



## Questions About Renting

### What if my landlord won't make repairs?

File a rent escrow case in court. There are 2 ways to start this.

- Call your local housing inspection office and ask them to inspect your home. They order the landlord to make the repairs. If the repairs are not done by the housing inspector's deadline, you can file a rent escrow case. **OR**
- Send a letter to the landlord listing all the problems. Put a date on it and keep a copy. If repairs are not made in 14 days, you can file a rent escrow case.

In a rent escrow case, you pay your rent into court instead of to the landlord. This is safer and better than holding onto your rent.

See our fact sheet [Getting a Landlord to Make Repairs](#).



### Can I make repairs myself and take it off the rent?

No – unless you have a court order that allows you to “repair and deduct.” It is better to file a rent escrow case. If you need emergency repairs, like you have no heat or running water, call your landlord right away and ask for repairs. Tell your landlord you will ask the court for emergency relief if they don't fix the problem. If the landlord does not fix these emergencies within 24 hours, you can file an Emergency Tenant Remedies Action (ETRA). See our fact sheet [Emergency Repair Problems](#).

### Can I use my security deposit for the last month's rent?

No. You must pay the last month's rent. If you do not, the landlord can evict you and also sue you in Conciliation Court. See our fact sheet [Security Deposits](#).

### Can my landlord enter my home?

Yes, but only for a "reasonable business purpose" or an emergency. The landlord usually needs to give you 24-hour notice before entering your home for a business reason. A business reason might be to fix or replace something. The landlord does not have to give notice to enter if they think you are hurt, could be hurt, or are using the apartment for illegal activity.

It is not legal for a lease to say anything about giving up your right to get notice from the landlord if he wants to enter your home. If your lease says anything about that, it is not enforceable.

For more information, see our fact sheet [Can My Landlord Enter My Home?](#)

### **Can I be evicted in the winter?**

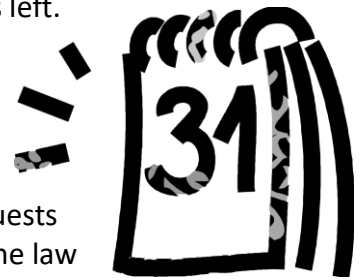
Yes. You can be evicted at any time of year unless your lease says something different.

### **If I lose an eviction action case, how long until I have to move out?**

Unless you and your landlord agree to a longer time, the court can't give you more than 7 days to move. If you don't leave the landlord can ask the sheriff to help evict you. The sheriff delivers a "writ of recovery" to your home and you could have only 24 hours to move out.

The writ is given to you AFTER you lose the court case. This paper is very different from the summons and eviction complaint you got for the eviction case. The sheriff does not have to give the writ to you in person. They can just leave it in a place where you will see it, like on your front door. There is usually a time written on the writ paper. That is the time it was left.

See our fact sheet, [Evictions](#).



### **Can I be evicted for something a visitor did?**

Yes. In general, you are responsible for things your children and your guests do. But there are a lot of exceptions to the general rule. For example, the law may protect you if the visitor was an abuser and their actions were related to abuse against you. And you might be protected by other laws designed for people with disabilities. Call Legal Aid if you have questions.

### **Can a friend or relative move in with me?**

You may have a written lease that says no-one can move in without your landlord's permission. Read your lease carefully or talk to a Legal Aid lawyer about it. If your lease doesn't say that or if you don't have a written lease, you might not need permission. But it's always smart to get permission if you can. Try to get it in writing. Even an email or text message is enough but be sure to keep it somewhere safe.

If you don't get permission and your landlord is unhappy about you moving someone else in, your landlord may give you a notice to move out. If that happens, call Legal Aid right away. You may still have rights to stay in your home.

### **What if I have roommates who skip out or won't pay their rent?**

If each roommate has a separate lease with the landlord, each person is responsible to pay their share of the rent to the landlord. But if there is only one lease, every tenant is responsible for payment of all the rent. So, if a roommate doesn't pay, the landlord can evict everyone. Unless the other tenants pay up the unpaid share. Try to get the landlord to approve a new roommate when someone leaves, or if someone won't pay their share.

### **I don't have a lease. Can my landlord give me a notice to move?**

Yes. But they have to follow rules. For example, they can't tell you to leave right away. If you pay rent monthly, the landlord can give you a written notice asking you to leave at the end of the next month. This means if the landlord gives you notice in June, you have until July 31<sup>st</sup> to move out. If you don't pay rent because it's a family situation or a domestic partnership, your landlord needs to give you 3 months' notice. They don't have to give you a reason.

The landlord can't discriminate against you or ask you to move to get back at you for complaining about repairs (retaliation). See our fact sheet [Notices to Vacate and Ending a Lease](#).

### **Can I leave my lease early because of domestic violence, harassment, or criminal sexual conduct?**

Yes, with proper written notice to the landlord. You must pay full rent for the month you leave, and make sure you give the landlord a specific document proving you are a survivor. See our fact sheet [Victims of Domestic Violence, Harassment, or Criminal Sexual Conduct: Your Rights in Breaking Your Lease](#).

### **What if my landlord is in foreclosure? Do I have to move out before the sheriff's sale?**

No. Generally, if your landlord is in foreclosure both you and the landlord need to keep following all the terms of the lease until the end of the redemption period. This is usually 6 months after the sheriff's sale. The foreclosing bank must give you written notice before you have to move out after the end of the redemption period. You may have other rights as a tenant in foreclosure, see our fact sheet [When Your Landlord Loses the Building - Mortgage Foreclosure and Contract for Deed Cancellation](#).

***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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