inspector's stamp and signature on it stating that all the contents are true and correct.



WHAT THE COURT CAN DO

- Order the landlord to make repairs.
- Let you make the repairs and deduct the cost from your rent.
- Reduce your rent until the repairs are done.
- Order the landlord to pay back some or all of the rent you paid when the repairs weren't made.
- Order someone else to manage the home and make the repairs.
- Fine the landlord.
- Release the rent to you or to the landlord.

- Order the landlord to follow your lease.
- Order the landlord to comply with state privacy laws.
- Order the landlord to pay your attorney's fees up to \$500.

Warning!

The landlord can sue to evict you **only** if you do not pay (deposit) the full amount of rent into court. If you deposit the full amount of rent, the landlord cannot evict you for nonpayment of rent. **If you do not have the full amount of rent, you should not file Rent Escrow. You could be evicted and lose the money deposited with the court.**

If the landlord sues you during a Rent Escrow proceeding, you must bring the rest of the rent owed to the hearing plus the amount of the filing fee paid by the landlord. If your landlord does not tell you how much that amount is, you can call the court clerk court.

Your landlord cannot retaliate against you (get back at you) for filing a Rent Escrow court case or any other case where you demand repairs. However, you must follow the terms of your lease, even when you pay rent into court.