

## What Should Be Maintained & Provided At A Rental Property

In California, landlords have certain responsibilities to provide fixtures in their rental properties and thereafter to maintain those fixtures so that the rental unit is habitable.

<i>ITEM*</i>	<i>HAS TO PROVIDE?</i>	<i>HAS TO FIX / REPLACE?</i>
Air Conditioning / Heating	Heating Only	Yes
Hot Water	Yes	Yes
Kitchen Appliances	No	No
Washer & Dryer	No	No
Smoke/CO Detectors	Yes	Yes
Window Coverings	No	No
Light Fixtures	Yes	Yes
Landscaping	No	No
Garbage Removal	Yes	Yes
Garbage Pickup	No	Only If Provided
Mold	N/A	Yes
Pest Control	No	N/A
Pest Infestations	N/A	Yes
Water Leaks	N/A	Yes
Clogs	N/A	Yes

\* This is not a comprehensive list

If a landlord fails to maintain a rental unit in a habitable condition, they have breached the implied warranty of habitability. Such a breach may occur because of the landlord's inattention or negligence or if a problem arises that would cause a reasonable tenant to be concerned for the tenant's health or safety. Minor or cosmetic issues that do not affect the health or safety do not constitute a breach of the implied warranty of habitability.

The chart below provides some examples of habitability problems versus minor repair problems.

### **CLASSIFYING A REPAIR**

It is important that a tenant correctly classify a repair issue before claiming that the landlord has breached the implied warranty of habitability because only repairs that may be considered "major" and are not fixed within a reasonable period of time will be a breach of the implied warranty of habitability.

Many of the legal remedies available to a tenant when a landlord breaches the implied warranty of habitability, such as the tenant's making the repairs and deducting the amount of the repairs from rent, will not be available to a tenant for a minor repair.

The following are some examples of situations that may be considered habitability issues or considered minor repair issues.

<b><i>HABITABILITY PROBLEM</i></b>	<b><i>MINOR REPAIR</i></b>
A water leak that results in a wall of mildew in the bedroom	A water leak that has caused a slight stain in the ceiling
A hot water heater that does not work	A hot water heater that heats to five degrees less than the temperature required by state statute
A furnace that does not work	A furnace that is noisy when the fan runs
A front door that will not lock	A screen door (in front of a door that locks) with a broken latch
A toilet that won't flush properly in a one-bathroom rental	A toilet that flushes poorly in a two-bath unit
A lobby that is filled with refuse because the landlord has failed to provide trash bins and has not arranged for pick-up	A lobby that needs a good vacuuming and paint job
A rental unit rented to a household with young children where there is deteriorating lead paint	A rental unit that needs to be repainted