

Habitability Issues and Repairs

Landlords are generally not interested in making sure you have a healthy and safe place to live; they are trying to make as much profit as possible. This means they will sometimes avoid repairing problems with your unit. You do have a few legal tools available to help you assert your right to a safe home and force the landlord to make repairs.

Under California State law, when you rent your home, and as long as you keep your unit clean and properly use all the plumbing, gas and electrical fixtures, **your landlord is responsible for ensuring that your unit meets the following habitability requirements.** (California Civil Code 1941.1 and 1941.3)

- Weatherproofing of the roof and outside walls, including no broken doors or windows
- Working plumbing and gas
 - Running water supply with hot and cold running water connected to appropriate fixtures
 - Plumbing fixtures properly connected to a sewage disposal system
- Working heating
- Working electrical lighting
- Clean buildings and grounds
- Adequate garbage disposal
- Floors, stairs and railings in good repair
- Deadbolt lock on the main door to the unit
- Locking mechanisms on windows and doors to the outside

As well, the Pasadena Municipal Code has a section about housing, and it states that the owner is responsible for keeping up certain standards. It has more details about what is required than the state law, and a full list can be found at the end of this section.

There are several tactics you can use when your home is not habitable, or needs repairs.

- Request a repair directly from the landlord (always try this first before using other tactics).
- Report a violation to city code enforcement.
- Make the repair yourself and deduct the cost from your rent.
- Break your lease and move.
- Stop paying rent until the repair is made.

Requesting Repairs

The first thing you should try is directly asking your landlord to make the repair. It is their job to do so.

STEP 1: Document everything. Make a list of all the problems. Take pictures of everything and include the current day's newspaper in the photo.

STEP 2: Write to your landlord requesting the repair. You can speak to them on the phone or send an email and text as well, but you should always follow up with a letter.

- Include the list and photos.
- Date the letter.
- Send the letter by mail with a delivery confirmation receipt, such as by certified mail. You can do this at the post office.
- Keep a copy of the letter for your records.

STEP 3: Hopefully, the landlord will agree to make the repairs. If so, they must give you 24 hours advance notice in writing to enter your unit and make the repair. They may enter even if you are not home.

Reporting a Code Violation

If your landlord ignores you or refuses to make the repair, you can make a complaint to the city's Code Enforcement office and they will send an inspector to look at the problem. You can do this for any violation of the municipal code (see list at the end of the section). If they decide to report a problem, they may tell the landlord to fix it within a given timeline. The city can fine the landlord for failing to make the repair in the time frame given.

If you choose to report a code violation to the city, your landlord will likely learn about it and may choose to retaliate by trying to evict you, harass you, or raise the rent. It is not legal for them to do this, and you can use retaliation as a defense in court, but it is still a very real risk that you must weigh before pursuing this option.

STEP 1: Make sure you have paid your rent and are not violating any of the written terms of the lease before you start.

STEP 2: Submit a complaint online at <https://ww5.cityofpasadena.net/planning/code-compliance/file-a-complaint/>

STEP 3: You will be able to schedule an inspection online as well. It will let you choose the day, and the inspector will call you in the morning that day to say whether they are coming in the morning or the afternoon. It can be difficult for working people to make this appointment, but it is important to have someone present for the inspection. Ask a friend for help or contact the Tenants Union.

STEP 4: When the inspector arrives make sure they do a thorough inspection and write up the report.

- Point out all the problems to them.

- You can show them photos, but keep in mind they will only report things that they see themselves. For example, if something only leaks when it rains and it is not raining that day they will not write it up. They will note signs of water damage.
- Get the inspector's name and contact info.
- Try and secure a copy of the report.

STEP 5: You can check the status of a complaint online.

<https://ww5.cityofpasadena.net/planning/permit-center/online-services/>

Search by your address or by the case number. Go to "inspection summary".

Make sure the status stays "Open" until the repair has been made. In the example below, the case is open, the initial inspection has been done ("Completed") and a re-inspection has been scheduled to check if the repair was made. At the Tenants Union we have found that the inspection is sometimes listed as "Completed" even if it has not been. Monitor to see if this happens.

Inspection Summary

Case No : CTP2020-00161
Type : Complaint Tracking Subtype: TREESDEAD
Program
Status : Open
Address : 580 RIO GRANDE STREET
Parcel No : 5838-038-013
Description: OVERGROWN TREES TOUCHING THE CARPORT ROOF; DEAD TREES HAVE FALLEN ONTO PROPERTY

Note: Inspections cannot be scheduled for this case because it is not a currently issued permit. Please contact a Permit Center representative at 626-744-4200 in order to resolve any questions regarding the status of this case. The Permit Center phones are open from 7:30am to 5:30pm Monday – Thursday, and 7:30am to 4:30pm on Friday.

Completed Inspections

Type	Complete	Inspected By	Disposition
Initial code compliance and complaint inspection (E030)	2020-02-07	Diana Torre	Completed

Pending Inspections

Type	Scheduled	AM/PM	Assigned To
Code compliance complaint reinspection (E080)	2020-03-04		Diana Torre

Repair and Deduct

In certain cases, you can make a repair yourself and deduct the cost from your rent. The Tenants Union strongly suggests seeking legal advice before trying this tactic.

State Law allows you to repair and deduct if the following conditions apply. (California Civil Code 1942)

1. The State of California habitability requirements (from the beginning of the section) are not being met.
2. You have notified the landlord of the problem and they have not fixed it within a reasonable amount of time.
3. The cost of the repair is less than one month of rent.

You can't repair and deduct more than twice in a 12-month period.

STEP 1: Wait for 30 days after notifying the landlord of the need for repair.

STEP 2: Make the repair, and keep all receipts.

STEP 3: Write your landlord a letter explaining exactly what you are deducting from the rent before you pay rent for the next month.

- Date the letter.
- Send the letter via certified mail.
- Include copies of all receipts and photos.
- Keep a copy of the letter for your records.

STEP 4: Pay the difference of your rent and the cost of the repair.

Breaking Your Lease

If you do not want to pursue a repair and simply wish to move before your lease is over, State law may allow you to be released from your lease early. The Tenants Union strongly suggests seeking legal advice before using this tactic.

Your landlord may try to sue you for breaking the lease, and if you do not have legal representation this could be very serious even if you are in the right and your landlord has been neglectful.

State Law allows you to move out and be released from your contract as of the date that you moved out if the following conditions are met. (California Civil Code 1942)

1. The State of California habitability requirements (from the beginning of the section) are not being met.
2. You have notified the landlord of the problem and they have not fixed it within a reasonable amount of time.

STEP 1: Wait 30 days after notifying your landlord of the problem.

STEP 2: Write your landlord a letter explaining that you are moving out and are released from your lease under State law due to their failure to make the repair in a timely manner.

- Date the letter.
- Send the letter via certified mail.
- Include up-to-date photos of the problem with a newspaper with the current date. This is to prove that the landlord still had not repaired the problem after 30 days.
- Keep a copy for your records.

STEP 3: Move out.

Withholding Rent

If the habitability issues are very serious, you may be able to legally withhold rent until your landlord makes the repair. The Tenants Union strongly suggests seeking legal advice before using this tactic. This tactic can be very effective in a building where many tenants withhold rent together over a common habitability issue as it can put a lot of financial pressure on the landlord.

You can withhold rent if the following conditions are met. (California Civil Code 1942.4)

1. The State of California habitability requirements (from the beginning of the section) are **substantially** not being met. It is important to check with legal counsel if your case meets this “substantial” standard. An example of a unit being substantially uninhabitable would be sewage backing up and contaminating the unit.
2. A city employee/inspector has notified the landlord in writing that they must fix the problem.
3. The landlord has not fixed the problem for 35 days starting from when the written notice was put in the mail.
4. The problem was not caused by an “act of omission” on your part or the part of another tenant.

STEP 1: Confirm with the city inspector the date that the landlord was notified that they need to make repairs. Try to get a copy of this letter.

STEP 2: Wait 35 days.

STEP 3: Set up an escrow account at a bank. An escrow account is an account where a third party holds funds in trust while two

parties (in this case you and your landlord) complete a transaction.

STEP 4: Write your landlord a letter explaining that you will be withholding rent due to their failure to make the repair.

- State that instead of paying rent, you will be depositing it into an escrow account. The landlord will be able to collect rent from this account once repairs are complete.
- Date the letter.
- Send the letter via certified mail.
- Include up-to-date photos of the problem with a newspaper with the current date. This is to prove that the landlord still had not repaired the problem after 35 days.
- Keep a copy for your records.

STEP 5: Deposit your rent into the escrow account. Write your landlord another letter confirming that the funds have been placed in escrow.

Your landlord is not allowed to serve you a three day notice to pay rent or quit if you are withholding rent due to their failure to repair a substantial habitability issue under State law. They may serve you a notice anyway to intimidate you.

Links to State and City Codes

Pasadena Municipal Code (See Section 14.12 for Housing Code)

https://library.municode.com/ca/pasadena/codes/code_of_ordinances

California Civil Code (See Civil Code (CIV), Division 3)

<https://leginfo.legislature.ca.gov/faces/codes.xhtml>

California Building Standards Code (See Part 9 California Fire Code)

<https://www.dgs.ca.gov/BSC/Codes#>

Requirements for Residential Units under Pasadena Municipal Code

Your landlord is responsible for making sure these conditions are met. If they are not, you can file a complaint to the City Code Enforcement office.

Bathroom

- Working toilet, wash basin, and bathtub or shower (14.12.460)
- Plumbing fixtures must be made of a non-absorbent material (14.12.490)
- Sinks, bathtubs, showers must be connected to hot and cold running water (14.12.490)
 - Hot water means at least 120°F
- Plumbing fixtures must be connected to sewer or approved sewage disposal system (14.12.490)
- In a room which allows for privacy (14.12.510)
- In a room that is well-ventilated (14.12.390 and 14.12.450)
 - with an opening to the outside that is at least 1/20th of the floor area of the room and is at least 1.5 square feet
 - OR with mechanical ventilation connected directly to the outside capable of providing five air changes per hour

Kitchen (14.12.480)

- Kitchen sink made of non-absorbent material and connected to hot and cold running water

Lighting and ventilation

- Natural lighting in each room via glass window or skylight (14.12.390)

- The openings put together must be at least 1/10th of the floor area of the room and at least 10 square feet
- Should open onto public street or alley or onto a yard or court on the same property (14.12.400)
- Hallways, stairs and exitways must be properly lit at all times (14.12.440)
- Ventilation in each room (14.12.390)
 - with an opening to the outside that is at least 1/20th of the floor area of the room and is at least 5 square feet
 - OR with mechanical ventilation capable of providing two air changes per hour

Fire Safety

- Fire escapes (14.12.570)
 - Every sleeping room below the fourth story must have an openable window or door approved for emergency egress or rescue
 - The opening must be at least 5.7 square feet and must be at least 24 inches high and at least 20 inches wide. For windows, the sill cannot be more than 44 inches from the ground.
- Portable Fire Extinguishers (906 California Building Code)
 - Generally for a multi-unit building each unit should have at least a 2A, 20B or 20C fire extinguisher, and it should not be in a locked cabinet.
- Fire Alarm and/or Smoke Detectors (907 California Building Code)
 - Generally there should be a smoke detector in every sleeping room and on each story of the unit.
 - If there are stairways leading to other occupied units, smoke detectors should be placed so that

smoke rising in the stairwell would not be blocked by a door.

Sanitation/Maintenance

- Adequate garbage storage and removal facilities (14.12.600)
- No infestations of insects, vermin, rodents (14.12.600)
- No accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water or combustible materials (14.12.690)

Structural (14.12.530)

- Roofs, floors, walls and foundations must be capable of resisting any forces and loads to which they are subjected
 - Some examples of structural problems are:
 - Members of walls or vertical supports that split, lean, list or buckle
 - Ceilings, roofs or horizontal members which sag, split or buckle
 - Fireplaces or chimneys which list, bulge or settle
- Must protect occupants from the elements and exclude dampness
 - Some examples of inadequate weather-proofing are:
 - Crumbling or loose plaster
 - Ineffective water-proofing of exterior walls, roof, foundation or floors including broken windows or doors
 - Lack of weather protection for exterior wall coverings including lack of paint or other protective coating
 - Broken, rotted, split or buckled exterior wall or roof coverings

- Wood must be protected from termite damage

Heating and Electrical

- Heating facilities (14.12.540)
 - Must be capable of maintaining a room temperature of at least 70°F at a point 3 ft above the floor in every room
- Electrical equipment, wiring and appliances installed in a safe manner (14.12.550)
- Each habitable room supplied with at least two electrical outlets or one electrical outlet and one light fixture (14.12.550)
- Each bathroom, laundry room or furnace room supplied with at least one light fixture (14.12.550)

NOTE: Under Pasadena Municipal Code, air conditioning is not required.