



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
State Fire Marshal Division

STATEMENT OF POLICY

Policy #: INS-09 (2007)	Subject of Policy: Inspections of Residential Tenant Dwellings		
Reviewed and Approved By: Jerry Rosendahl	Title: State Fire Marshal	Effective Date: July 10, 2007	Revised Date: July 10, 2007

APPLIES TO:

All Inspection Personnel, Inspection Supervisors, Code/Plans Specialists.

PURPOSE:

To ensure compliance with MN Statute § 504B.211 – *RESIDENTIAL TENANT’S RIGHT TO PRIVACY*.

POLICY:

SECTION 1

MN STATUTE § 504B.211 - *RESIDENTIAL TENANT’S RIGHT TO PRIVACY*

1.1 Scope

The following policies and procedures apply to the inspection of residential tenant dwellings such as non-owner occupied one and two unit R-3 dwellings, townhouses, and apartment units.

Note: This policy does not apply to State Fire Marshal Inspectors when executing administrative search warrants, or when assisting law enforcement personnel in the execution of search warrants.

1.2 MN Statute § 504B.211

Minnesota Statute § 504B.211 prohibits property owners and officials charged in the enforcement of health, housing, building, fire, or housing maintenance codes from entering a residential tenant dwelling without first giving the tenant reasonable notice under the circumstances of the intent to enter.

1.3 Inspections of Residential Tenant Dwellings

When inspection of a residential tenant dwelling is necessary due to a complaint or a jurisdictional request for assistance, State Fire Marshal Inspectors will instruct the property owner (or the owner’s representative) to provide written notice of inspection to each tenant at least one-week prior to the scheduled inspection. The written notice must include the reason for the inspection, as well as the inspection date and approximate time of day. *Note: If the tenant is present at the time of inspection, and the tenant provides verbal permission for inspection, written notice is not necessary.*

1.4 Routine Mandatory Inspections of Mixed Motel and Apartment Occupancies

Minnesota Statute § 299F.46 requires that all hotels and motels be inspected at least once every three years. When inspecting motel facilities that also contain tenant occupied apartment dwellings, State Fire Marshal Inspectors will only inspect motel rental units. Apartment dwellings are not to be entered when conducting routine, mandatory motel inspections.

RATIONALE: Minnesota Statute § 504B.211 protects a residential tenant's right to privacy by requiring reasonable notice prior to entering a dwelling for inspection.