

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Case Type: Civil

Court File No. 62-CV-22-780

State of Minnesota, by its Attorney General,  
Keith Ellison

Plaintiff,

**ORDER GRANTING  
TEMPORARY  
INJUNCTION**

vs.

HavenBrook Homes, LLC, HavenBrook  
Partners, LLC, Pretium Partners, LLC, FYR  
SFR Borrower, LLC, Home SFR Borrower,  
LLC, and Progress Residential Management  
Services, LLC,

Defendants.

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This matter came on for hearing before the Court upon Plaintiff's motion for a temporary injunction on October 25, 2023. The Court, having considered all the papers submitted in support of and in opposition to this Motion, the arguments of the parties, as well as all prior proceedings, and after due deliberation, IT IS HEREBY ORDERED:

1. The Plaintiff's Motion is **GRANTED, in part/DENIED, in part** as to Defendant Progress Residential Management Services, LLC and any successor entities that manage Defendants' single-family rental properties in Minnesota.

2. The Plaintiff's Motion is **DENIED** as to all other Defendants.

3. Defendant Progress Residential Management Services, LLC and any successor entities that manage Defendants' single-family rental properties in Minnesota shall comply with Minnesota Statutes section 504B.161, subdivision 1, including, but not limited

to the following:

a. Prior to any renovation, as defined below, a certified professional shall be retained to audit and inspect the entirety of the Minnesota rental home built prior to 1978 for the presence of lead paint, and document where the lead paint is located and note any immediate actions that need to be taken to address hazards. Lead paint mitigation shall be completed as soon as practicable.

b. Draft lead paint policies and procedures that accurately reflect Minnesota law and federal laws and regulations related to the maintenance, repair, and renovation of Minnesota rental housing built prior to 1978 as to lead paint.

c. Retain an independent expert to certify that the policies and procedures drafted accurately reflect Minnesota law and federal laws and regulations related to the maintenance, repair, and renovation of Minnesota rental housing built prior to 1978 as to lead paint, and, once certified, implement the policies and procedures and train employees on the policies and procedures. A copy of the policies and procedures as well as the certification shall be submitted to the Court and the Minnesota Office of the Attorney General within sixty (60) days.

d. All renovations, as defined below, in Minnesota rental housing built prior to 1978 will be conducted in accordance with Minnesota law as well as federal laws and regulations.

e. This Order does not apply to activities where the component/surface being disturbed has been determined to not have lead-based paint and there are records of such determination that complies with Minnesota law as well as federal laws and regulations.

4. Defendant Progress Residential Management Services, LLC and any

successor entities that manage Defendants' single-family home rental properties in Minnesota shall provide the Attorney General's Office copies of the documentation of compliance required in 40 CFR § 745.86 every three months beginning one month after entry of this Order as to any renovation performed by Defendant Progress Residential Management Services, LLC or any successor entities that manage Defendants' single-family rental properties in Minnesota or third-party vendors.

5. This Court adopts the following definitions from 40 CFR § 745.83 and apply these definitions to this Order:

*Renovation* means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by 40 CFR section 745.223. The term renovation includes (but is not limited to): The removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather-stripping), and interim controls that disturb painted surfaces. A renovation performed for the purpose of converting a building, or part of a building, into target housing or a child-occupied facility is a renovation under this subpart. The term renovation does not include minor repair and maintenance activities.

*Minor repair and maintenance activities* are activities, including minor heating, ventilation or air conditioning work, electrical work, and plumbing, that disrupt 6 square feet or less of painted surface per room for interior activities or 20 square feet or less of painted surface for exterior activities where none of the work practices prohibited or restricted by § 745.85(a)(3) are used and where the work does not involve window replacement or demolition of painted surface areas. When removing painted components, or portions of painted components, the entire surface area removed is the amount of painted surface disturbed. Jobs, other than emergency renovations, performed in the same room

within the same 30 days must be considered the same job for the purpose of determining whether the job is a minor repair and maintenance activity.

IT IS SO ORDERED:

Dated: \_\_\_\_\_

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Mark Ireland  
Judge of Second Judicial District  
District Court of the State of Minnesota