



Emergency Repair Problems

What is an emergency repair problem?

Emergency repair problems are things like:

- No running water or no hot water
- No stove, oven or refrigerator. Or those things not working.
- No heat. Also the heat has to be at a minimum of 68 degrees from October 1 through April 30.
- Broken air conditioner (if air conditioner is included in lease)
- No electricity
- A bathroom that isn't usable
- Necessary things, like a missing front or back door or lock, or missing windows
- Serious infestations (like bedbugs, mice, roaches)
- The rental license is revoked or the building is condemned or gets an intent-to condemn notice
- Any condition that is a serious and negative impact on health and safety
- Any order to move from an inspector in the city where you live



What should I do?

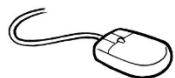
Call the landlord right away. If the landlord won't make the repair or fix the problem causing the emergency, you can file an **Emergency Tenant Remedies Action (ETRA)**. An ETRA is also called an emergency relief action. It is good to have a lawyer help you file an ETRA, but you can also do it on your own. Call your local legal aid office at 1(877) 696-6529 for help or advice.

How do I file an Emergency Tenant Remedies Action (ETRA)?

To file an ETRA, make sure you do these things:

- Fill out the attached form. You can also get a form from the court.
- You must try to tell the landlord 24 hours before you file. Make sure you document all the ways you try to tell your landlord (like texts, calls, emails, or in person).
- If you can't reach the landlord, leave a message giving the 24-hour notice.
- In your 24-hour notice, tell your landlord what your housing emergency is and that you need it fixed within 24 hours or you will file an ETRA. **You have to tell your landlord that you will file in court to ask for emergency relief if they do not fix the problem.**
- If the landlord does not fix the emergency within 24 hours of your notice, you can file the ETRA.
- If you try to reach your landlord to give the 24-hour notice, but can't get a hold of them, go ahead and file.

There is a filing fee. If you have a low income, you can fill out a court fee waiver form to ask the court to let you skip paying. The court has these forms or you can [create one online](http://www.lawhelpmn.org/forms) using a step-by-step interview at <http://www.lawhelpmn.org/forms>.



→ Click on *Court Fee Waiver*

Bring proof of your low income, like pay stubs, or proof of government assistance.

With an ETRA, you can get a court hearing very fast, usually within 3-7 business days. The court is likely to order the landlord to do the repairs, to make sure the repairs get done, and to set a later court date to deal with rent and money damages.

What can the court order?

You can ask the court to:

- Order the landlord to make the repairs right away.
- Let you make the repairs and take the cost off the rent.
- Choose someone else to make repairs or manage the property.
- Reduce the rent until repairs are made.
- Make the landlord pay for a motel, or pay you back, if you need to stay somewhere else.
- Make the landlord give you a different place to stay or pay your costs to move somewhere else.



You can ask the court for money damages. That means you can ask to be paid back for things like:

- Money back for rent you paid while the repair problems existed.
- Lawyer's fees.
- Any money you lost because of the problem, like paying to stay somewhere else. Bring proof, like receipts or cancelled checks of what you paid.

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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COUNTY OF _____

JUDICIAL DISTRICT _____

**EMERGENCY TENANT
REMEDIES ACTION PETITION**

Minn. Stat. 504B.381

Plaintiff (tenant)

vs.

FILE NO:

Defendant (Landlord)

Plaintiff states under oath:

1) My address is _____

2) My landlord's name is _____

3) My landlord's address is _____

4) The monthly rent is \$ _____

5) I notified the landlord that I was filing this action at least 24 hours before I filed.

or

I tried to notify the landlord that I was filing this action by: _____

6) I have an emergency involving the loss of running water, hot water, heat, electricity, sanitary facilities, or other essential services the landlord is responsible for. My emergency is:

7) Besides the emergency, my rental unit also has the following repair problems:

8) I respectfully ask the court to issue an order including the following:

- a. Order the landlord to take care of the emergency right away.

- b. Set a hearing to check on the landlord's compliance with this order and to consider this other relief:
 - i. Give me a refund of rent I paid to cover the time period of the emergency.
 - ii. For any repairs the landlord doesn't get done by the court's deadline, fine the landlord as provided in MN Statute Section 504B.391.
 - iii. Order the landlord to make all the other necessary repairs.
 - iv. Lower my rent to \$ _____ per month until the month after all the repairs are done.
For any repairs that the landlord does not get done by the Court's deadline, authorize me to pay for the repairs myself and take it off future rent.
 - v. Enter a judgment in my favor for \$ _____ to compensate me for rent paid
While there were repair problems, including attorney's fees. Let me collect the judgment by taking it off my rent.
 - vi. If I am forced to move, order the landlord to put me into another apartment or to pay for temporary shelter and moving costs and to return my security deposit right away.
 - vii. Other:

9) To the best of my knowledge, I am not filing this case for an improper reason, such as harassment or delay; my claims are supported by the law, and there is evidence for them. I know that I can be fined or sanctioned by the court if this statement is false.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: _____

Signature

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____