



## Utility Shut-Offs When the Landlord Owes the Bill

### The Shut-Off Notice

If the landlord does not pay the bill, the utility company can shut off service. They must post a notice at the property, or mail you a notice, telling you that they are going to shut off service if the bill isn't paid.

There's a chance you won't get the notice if the utility company thinks the landlord lives at the address. Contact the utility company any time you get a bill that is in the landlord's name. Tell them that it is a tenant occupied property. The shutoff notice has a number to call for more information.

### Stopping a Shut-Off

First, call the landlord and demand that the bill be paid. If they say they will pay it, ask them when. Then, call the utility company to make sure it was paid.

If the landlord does not pay, there are 2 ways to stop the shut-off: an Emergency Tenant Remedy Action or paying the bill and taking it off the rent.

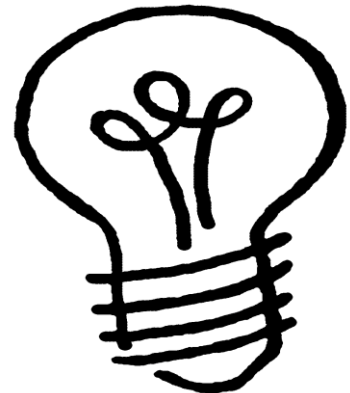
#### 1. Emergency Tenant Remedy Action

You can file a court case called an Emergency Tenant Remedy Action (ETRA), also called a Petition for Emergency Relief Under the Tenant Remedies Act. [Get the forms](#) from the court website at [www.mncourts.gov](http://www.mncourts.gov).

- Click on *Get Forms*
- Click on *Housing/Landlord-Tenant*
- Click on *Emergency Relief*

The court can order the landlord to pay the bill. If you have repair problems, the court can also order the landlord to fix them. You can ask the court to let you pay the utility bills and take it off your rent. See our fact sheet, [Emergency Repairs](#), to learn about ETAs.

If you can't get a court order before the shut-off date, call the utility company and ask them to keep service on until you get the court order.



## 2. Pay and Deduct

Minnesota has a pay-and-deduct law. This law is for utilities, not repairs. Some cities, like Minneapolis, also have their own pay-and-deduct laws. To use the Minnesota law, first make sure the utility company agrees to keep your service on for another billing period if you pay.

Tell or write to the landlord 48 hours ahead of time that you are going to pay the bill and take it off your rent. You can give less notice if service is going to be shut off in less than 48 hours. If you tell your landlord verbally, you must send a written notice within 24 hours.

Keep a copy of the notice you sent. Pay the most recent bill. Get a receipt from the utility. Send a copy of the receipt to the landlord and take the amount you paid off your next rent payment.

The utility company might only give you one more billing period before shutting off the utility. If this is the case and your landlord does not make payments within this period, you may still have to file an ETRA in order to be sure of continuing your utility service.

## 3. Paying Current Charges to the Utility Company

First try to contact the landlord and get them to pay the utility bills. If that does not work, talk to the utility companies.

### Water:

The water company has to tell you if they are going to disconnect the service. Contact the water company. You have the right to pay **only** the current month's charges and keep the service on, or get it turned back on. You are NOT responsible to put down a deposit or pay any late charges or fees that belong to the landlord. Send your landlord a copy of the receipt showing the amount you paid, and then you can take that amount out of your next month's rent.

### Gas & Electric:

The gas and electric companies have to tell you if they are going to shut off the service, and when. You can contact the gas or electric company. You have the right to pay **only** the current month's charges and keep the service on, or get it turned back on, for at least another month. You are NOT responsible to put down a deposit or pay any late charges or fees that belong to the landlord. Send your landlord a copy of the receipt showing the amount you paid, and then you can take that amount out of your next month's rent.



If you live in a 1-4 family building, you have the option to take over the account in your own name. You are NOT responsible to put down a deposit or pay any late charges or fees that belong to the landlord. Send your landlord a copy of the receipt showing the amount you paid, and then you can take that amount out of your next month's rent.

## Which option should I choose?

The advantage of “pay and deduct” is that you can take the payment out of your rent, without going to court. But if more than one utility is being shut off, or if you have repair problems, you should file an ETRA. With an ETRA, you can ask the court to order the landlord to pay **all** the utility bills and make the repairs. With an ETRA, if the landlord does not fix the utility shutoff problems, you can also ask the court to appoint an administrator to take over managing the building where you rent until the problems are fixed. You can also ask to have your rent reduced because of the repair problems.

If you change the gas and electric into your own name you are responsible for that bill from now on. If you owe the gas and electric company any bills from before at another apartment or home, you may have to pay those past due bills. The advantage is you are treated as a new customer and do not have to pay any of your landlord’s past due bills, and you can deduct what you paid from your rent.

## What if my landlord sells or loses the property?

If the property changes hands through a sale or foreclosure, the new owners are responsible for the utilities that the old owner had to pay. Contact the new owners as soon as you know who they are to make sure that the bill is properly transferred to them, and your utilities will not be shut off. See our fact sheet [When Your Landlord Loses the Building: Mortgage Foreclosure and Contract for Deed Cancellation](#), to learn more about tenants’ rights in foreclosure.



**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.*

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