

What are your rights?

Understanding your rights as a tenant or rental property owner is essential, especially when it comes to private well water. While short-term rentals must meet state inspection and testing requirements, there are no specific well regulations for primary residence rentals. However, landlords are still responsible for maintaining a safe and habitable living environment.

Tenants

There are no well inspection or testing regulations for primary residence rental homes that rely on wells.

- In Minnesota, private wells at short-term rentals that qualify as lodging (e.g., vacation homes, Airbnb properties) are inspected and tested under Chapter 4625 of the Minnesota lodging rule.

Rental Property Owners

According to Minnesota Statutes, the landlord is responsible to make sure that a rental unit is:

1. Fit to live in.
2. Kept in reasonable repair.
3. Kept in compliance with state and local health and safety laws.



Testing is even more important if young children drink the water.

This information sheet does not constitute legal advice. It is intended to assist landlords and tenants in understanding their responsibilities when it comes to maintaining a drinking water well that is located on a rental property and should only be used for educational purposes as it. Landlords and tenants should consult legal counsel to ensure compliance with all applicable rules and regulations.

Rental Agreement

In the absence of testing regulations, it is important that there is an agreement in place between a tenant and their rental property owner to ensure safe drinking water and protect both parties.

What to include

1. Require testing at an accredited lab
2. Requirements for contaminants to test for
3. Party responsible for private well water testing and payment
4. Frequency of private well water testing
5. Requirements for communication of the results
6. Requirements for addressing contamination issues and payment
7. Requirements for well and septic system maintenance

Examples

The New Jersey Private Well Testing Act requires landlords to test the private well water every five years and provide tenants with a written copy of test results.

California also has a rental property statute about well testing that you can consider for some of the wording when writing an agreement.

Testing Recommendations

The Minnesota Department of Health recommends you test for five common contaminants. The contaminants listed are common in Minnesota well water. Both natural sources and human activities can contaminate wells and lead to short- and long-term health effects. You cannot taste, smell, or see most of these contaminants, and water quality can change over time.

- Learn more about water quality issues and steps you can take if there is an unsafe level of a contaminant in your water. **Well Testing, Results, and Options** (<http://www.health.state.mn.us/welltesting>)

MDH recommends using an accredited laboratory to test your water. Contact an accredited lab to get sample containers and instructions or ask your county environmental or public health services if they provide well water testing services.

MDH may recommend you test for additional contaminants based on where you live.

Most contaminants can be reduced through properly maintained home water treatment. **Home Water Treatment Fact Sheet** (<http://www.health.state.mn.us/communities/environment/water/factsheet/hometreatment.html>)

Accredited Labs in Minnesota Accepting Drinking Water Samples from Private Well Users (PDF)

(<https://www.health.state.mn.us/communities/environment/water/docs/wells/waterquality/labmap.pdf>)

Background

As a rental property owner, you can help make sure your tenants have safe drinking water. There is no statewide requirement for rental property owners to test the drinking water from a private well and treat for contaminants if they are found. This makes tenants vulnerable to the possibility that they are unknowingly consuming unsafe drinking water that could affect their health.

Protect your drinking water

As a tenant, there are still ways you can contribute to safe drinking water. The products we use and waste we generate every day can release contaminants into the environment, which can eventually reach our groundwater and surface waters.

Here are some steps you can take to prevent contamination and improve the quality of our drinking water sources: **Actions You Can Take to Protect Drinking Water** (<https://www.health.state.mn.us/communities/environment/water/swp/takeaction.html>)

Septic Systems

If there is a private well on the property, there is usually also a septic system. Septic systems treat wastewater on the property and need to be maintained regularly in order to function properly. Septic systems are regulated at a local and state level. If you have questions about your septic system or compliance inspection report, contact your local permitting authority or planning and zoning office.

- **All about septic** (<https://septic.umn.edu/all-about-septics>)

Questions?

Check out the resources below for information around private wells and rental properties. Contact the Minnesota Department of Health or a licensed well and boring contractor if you have questions about your water quality, testing, treatment of well construction.

Minnesota Department of Health
625 Robert Street North
P.O. Box 64975
St. Paul, MN 55164-0975
651-201-5594 or 800-383-9808
health.privatewells@state.mn.us
www.health.state.mn.us/wells



Resources

Chapter 40 (PDF) (https://pub.njleg.gov/bills/2000/PL01/40_.PDF)

Ch. 504B MN Statutes (<https://www.revisor.mn.gov/statutes/cite/504b>)

New Jersey Private Well Testing Act (NJ PWTA) (<https://dep.nj.gov/privatewells/pwta/>)

Rental Property Domestic Well Testing Requirements (AB 2454) (https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/private-domestic-well-testing.html)

Wells and Borings (www.health.state.mn.us/wells)

To obtain this information in a different format, call: 651-201-5594.

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Rental Property Owners and Tenants as Well Partners