

KYR - Housing Conditions and Repairs

This presentation DOES NOT substitute for legal advice

Template Letters are from Tenants Together:

<https://www.tenants-together.org/>

LATINO
HEALTH
ACCESS



**ALL tenants in California have the
right to a safe and sanitary home,
including repairs!**



General Right to Habitability:

- Tenants are entitled to safe, sanitary, and decent housing.
- Leases come with an “implied warranty of habitability.” Landlords must maintain the rental unit and repair vital facility damages.
- Tenants must maintain and return the property in its original condition, barring normal wear and tear. Malicious damage repair is the tenant’s responsibility.



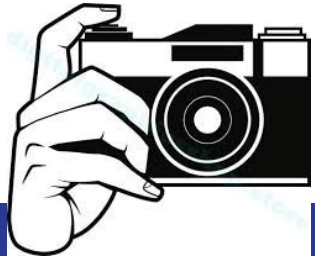
A place is NOT habitable if it has substantial problems with...

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



What should I do if my home is NOT habitable?

1. Ask your landlord to make repairs in WRITING using this letter bit.ly/repairs-request and send it through certified mail. Keep a copy for yourself. Include pictures of all the problems.
2. If the landlord fails to fix the problem, send another letter letting them know that you will move forward to notifying code enforcement
3. Call the local code enforcement agency to inspect your home. The inspector will send your landlord a written report of sub-standard living conditions found in your unit. You must allow your landlord or their repair person access to the unit to fix existing problems.
 - If the landlord fails to make repairs within 35 days of reporting, you can take the landlord to small claims court.



My landlord is refusing to do repairs. Now what?

- **Small claims lawsuit** - do the repairs yourself and take your landlord to small claims court for the costs
- **Repair and deduct** - you can repair **certain conditions** yourself and deduct the cost from your rent. The law requires specific documentation, so we recommend you seek legal aid in the case that you receive an eviction notice!
 - **Repair basic work. DO NOT make repairs that require permits or demolishing certain areas.**
- **Rent withholding (individually or collectively)** - should be used as a **last resort** because the landlord may try to evict you! You should not withhold rent until you talk to a lawyer! This is most successful if you can get all tenants in the building to participate.
 - **If your landlord refuses to make repairs, seek legal help before deciding whether to stop paying rent.**



Can my landlord evict me if I ask for repairs? What if they get upset?

- If you assert your rights to habitable housing to the landlord, and a landlord threatens to evict you or take negative action against you within 180 days of having done so, the landlord is presumed to be engaging in retaliation.
 - Retaliation is ALWAYS prohibited!
 - Respond to your landlord with this sample letter bit.ly/stop-retaliation
- If your landlord continues pressuring you to leave, learn more about your rights against eviction at bit.ly/tt-evictions-pdf . The only person that can remove you from your home is a sheriff!



Landlord Retaliation in California

- Like in many other states, it's illegal for California landlords to retaliate against tenants for taking protected actions including:
 - Good-faith complaints about health, safety, or maintenance violations.
 - Participation in a tenant union or organization.
 - Winning a habitability case.
 - Exercising any legal or contractual right.
- Raised rent, reduced services, denied access, and disclosed immigration status when rent is current are all considered forms of retaliation in California.

(Civil Code, § 1942.5.)



Asthma Remediation Program: Landlord Approval

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Steps after a Home Assessment

- **Conversation facilitated by a promotora/community health worker**
 - Emotional support, validation of lived experiences with landlord, companionship along the way
- **Educate participants on tenant rights & benefit rights**
 - System Navigation & Housing Navigation
 - Tenant rights = handouts and letter template to landlord
 - Benefit rights = participants are authorized to \$7,500 and how the benefits are allocated
 - CHW gives an example of how they can talk to their landlord and recommends them to have all conversations documented
- **Modifications covered through ARP** → Reviews permanent modifications form explaining that ARP will be covering the cost and LHA will be having a licensed contractor do the work in its entirety → our team works with the landlord in phone calls back and forth to ensure job is completed and any questions are answered
- **Modifications covered through landlord** → provide participants with copy of home assessment and attestation form and encourage them to get written documentation from asthma doctor to help as supporting documentation during petition to request modifications → our team supports participants in helping them with the petition via email or phone call
- **Other useful supporting documents:** pictures, pictures, pictures, and ACT



QUESTIONS?

