



RENTERS' RESOURCES

Tenant Safety Checklist: Asbestos, Lead, Radon,
Carbon Monoxide, and Pests

Legal Resources: Landlord Disclosure, Rental
Accessibility, and Energy Efficiency Law

“A tenant has the right to live in a home that is in reasonable repair,
fit for use as a proper home, meets local housing codes, and is
reasonably energy efficient.”

2020 Minn. Stat. § 504B.161 COVENANTS OF LANDLORD OR LICENSOR

Navigating Lead as a Safety Concern in Your Home

- It is required that tenants are notified if there is lead in a house in the leasing agreement (federal landlord disclosure law: Title X)
- It is the legal responsibility of landlords to perform lead hazard reduction (abatement or removal), the tenant is not liable (2020 Minn. Stat. § 144.9504)
- The EPA's Lead Renovation, Repair and Painting Rule (RRP) requires all firms, renovators, and contractors performing RRP projects that disturb lead-based paint in homes, childcare facilities, and pre-schools built before 1978 be lead-safety certified by the EPA. Failure of a firm, renovator, or contractor to comply could result in fines of up to \$37,500. This does not apply to homeowners or renters, however, *anyone* doing renovation that may disturb lead-based paint should consult the EPA's "Renovation, Repair and Painting Program: Do-It-Yourselfers" webpage on the latest lead-safety practices.
- Houses built before 1980 are likely to have a layer of lead paint
- In these houses, lead paint is a health risk (even if painted over) when it is on "friction surfaces" such as windows, window sashes, doors, or door frames.
- See 2020 Minn. Stat. § 144.9504 Subd. 2 to determine whether your household qualifies for a free lead risk assessment conducted by the city community health board

Navigating Asbestos as a Safety Concern in Your Home

Note: Where properly encased and untouched, asbestos does not pose a risk to renters' health

- It is required that tenants are notified if there is asbestos in a house in the leasing agreement (2020 Minn. Stat. § 504B.195)
- Asbestos is primarily used as a fire-resistant insulation material around heating equipment
- Looks like a white cast cover wrapped around heating pipes (often found in basements)
- Wrapped around old gravity-fed boilers
- Asbestos shingles
- Textured paints (such as popcorn ceilings or ceiling tiles)
- You can find a complete list of asbestos-containing materials on the Minnesota Department of Health website

SCARY THINGS CHECKLIST*

Asbestos, Lead, Radon, Carbon Monoxide, and Pests

- Radon detector in the basement
- Carbon monoxide detector
- Check smoke detector batteries
- Lead paint on walls and baseboards is painted over (encapsulated)
- Peeling or chipping lead paint is completely removed (abated) BEFORE residents move into rental space and using the proper EPA lead-safety protocol
- Lead paint is also completely removed (abated) from "friction surfaces" such as windows, window sashes, doors, door frames, and other surfaces that are regularly rubbed against
Old windows can be stripped and reglazed without using noxious chemicals.
 - For local custom window inserts, consider A-Craft
 - For environmentally friendly stripping gel, consider soy gel or citrus strip
- Ensure that all contractors performing RRP projects that may disturb lead-based paint are lead-safety certified by the EPA
- Old gravity-fed boilers and basement piping with asbestos insulation is completely encapsulated (not flaking or peeling). If not, consider a zero VOC encapsulant to repair

- Asbestos insulation that is in high-traffic areas (likely to be bumped by residents or repair people) is completely removed (abated) before residents move into the house
- Your home is pest free. If you find mice/rat droppings (or see/hear pests in your home), consider pet-safe live mouse traps. For environmentally friendly pest control companies, check to see whether the company participates in the EPA's Pesticide Environmental Stewardship Program (PESP) as well as the National Pest Management Association's GreenPro certification process

If you find that any of these issues is not up to MN housing code, you have a right and responsibility to alert your landlord to this issue and be responded to in a timely manner.

After alerting your landlord, many landlords will be happy to pay back tenants for hiring and scheduling their own contractor repair services, or if it is a low-risk job, to deduct expenses you accrue from fixing the issue yourself from your rent.

Under Minnesota law, if a landlord has not done repairs 14 days after receiving a written request from tenants (printed and time-stamped texts or emails are also legally legitimate), then tenants have the right to "Repair and Deduct" (Tenant Repair Act) the costs of repair from rent. Other legal options include filing a Rent Escrow Action (2020 Minn. Stat. § 504B.385) or act as a collective Neighborhood Organization (2020 Minn. Stat. § 504B.001 Subd. 5). This is only applicable if the repair request initially sent regards one of the landlord's legal responsibilities/covenants to tenants (find in More Legal Resources section). Tenants may also report negligent landlords to a local city or county housing inspector (see 2020 Minn. Stat. § 504B.185 for more details). It is the legal right of tenants to not be threatened by retaliation (such as eviction) by landlords they have reported for housing code violations.

More Legal Resources:

Multifamily Rental Housing Design/Construction Standards: [Minnesota Housing Website](#)

Housing Code Law/Landlord Responsibilities:

[iProperty Management Minnesota Habitability Laws webpage](#)

[The Office of MN Attorney General Keith Ellison Landlords and Tenants: Rights and Responsibilities handbook](#)

General Law: [2020 Minnesota Statutes Index \(topics\): Residential Rental Property](#)

Landlord Disclosure Law: 2020 Minn. Stat. § 504B.181

Attorney General (duties): 2020 Minn. Stat. § 504B.275

Code Violations: 2020 Minn. Stat. § 504B.195

Inspection Orders, Notice: 2020 Minn. Stat. § 504B.195

Rental Property Accessibility Law

Accessible Units, Rental Priority: 2020 Minn. Stat. § 363A.40

Caretakers, Disclosure: 2020 Minn. Stat. § 504B.181

Contested Cases, Unfair Discriminatory Practices, Orders: 2020 Minn. Stat. § 363A.29

Liability, Lessors, Unfair Discriminatory Practices: 2020 Minn. Stat. § 363A.28

Municipal Accessible Housing Programs: 2020 Minn. Stat. § 462C.05

Accessible Housing Property Taxes, Exemptions: 2020 Minn. Stat. § 272.02 - 272.025

Accessible Visitability: 2020 Minn. Stat. § 462A.34

Energy Efficiency and Weatherization Code Law

Energy Conservation Covenants of Landlord or Licensor: 2020 Minn. Stat. § 504B.161

Energy Efficiency Standards Violations: 2020 Minn. Stat. § 216C.30

Complaints, Energy Efficiency Standards Data (classification): 2020 Minn. Stat. § 13.679

Code Violations Lawsuits: 2020 Minn. Stat. § 504B.425

Building Repair Orders, Noncompliance, Landlords, Penalties: 2020 Minn. Stat. § 504B.391

Cold Weather Notice (failure to give): 2020 Minn. Stat. § 504B.155

Weatherization: 2020 Minn. Stat. § 216C.264

Utility Costs: 2020 Minn. Stat. § 504B.215

Single-Metered Residential Buildings, Rights and Duties: 2020 Minn. Stat. § 504B.215