

Repairs and Maintenance Frequently Asked Questions

by Nolo.com

What are the landlord's repair and maintenance responsibilities?

Under most state and local laws, rental property owners must offer and maintain housing that satisfies basic habitability requirements, such as adequate weatherproofing, available heat, water and electricity, and clean, sanitary and structurally safe premises. Local building or housing codes typically set specific standards, such as the minimum requirements for light, ventilation and electrical wiring. Many cities require the installation of smoke detectors in residential units and specify security measures involving locks and keys.

To find out more about state laws on repair and maintenance responsibilities, check your state's landlord-tenant statutes. Your local building or housing authority, and health or fire department, can provide information on local housing codes and penalties for violations.

What are a tenant's rights if the landlord refuses to maintain the property?

If a landlord doesn't meet his or her legal responsibilities, a tenant usually has several options, depending on the state. These options include:

- paying less rent
- withholding the entire rent until the problem is fixed
- making necessary repairs
- hiring someone to make necessary repairs and deducting the cost from the next month's rent
- calling the local building inspector, who can usually order the landlord to make repairs, or
- moving out, even in the middle of a lease

A tenant can also sue the landlord for a partial refund of past rent, and in some circumstances can sue for the discomfort, annoyance and emotional distress caused by the substandard conditions.

Tenants should check state and local laws and understand remedies available before taking any action such as withholding rent.

What must tenants do to keep the rental property in good shape?

All tenants have the responsibility to keep their own living quarters clean and sanitary. And a landlord can usually delegate his repair and maintenance tasks to the tenant in exchange for a reduction in rent. If the tenant fails to do the job well, however, the landlord is not excused from his responsibility to maintain habitability. In addition, tenants must carefully use common areas and facilities, such as lobbies, garages and pools.