

Student Legal Service Tenant Resource Guide



University Student Legal Service

UNIVERSITY OF MINNESOTA 160 West Bank Skyway 219 - 19th Avenue South
Minneapolis, MN 55455 612-624-1001 Fax: 612-624-7351

E-mail: usls@umn.edu

www.usls.umn.edu



THINKING OF RENTING OFF CAMPUS ?

This guide includes helpful information about renting options, your legal rights and responsibilities and sample correspondence to enable you to better protect your interests as you go through 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. Review it before you rent, and use it as a reference during your tenancy. It is available on line on the USLS web site and at www.ag.state.mn.us . 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 now 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. 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 and 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. Be advised that city ordinances limit the number of unrelated tenants who may legally reside in rental properties. Even though more having many 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. The MN Student Association has a Renters' Survey for students to evaluate their landlord on line at www.msa.umn.edu
- ✓ 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.
- ✓ 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. Call USLS for an appointment at **612-624-1001**

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

SAMPLE INVENTORY AND INSPECTION CHECKLIST

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 photos is also a good idea.

KITCHEN

Notes

- Stove/Oven
- Refrigerator
- Sink and faucet
- Garbage disposal
- Counter tops
- Cupboards
- Dishwasher
- Water pressure
- Light fixture
- Cupboards
- Walls
- Floor
- Ceiling
- Windows
- Electrical Outlets

LIVING ROOM

- Light fixtures
- Carpet
- Floor
- Walls
- Ceiling
- Windows
- Shades & drapes
- Electrical Outlets
- Other

BEDROOM

- Windows
- Light fixture
- Shades & drapes
- Carpet
- Floor
- Ceiling
- Walls
- Electrical Outlets
- Door
- Closet

BATHROOM

Notes

- Towel/tissue racks
- Electrical Outlets
- Mirror, cabinet
- Sink and tub
- Shower curtain/door
- Lock
- Door
- Toilet
- Hot/Cold Water
- Water pressure
- Floor
- Walls
- Ceiling
- Window
- Shades/drapes

MISC

- Security System
- Keys
- Locks
- Mailbox
- Storms
- Screens
- Main Doors

Dated: _____
Landlord

Dated: _____
Tenant

SAMPLE REPAIR NOTICE

Mail a written request to your landlord, even if you report problems by phone, 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: *(landlord)*
address

From: *(tenant)*
address

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

Your prompt response will be appreciated. Thank you.

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: *Landlord*

Address

Dear Mr./Ms. (*Landlord*)

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

For the purpose of returning my security deposit, please use the address below:

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: Landlord

Address

Dear (*Mr. / Ms. Landlord*) :

I vacated the property at _____ *address* _____ on _____ *date* _____.

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

You are required under state 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* _____, so there will be no need to pursue legal action.

Sincerely,

(print name under signature)

_____ *Address* _____



Partying? Beware!!

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."

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 3 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 \$3000 and/or one year in jail.

**DRIVING HOME FROM A PARTY? Think again if you've been drinking.
Get a ride or take a taxi !**



Driving while intoxicated

It 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. It is really inviting trouble to have a party open to all comers. 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 your 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 USLS at 612-624-1001

Housing Resources/web sites

University Student Legal Service (612) 624-1001

Information on tenants' legal rights, advice and representation for students at U of MN

<http://www1.umn.edu/usls/>

Office of the Attorney General-State of MN (651) 296-3353

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

<http://www.ag.state.mn.us/> Click Housing, then Landlords & Tenants Rights & Responsibilities

Minnesota Student Association (612) 625-9992

Maintains renters survey for students to evaluate landlords. <http://www.msa.umn.edu/>

City of Minneapolis, Property Records

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

<http://apps.ci.minneapolis.mn.us/AddressPortalApp/>

City of Minneapolis, Inspections Division

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

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

City of St. Paul Division of Property Code Enforcement (651) 266-1900

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)

Search for housing on-line

U of MN Dept. Of Housing and Residential Life (612) 624-2994

Information for U of M students about living on and off-campus;

Listings of off-campus properties for rent, sublease, and roommates wanted.

<http://www.housing.umn.edu/offcampus/>

Minnesota Daily (Campus newspaper)

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

Minneapolis Star Tribune Newspaper

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

St. Paul Pioneer Press Newspaper

<http://www.twincities.com/mld/twincities/> Click on "Apartments" at left of page

Craig's List

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