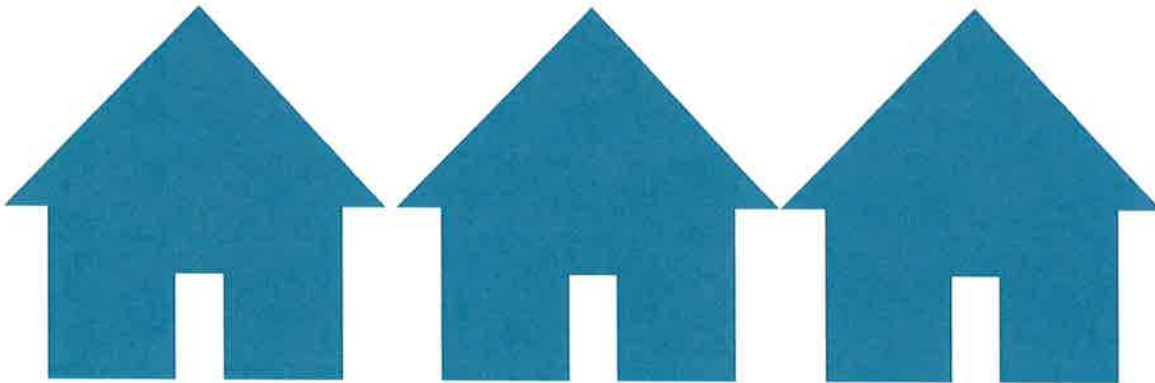


Student Legal Service Tenant Resource Guide



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A UNIT OF THE OFFICE FOR
Student Affairs

STUDENT LEGAL SERVICE

UNIVERSITY OF MINNESOTA

Thinking of Renting Off Campus?

This guide, created by University Student Legal Service (USLS), includes helpful information about renting options, your legal rights and responsibilities as a tenant, and sample correspondence to enable you to better protect your interests throughout your tenancy. Another great reference is "**Landlords and Tenants: Rights and Responsibilities**," a summary of MN laws published by the MN Office of the Attorney General. You can find the guide at www.ag.state.mn.us. Review it before you rent, and use it as a reference during your tenancy. At the end of this guide, is list of housing resources of particular interest to students. **Be sure to contact USLS if you have questions or problems!**

Choosing the Best Style of Housing for You

Off campus housing options include **rooming houses** (in which you rent only one room and share kitchen/bath facilities), **duplexes** (a house divided into two rental units), **houses** and various sized **apartments**. If you intend to live with roommates, be aware that most tenants in shared rental property are required to sign a joint lease. In this case each roommate is responsible for the total amount of rent due for the rental property, not just a proportional share. If you want to share a house, duplex or apartment with others, consider how well you know prospective roommates and review all lease terms so everyone is clear about their joint lease obligations. If anyone doesn't pay their share, the other joint tenants will likely need to cover the deficiency.

Many of the newer apartment buildings around campus offer separate individual room leases for shared apartments. In this case, each tenant's rent obligation is limited and he/she is not responsible if a roommate fails to pay.

Many apartment and rooming house leases include heat, gas, trash and water utility costs in the rent. Tenants only pay extra for electric, cable and telephone services. Be sure to read the lease carefully to see what utilities are included in rent. Apartment buildings often offer amenities, such as computer rooms, exercise facilities and party rooms. Some tenants feel safer in apartment buildings because they typically have electronic security systems at entrances and a management office to monitor the property. Parking facilities may also be more convenient in apartment complexes. Others may prefer the added privacy, independence and larger size of duplexes and houses.

Tenants in duplexes and houses often must pay for utilities in addition to the rent. This expense may be minimized by the shared contribution among roommates, but you should consider all additional costs to determine which rental options fit your budget. When renting an older house, obtain a written utility estimate from the landlord or utility company. Be advised that city ordinances limit the number of unrelated tenants who may legally reside in rental properties, regardless of the number of bedrooms. Even though having more roommates can limit costs, it may violate these ordinances.

Look Before You Lease

Checklist

- ▶ **Inspect the property carefully.** Is it clean inside and out? Turn on faucets; look under the sink for plumbing leaks; flush the toilet; look in the refrigerator and other appliances; check the windows, smoke detectors, door locks and common areas to see how they are maintained.
- ▶ **Get the name and address of the owner and/or manager.** In Minneapolis and St. Paul rental property should be licensed or registered with the city unless the owner also lives there. The licensing information should be posted in the building. Also, ask if there is a caretaker or other person responsible to handle maintenance requests or other tenant needs.
- ▶ **It pays to investigate.** If possible, ask current or prior tenants how they would rate the property and landlord. Contact the local city housing inspections office to see if there is a record of serious repair problems at the property and ask about zoning restrictions regarding the number of tenants allowed at the property. Contact the local police precinct to learn about any possible recent crime associated with the property or surrounding properties.
- ▶ **Don't sign an application or pay a deposit to hold the property unless** you are sure you want to rent. The deposit may not be refundable if you change your mind.
- ▶ **Ask to review the lease and all related documents for a few days** before submitting an application or paying a deposit. Be sure to note what utilities are included in the rent and other charges you will be required to pay in addition to rent. Changes are sometimes possible if you have a problem with any of the terms of the lease. Don't be afraid to ask questions.
- ▶ **Will you have roommates?** If you will be signing a joint lease, make sure all roommates understand and agree that each one is obligated to comply with the terms of the lease. As joint tenants, you may be held both jointly and individually responsible for the payment of all rent due and any damage to the property.
- ▶ **"Get it in writing"** is not just a cliché! Verbal assurances or promises by the landlord should be confirmed in writing before you pay a deposit or sign a lease. If your landlord promises to make an improvements to the premises, get the list of improvements and timeline in writing.
- ▶ Not sure? **Don't be rushed or pressured** into signing a rental agreement before you are ready. Take time to **carefully read and understand all** agreements before signing.
- ▶ University Student Legal Service staff are available **to review the lease** with you and help you understand it. USLS does not currently have walk-in hours, but please call or email our office for an appointment.

Remember, renting is a formal business transaction. Taking precautions can make your experience much more comfortable and enjoyable!

Sample Inventory and Inspection Checklist (for move-in and move-out)

Recording the property condition at the time you move in may avoid charges for damages you didn't cause. Your landlord may ask you to fill out a different form. **Whatever form is used, be sure to keep a copy for your records! Taking dated photos of before/after conditions is recommended.**

KITCHEN

<input checked="" type="checkbox"/>	Item	Notes
	Stove/Oven	
	Refrigerator	
	Sink and Faucet	
	Garbage Disposal	
	Counter Tops	
	Cupboards	
	Dishwasher	
	Water Pressure	
	Light Fixture(s)	
	Walls	
	Ceiling	
	Windows	
	Electrical Outlets	

LIVING ROOM

<input checked="" type="checkbox"/>	Item	Notes
	Light Fixtures	
	Carpet	
	Floor	
	Walls	
	Ceiling	
	Shades / Curtains	
	Electrical Outlets	
	Other	

BEDROOM

<input checked="" type="checkbox"/>	Item	Notes
	Windows	
	Light Fixture	
	Shades / Curtains	
	Carpet	
	Floor	
	Ceiling	
	Walls	
	Electrical Outlets	

<input type="checkbox"/>	Door	
<input type="checkbox"/>	Closet	

BATHROOM

<input checked="" type="checkbox"/>	Item	Notes
<input type="checkbox"/>	Towel Rack(s)	
<input type="checkbox"/>	Electrical Outlets	
<input type="checkbox"/>	Mirror / Cabinet	
<input type="checkbox"/>	Sink and Tub	
<input type="checkbox"/>	Shower Curtain/Door	
<input type="checkbox"/>	Lock	
<input type="checkbox"/>	Door	
<input type="checkbox"/>	Toilet	
<input type="checkbox"/>	Hot/Cold Water	
<input type="checkbox"/>	Water Pressure	
<input type="checkbox"/>	Floor	
<input type="checkbox"/>	Walls	
<input type="checkbox"/>	Ceiling	
<input type="checkbox"/>	Window	
<input type="checkbox"/>	Shades / Curtains	

MISCELLANEOUS

<input checked="" type="checkbox"/>	Item	Notes
<input type="checkbox"/>	Security System	
<input type="checkbox"/>	Keys	
<input type="checkbox"/>	Locks	
<input type="checkbox"/>	Mailbox	
<input type="checkbox"/>	Gutters	
<input type="checkbox"/>	Screens	
<input type="checkbox"/>	Main Doors	

OTHER NOTES:

Landlord Signature Date

Tenant Signature Date

Sample Repair Notice

Mail or email (if you have an established email address) a written request to your landlord, even if you report problems by phone or through an online portal, so that you can document your complaint in case there is a dispute later.

Be sure to retain copies of this and any other communication between you and your landlord.

NOTICE OF NEED FOR REPAIR

[Date]

To: [insert landlord's name]
[insert landlord's address]

From: [insert tenant's name]
[insert tenant's address]

Please be advised that the following conditions in our rental property are in need of immediate attention and repair:

[list item(s) in disrepair]

Your prompt response is appreciated.

Thank you,

[print name under signature]

Sample Vacating Notice

Written notice usually required of either party to a lease in order to terminate the tenancy. Failure to give proper notice may result in additional rent obligations. Check the lease for specific requirements regarding timing of notice.

Keep copies of this and any other communication between you and your landlord.

[Date]

To: [insert landlord's name]
[insert landlord's address]

Dear [insert landlord's name],

This is to notify you that I (we) will be vacating **[insert address]** on or before **[insert date]**.

Please return my security deposit to the following address:

Sincerely,

[print name under signature]

Sample Deposit Refund Demand Letter

This may be helpful if your landlord fails to send your refund or a written explanation in a timely manner (within 21 days as required by law) after you move out.

Be sure to retain copies of this and any other communication between you and your landlord.

[Date]

To: [insert landlord's name]
[insert landlord's address]

Dear [insert landlord's name],

I vacated the property at **[insert address]** on **[insert date]**.

As of this date, I have not received my deposit refund, nor have I received a written explanation.

You are required under MN law to either provide a refund or a written explanation within 21 days of a tenant's termination and your receipt of a forwarding address. Your failure to do so subjects you to additional claims.

Please send my refund (security deposit with interest) to the address below by date **[insert date]** to avoid the need to pursue legal action.

Sincerely,

[print name under signature]
[insert current address]

Hosting Parties: Things to Know

Be sure to check your lease. Does it prohibit parties? If so, any gathering could result in adverse action by your landlord such as fines or eviction. Owners/managers of rental property are under increasing pressure from city officials, police and neighborhood organizations to control their tenants' conduct, including parties, underage drinking and related problems. Particularly in areas around campus, renters should proceed with extreme caution if you intend to host or attend a party. You may fall under close scrutiny by neighbors and police.

If the police receive a complaint and have to visit rental property, the landlord is usually notified. Your landlord may be compelled to take action against you, whether or not the police issue criminal citations. In addition to possible civil action such as a fine or eviction, be aware of the following:

CRIMINAL PENALTIES

The following are misdemeanors punishable by up to \$1000 fine and/or 90 days in jail:

Noisy Assembly

Many cities, including Minneapolis and St. Paul, regulate noise levels and social gatherings that could be considered a nuisance. These ordinances prohibit a person from participating in, visiting, permitting, or remaining at a noisy assembly. This is commonly defined as a gathering of more than one person in a residential area between the hours of 10:00 p.m. and 6:00 a.m. that would be likely to cause significant discomfort or annoyance to a person of normal sensitivities. There could be a violation whether you entertain two friends or fifty; whether or not there is alcohol involved, and whether or not you are the host.

Disorderly Conduct

This is commonly defined as engaging in conduct that is likely to alarm, anger, or disturb others, provoke an assault or disturb the peace. It includes fighting or engaging in offensive, obscene, or abusive language or in boisterous and noisy conduct that may arouse alarm, anger or resentment in others.

NOTE: This law is broadly interpreted. Police will often charge individuals who they believe are being "uncooperative."

Social Host

Both Minneapolis and St. Paul have adopted "social host law." These laws hold individuals criminally responsible for hosting or permitting an event of three or more people on public or private property where persons under 21 years of age possess or consume alcohol, regardless of who supplied the alcohol. The host need not be present at the event to be criminally liable.

Alcohol — Underage Consumption, Purchasing or Possession

► Consumption

It is unlawful for anyone under age 21 to consume alcohol outside of his/her parent's or guardian's home.

► False ID

It is unlawful to give a fictitious name or false ID to a police officer who is acting within his/her duties. It is also unlawful to present a false ID to purchase alcohol.

▶ **Purchasing**

It is unlawful for someone under the age of 21 to buy or attempt to buy any alcoholic beverage.

▶ **Possession**

It is unlawful for a person under 21 to possess an alcoholic beverage with intent to consume it outside his/her parent's or guardian's home. Possession presumes intent to consume.

▶ **Social Host**

Anyone hosting or permitting an event or gathering of three or more persons on public or private property may be held criminally liable if he / she knows or has reason to know anyone under the age of 21 at the gathering is in possession of or consuming alcohol.

▶ **Furnishing alcohol to persons under the age of 21**

Anyone who buys or furnishes alcohol for a person under age 21 is subject to gross misdemeanor charges and a fine of up to \$3,000 and/or one year in jail.

DRIVING HOME FROM A PARTY?

Think again if you've been drinking.

Driving while intoxicated...

Is a misdemeanor (\$1000 fine/90 days) to drive, operate, or be in control of a motor vehicle while under the influence of a controlled substance or with an alcohol concentration above .08 %. It is a separate crime to refuse chemical testing if you are stopped by police. Refusal results in loss of license for 1 year. Test results over .08 results in loss of license for 90 days.

Zero tolerance

It is unlawful for anyone under age 21 to drive, operate, or be in control of a motor vehicle after consuming any amount of alcoholic beverage. Violation will result in loss of driving privileges for 30 days (2nd offense – 180 days) and will become a permanent part of your driving record.

CIVIL ACTION / SOCIAL HOST LIABILITY

A civil lawsuit may be brought against anyone who is 21 or older who furnished, sold, gave or purchased alcohol for a person under age 21 whose consumption of alcohol resulted in injury to an innocent third person. A person may also be criminally responsible for hosting or permitting a gathering where persons under age 21 possess or consume alcohol regardless of who supplied the alcohol.

Party Tips

Before the party: Plan ahead. Try to limit the number of potential guests. Having a party open to all comers can invite trouble. Be considerate of neighbors; inform them of the party, and have them contact you first about any problems.

During the party: Make yourself available to answer the phone or respond to neighbors' concerns. From time to time, check the noise level from outside to see if it could be bothering others. Keep the party inside. Control parking. Do not let your guests park in the yard or block driveways.

What to serve: Have alternative beverages to alcohol and label all beverages. Stop serving alcohol at least one hour prior to the expected end of the party. Serve some non-salty foods that don't promote

thirst. Accept each person's decision to decline alcohol. Do not promote overindulgence with drinking games, etc. Take steps to limit consumption, such as designating a responsible person as bartender.

Be responsible: Do not allow drinking to become the primary focus of the party. Make sure only those of legal age are drinking alcoholic beverages. Do not allow excessive consumption. Have phone numbers available for emergency health care, police, and taxi service. Have designated drivers available. Stop friends from driving under the influence of any controlled substance.

After the party: Do not allow anyone to leave with an open container of alcohol. Do not allow anyone to use the great outdoors as a restroom. Clean up any litter as soon as possible.

If police arrive at the door: Cooperate and take them seriously. Answer questions truthfully. You have the right to refuse them entry unless they have a search warrant. However, be aware that most police officers will enter forcibly if given provocation or reason to believe unlawful activity is occurring. If you are ticketed or arrested, do not argue or resist. Try to consult with an attorney as soon as possible.

NOTE: The U of MN "Student Conduct Code" applies to illegal conduct either on or off campus that may reflect negatively on the University.

This information should not be considered legal advice. Consult with an attorney regarding your rights and responsibilities in a particular situation. Call or email USLS to schedule an appointment.

Housing Resources/Websites

University Student Legal Service

Information on tenants' legal rights, advice and representation for eligible students at U of MN. We operate on an appointment basis. Please call or email us to schedule an appointment.

Email: usls@umn.edu

P: (612) 624-1001

W: usls.umn.edu

HOME Line

HOME Line advocates for tenants in Minnesota and provides free or low cost legal advice.

Tenant Hotline: (612) 728-5767

W: <https://homelinenm.org>

Office of the Attorney General - State of MN

For an easy to read summary of the laws in Minnesota affecting renters and landlords go to:

<https://www.ag.state.mn.us/>

Click Housing > Landlords & Tenants Rights & Responsibilities

P: (651) 296-3353

City of Minneapolis, Crime Maps

You can use RAIDS, an online crime map, to view any reported criminal activity at or near any address in Minneapolis and surrounding suburbs (as data allows).

W: https://communitycrimemap.com/?mcs=Minneapolis_Crime_Map&type=simple&address=Minneapolis%20MN

Or <https://communitycrimemap.com>

City of Minneapolis, Property Records

Find owner's name, property description, and rental license history by street address.

<http://apps.ci.minneapolis.mn.us/AddressPortal/App/>

City of Minneapolis, Inspections Division

Information regarding enforcement of city housing code/ordinances affecting health and safety

<http://www.ci.minneapolis.mn.us/inspections/>

P: (612) 673-3000

City of St. Paul Division of Property Code Enforcement

Information regarding enforcement of city housing code/ordinances affecting health and safety

<http://www.ci.stpaul.mn.us/index.aspx?NID=57> (Click on Track Property Information)

P: (651) 266-1900

Search for Off-Campus Housing Online

University of Minnesota Housing and Residential Life

Information for U of M students about living on and off-campus, including off-campus property listings for rent or sublease and UMN Roommate Finder.

<https://housing.umn.edu/>

P: (612) 624-2994

Minnesota Daily

<http://www.mndaily.com/>

Craig's List

<http://minneapolis.craigslist.org/apa/>

Minneapolis Star Tribune Newspaper

<http://www.startribune.com/rent>

St. Paul Pioneer Press Newspaper

<http://www.twincities.com/mld/twincities/>

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