



LEAD PAINT AND TENANTS' RIGHTS

WHAT DOES THE LANDLORD HAVE TO TELL ME ABOUT LEAD PAINT?

For housing built before 1978, the landlord has to give you a paper on lead poisoning and tell you anything they know about the lead dangers in the home. If a landlord breaks this law, they can be fined up to \$10,000. If the landlord's violation of the law costs you money, you can sue the landlord for up to 3 times the amount of money you lost, plus attorney's fees. For example, if you did not get the notice from the landlord and have to move out, you may be able to sue for 3 times the amount of your moving costs.

WHAT IF I FIND CHIPPED OR FLAKING PAINT?

If you find chipped or flaking paint in a home built before 1978, call your landlord right away. Your landlord should have it tested at a lab. Some health departments do free tests. You can also go to a testing company. They charge \$20 - \$35. They can also test water for lead. A "do-it-yourself" kit from a store is **not** good enough. If the paint tests from a lab show lead, your landlord has to fix the chipping or flaking paint in a lead-safe way. All of the children under age 6 who live in or visit the house should be tested for lead poisoning. Any pregnant woman who lives in or visits the house should be tested too.



HOW CAN REPAIRS BE DONE SAFELY?

Ask your landlord to hire licensed lead workers to take care of the chipping or flaking lead paint. The Minnesota Health Department, (651) 201-4620 or lead@health.state.mn.us, has a list of licensed companies. For more information go to: www.health.state.mn.us/divs/eh/lead. Do not do the work yourself, or let untrained workers do it. If it is not done right, it will stir up more lead which can harm you or your children.

While the work is being done, your family should not be in the house. The work area has to be sealed off to keep lead dust away from your clothes and furniture. Do not go back into the house until you are sure it has been properly cleaned. The dust around the work area must be tested after the work is done, to be sure it does not have lead.

Different repair methods are used for different kinds of lead problems. Examples of repairs are:

- taking out lead-painted windows,
- removing old paint,
- enclosing lead painted surfaces,
- wet-washing surfaces,
- using a special "HEPA" vacuum cleaner.

The Health Department can tell you about safe and unsafe methods.

If you live in housing that gets federal money, there are more rules on how the repairs and cleaning must be done. These rules cover public housing, Section 8, subsidized housing, and many other programs.

WHAT IF MY CHILD HAS A HIGH LEAD LEVEL?

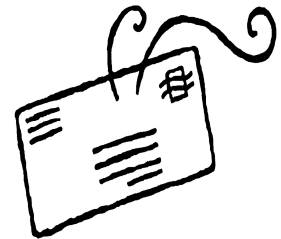
The Health Department will inspect your house if your child's lead level is very high (15-20 ug/dL). If lead is found in your home, the landlord will be given a deadline to make repairs. If the landlord does not meet the deadline, the Health Department may take legal action. The house could be condemned as unsafe. Then you would have to move. See our fact sheet, *Protect Your Child from Lead Poisoning*.

WHAT IF I HAVE TO LEAVE THE HOME?

If you have to leave the house overnight during repairs and clean up, ask your landlord to pay your costs, like motel bills, extra food costs and transportation costs. **Keep all your receipts!** If the city orders you to leave during lead work, you do **not** have to pay rent for the time you must be out of the apartment. You can cancel your lease, move out and not pay any more rent. If you cancel your lease, your landlord must return your security deposit within 5 days after you leave. Write a letter to your landlord saying you are canceling the lease because of the lead problem and tell the landlord where to send the security deposit. Date it and keep a copy.

WHAT IF MY LANDLORD WON'T TAKE CARE OF THE LEAD?

- If no one in your family has a lead level over 10, then follow the steps in our fact sheet, *Getting a Landlord to Make Repairs*. It starts with a letter to the landlord. If the landlord doesn't act within 14 days, you can file a court case called a "Rent Escrow".
- If someone in your family has a lead level over 10, then follow the steps in our fact sheet, *Emergency Repairs*. You can file an Emergency Tenant Remedy Action (ETRA) in court right away.
- You can also look for an attorney who does lead poisoning cases as personal injury lawsuits.
- If your child has a lead level over 20, talk to a personal injury lawyer **before** filing the Emergency Tenant Remedy Action (ETRA) now and a personal injury case later. Your ETRA case may affect a personal injury case you file later.



WHAT CAN I ASK THE COURT TO ORDER?

If you file a Rent Escrow or ETRA, you can ask the court to do many different things like:

- Order the landlord to make the repairs right away using lead-safe methods.
- Have the landlord pay for your motel, extra food costs, extra travel costs or give you a different apartment while the lead repair work is being done.
- Reduce your rent for each month you lived with the lead repair problems.

WHAT IF I GET A NOTICE OF INTENT TO CONDEMN?

Call your legal aid office right away. You can file an ETRA. The court can order the landlord to make the repairs right away and stop the condemnation. The court can also order the landlord to give you an apartment or pay for a motel and extra food and travel costs until the work is done or you find other housing. If you have to move, ask the court to order the landlord to pay all your moving costs and for a penalty of 3 times your costs.