



Fair Housing Advocates of Northern California

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FREQUENTLY ASKED QUESTIONS: HABITABILITY

What is my landlord's obligation to make repairs?

Under the "implied warranty of habitability," a landlord is required to provide and maintain a livable rental, which includes an obligation to make any needed major repairs. Some hallmarks of habitability are effective waterproofing and weather protection, working plumbing and gas facilities, an adequate water supply, working heating facilities, working electrical systems, clean and sanitary premises, appropriate receptacles for waste, well-maintained floors and stairways, deadbolt locks on certain doors, and no lead paint hazards. However, your landlord may not be obligated to make more minor repairs, like cleaning drains, fixing a broken light fixture, or making cosmetic improvements.

What are my obligations as a tenant?

Tenants also bear some of the burden to maintain their homes in a habitable condition. Specifically, you should keep your unit as clean and sanitary as possible, regularly dispose of refuse (especially food waste), properly use and regularly clean all fixtures to prevent problems like mildew and rust, refuse to allow anyone else to damage the premises, and only use the unit as your home.

What should I do if I have a repair issue?

First, notify your landlord of the needed repair, preferably in writing. Allow your landlord adequate time to respond, depending on the nature of the repair. Document any conversations you have with your landlord about the needed repairs. If your landlord does not sufficiently repair the problem, you may want to consider calling the County Department of Building Inspection (for structural defects) or Department of Health and Human Services (for mold or pests). You may also want to consider more drastic measures, such as paying for a necessary repair yourself and deduct that cost from your next rent payment, moving out, or suing your landlord for the difference between the rent you pay and the actual value of the premises. However, you should consult with a knowledgeable party, such as an attorney who specializes in landlord-tenant law, before making any decisions that may jeopardize your tenancy or subject you to liability.

What should I do if I believe the reason my landlord will not make necessary repairs is based on discrimination against me?

If you believe your landlord wrongfully refused to make needed repairs based on discrimination against you because of your race, color, national origin, sex, religion, familial status, disability, sexual orientation, marital status, ancestry, age, or source of income, please contact Fair Housing Advocates of Northern California at (415) 457-5025 for more information on housing discrimination.

Where can I find out more information?

Check out *California Tenant's Rights* by Nolo Press, as well as California Health and Safety Code section 17920.3, and California Civil Code sections 1941 – 1942.5.

Disclaimer: The opinions expressed in the above are those of Fair Housing Advocates of Northern California and do not constitute legal advice. The information is general in nature. No attorney-client relationship exists between yourself and Fair Housing Advocates of Northern California. Consult with a licensed attorney for specific advice.



A local non-profit helping communities eliminate housing discrimination

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