

Periodic Tenancies (Month-to-Month Terms) & the Quit Date Method

Definition: Periodic tenancies do not have a specific lease term stated in the lease; generally the unit is rented on a month-to-month basis.

Process: Notice to terminate a periodic lease is required a day before the start of the next full lease term.

Notice Recommendation: For periodic tenancies, the landlord should send a letter to tenants at least 60 days prior to implementation of the smoke-free policy. This would allow the tenants 30 days in which to decide whether to sign the smoke-free lease addendum or to terminate their tenancy by providing adequate notice of termination.

Quit Date Method: If the building consisted of all periodic tenancies, a landlord could set a date at least two months in the future for adoption of the smoke-free policy and would thereby provide sufficient time for all tenants to either choose to accept the policy or to provide notice of termination of the lease and leave.

Periodic Tenancy Notification Example:

Unit is rented on a month-to-month basis. Tenant must give 30 days notice to end their tenancy.

April						
1						
	30					

Landlord gives notice of policy change on April 1st.

Tenants who wish to end tenancy before smoke-free policy goes into effect must notify landlord by April 30th.

May						
		1				
				31		

All tenants who pay rent on May 1st are agreeing to stay through June or longer.

June						
						1
						30

Smoke-free policy goes into effect on June 1st.

A Note About Subsidized Housing and Housing Outside of Minnesota

This fact sheet provides guidelines for notice requirements based on Minnesota State landlord/tenant law. If your property is not in Minnesota, check with an attorney in your jurisdiction for notice requirements in your area. The Department of Housing and Urban Development (HUD) has similar notice requirements for properties receiving federal subsidies, but owners and landlords of federally supported properties are encouraged to contact their local housing authority or HUD office to confirm. Please contact Live Smoke Free at (651) 646-3005 if you have specific questions about adopting a smoke-free policy in subsidized housing.

Prepared by Warren Ortlund, staff attorney with the Tobacco Law Center. Mr. Ortlund provides legal consulting services to the Live Smoke Free multi-housing program. This fact sheet should not be considered legal advice or a substitute for obtaining legal advice from an attorney who can represent you. If you have specific legal questions, we recommend that you consult with an attorney familiar with the laws of your jurisdiction.

About Live Smoke Free

Live Smoke Free is a program of the Association for Nonsmokers—Minnesota that focuses on assisting apartment managers and renters in the Twin Cities metro area in finding solutions to the problem of secondhand smoke in apartment buildings.

**Smoke-Free Apartments:
Healthier Buildings, Happier Tenants,
A Smart Investment.**
www.mnsmokefreehousing.org

About The Tobacco Law Center

The Tobacco Law Center is a public interest law and policy think tank that helps local, state, national and international officials and tobacco control advocates use the power of law to address the epidemic of tobacco use.

Improving Health Through the Power of Law.
www.tobaccolawcenter.org