

## **How Do I Get My Landlord to Make Repairs?**

### **FAIR HOUSING HIGHLIGHT #28**

**Help! We moved into this apartment and the landlord promised to fix several things but nothing's been done. What can I do?**

If you have verbally told the landlord about the problem, send him written notice by certified mail which lists items that need to be repaired. **Keep a copy of the letter in case you need to document it later in court.** A landlord must make repairs in a reasonable time – the more serious it is, the faster it must be repaired. A leaky roof might be several weeks, but lack of heat in the winter must be corrected immediately. Landlords are responsible for fixing any conditions that make the property unhealthy or unsafe, or affect the tenant's basic use and enjoyment of the property.

**What kind of repairs is the landlord responsible for?**

In the **Implied Warranty of Habitability**, which mandates that the landlord provide a safe and habitable place for the tenant to live, a landlord is responsible for correcting the following defects: *Lack of hot/cold running water; inadequate heat; inadequate locked security; insect or rodent infestation; leaking roof; unsafe floors, stairs, porches, handrails; dangerous electrical wiring; broken refrigeration (when LL is responsible); and any unsafe structural components on the property.*

**Our heat often goes off during the winter. It is hours or even days before it gets going again. The landlord says there is nothing he can do - the system is old and he can't afford to get it replaced. Do we have to go without heat in the winter?**

If you are without heat for more than a few hours, call your local Office of Code Enforcement or the Montgomery County Department of Health and have them come out to do an inspection. Also, if you have a heating emergency related to inability to pay your heating bill, or a non-working heater that you own, call LIHEAP (Low Income Heating Emergency Assistance Program) at 610-272-1752.

**What if I tried everything and the landlord still doesn't do anything?**

If you have notified the landlord in writing and given him a reasonable time to make repairs and he still has not made necessary repairs, the Pennsylvania Supreme Court has ruled that a tenant may exercise three options. In brief, you may:

- 1) Have it repaired yourself and deduct the costs from the rent (first get estimates of the work and have it done in a workmanlike manner)
- 2) Withhold rent and deposit it into a special escrow account just for the rent.
- 3) Break the lease and move.

**ALL OF THESE OPTIONS HAVE RISKS AND REQUIRE CERTAIN CONDITIONS BE SATISFIED.  
CONSULT A LAWYER FIRST. KEEP GOOD DOCUMENTATION.**

**Questions? Call the Fair Housing Rights Center in Southeastern Pennsylvania at 215 576-7711  
or visit us online at [www.fairhousingrights.org](http://www.fairhousingrights.org).**