



Lead Paint and Tenants' Rights

What does a 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 by the government. 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 because of lead, 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 Department of Health has a list of licensed companies. Call (651) 201-4620 or e-mail them at health.asbestos-lead@state.mn.us.

For more information go to: www.health.state.mn.us/communities/environment/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. The Health Department can tell you about safe and unsafe methods.

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

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. Call your legal aid office if you live in housing that gets federal money and you have questions about this.

What if my child has a high lead level?

The Department of Health will inspect your house if your child’s lead level is very high (15 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 and you may 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 or for a few days 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!**

There are certain agencies that can order lead work because a child or pregnant woman has high lead levels in their blood. If the agency says you have to leave during the work, you do **not** have to pay rent for the time you have to be out of the apartment.

If you don’t want to live there anymore because of the lead problems, 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.

You should talk to a lawyer for advice about your specific situation **before** you withhold any rent or try to cancel your lease. The lawyer can help you figure out if this law applies based on the agency that is ordering the lead work.

What if my landlord won't take care of the lead?

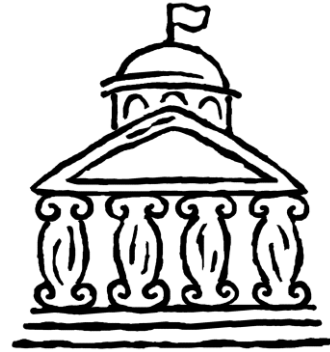
If your landlord won't take care of the lead paint problem, you can write a demand letter giving the landlord 14 days to do the work. File a Rent Escrow Action if the work isn't done. See our fact sheet [Getting a Landlord to Make Repairs](#). In some cases, you can file an Emergency Tenant Remedy Action (ETRA) instead. See our fact sheet, [Emergency Repair Problems](#).

If someone in your family has high lead levels, you should think seriously about talking with a personal injury lawyer **before** filing any court action. A Rent Escrow Action or ETRA may negatively 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.
- Ask to pay your rent into court until the landlord makes the repairs.
- 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.
- Lower your rent for each month you lived with the lead repair problems.
- End your lease early.



What if I get a Notice of Intent to Condemn?

Call your legal aid office right away. You can file an ETRA. See our fact sheet [Emergency Repair Problems](#). 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.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

© 2019 Minnesota Legal Services Coalition. This document may be reproduced and used for non-commercial personal and educational purposes only. All other rights reserved. This notice must remain on all copies. Reproduction, distribution, and use for commercial purposes are strictly prohibited.