



## HOW TO GET REPAIRS DONE

### What are a Landlord's Duties to a Tenant?

Your landlord must provide a safe and sanitary place to live when they accept rent from you. In other words, it must be habitable. If the unit is not habitable when you move in, your landlord must make all needed repairs as long as he/she is charging you rent. The landlord cannot legally terminate your tenancy because you complain that the landlord has not provided habitable premises.

### What is a Habitable Place?

A "habitable place" must be substantially in compliance with the building code and has to provide the "bare living requirements." It need not be nice looking or comfortable. For example, the law does not require your landlord to paint your home every year or to give you new drapes or rugs. A place is **not "habitable"** if it has substantial problems with:

- damp/leaking ceiling/walls
- holes in walls/floor/carpet
- falling plaster/peeling paint
- lack of/inadequate heat
- missing/broken windows
- lack of/inadequate hot water
- presence of visible mold
- missing/broken smoke detectors
- rats/roaches/insects
- inadequate trash collection
- unsafe stairs/railings
- inadequate security/locks
- defective electrical wiring



## What Should I Do If My Place Is Not Habitable?

- Ask your landlord or his/her agent in person.
- Notify the landlord or his/her agent in writing.
- Take pictures
- Call the local code enforcement agency

- **Ask your landlord or his/her agent in person** to make repairs, if you have a good relationship . If this person agrees to make the repairs, send a thank you letter soon afterward that states what he/she agreed to do. Date it, sign it, and **keep a copy**.

### If this does not work:

- **Notify the landlord or agent by mailing** a short letter about all the problems that exist. This letter should be mailed as soon as possible after discovering the uninhabitable conditions. Date it, sign it, and **keep a copy**. It is best to use certified mail, receipt requested, so you have proof that you sent the letter.
- **Take pictures** of all the problems, date the pictures and keep them in case you need to go to court.
- **Call the local code enforcement agency** to inspect your home. The inspector will send your landlord a written report of any sub-standard living conditions found in your unit. You must allow your landlord or his/her repairman access to your unit during normal business hours to fix all the problems that exist. If LL fails to repair within 35 days of the violation report, you have the option to take LL to small claims court for the conditions.

## What If My Landlord Does Not Make The Repairs?

If your landlord STILL does not make the repairs, come back to the next discuss the following strategies:

- **Small Claims Lawsuit**— Do the repairs yourself, and take your landlord to small claims court for the costs. This is the least risky option.
- **Repair and Deduct** - California has a law that allows you to repair certain conditions yourself (or have someone else do them) and deduct the cost from your rent. BUT this law has some strict requirements that you must follow in order to use it. Unless the situation is dire (such as a broken toilet), do **NOT** do this until you talk to a lawyer.
- **Rent Withholding** as an Individual or as a Building - Rent withholding should be used as a **last resort** because your landlord will probably try to **evict** you. You should **NOT** withhold rent until you talk to a lawyer. This method is more often successful if you can get all the tenants in your building to work together.



### How Can I Find More Information About My Rights as a Tenant?

Call Tenants Together: 888-495-8020

Or visit our website: [www.tenants-together.org](http://www.tenants-together.org)