

# Your Right as a Tenant to a Decent Home

**WHEN YOU** rent a home, Pennsylvania law says that it must be a decent place to live. This right to a safe and sanitary home comes from a decision of the state Supreme Court. The court called this right the implied warranty of habitability.

## Do all landlords have to keep their rental properties in decent condition?

Yes. The implied warranty of habitability applies in all cases where someone is renting a place to live—whether a house, an apartment, a mobile home, or a lot in a mobile home park. It applies whether you have a written lease or an oral agreement with your landlord. The warranty is so important that it is in effect whether or not you and the landlord have specifically agreed to it. It cannot be given up (waived).

## What repairs must my landlord make?

Your landlord is not required to provide you with a perfect place to live. A leaking faucet may be annoying, but it is probably not a threat to your health or safety. But the landlord must make repairs necessary to keep your home in a safe, sanitary, and healthy condition, provided that you as a tenant did not cause the damage and provided you are current on your rent when the problems develop. For example, the landlord is responsible for correcting serious problems, such as a leaking roof, lack of heat, or roach infestation.

## What should I do if the home I rent needs repairs?

You should try to work the problem out with your landlord in a way that's fair to both of you. If that doesn't work, then you should:

1. **Notify your landlord of the problem in writing.** Your letter should describe the problem, ask the landlord to fix it, and say what you will do if it is not fixed within a reasonable time. See the sample letter at the end of this brochure. Sending this letter by certified mail return receipt requested is a good idea so that you can prove exactly when your landlord learned about the problem. Keep a copy of your letter.
2. **Give the landlord a "reasonable" time to correct the problem.** What is reasonable depends on the situation. The more serious the problem, the sooner it should be fixed. Emergencies such as a lack of heat in winter should be fixed very promptly.
3. **Collect evidence to help your case.** If your case ends up in court, you want to be able to show the judge what the problem was, that you gave the landlord notice, and that the problem was not fixed within a reasonable time. Pictures and witnesses are important. If repairs are needed, it is also helpful to get a builder, plumber, or electrician to evaluate what repairs are needed and how much they will cost. Having more than one estimate is helpful as well.

## What can I do if my landlord doesn't fix the problem?

Every case is different. Depending on the special facts in your particular case, you may be able to do the following:

- **Withhold rent.** Reduce the amount of rent that you pay, because of the problem. The amount you should holdback depends on how bad the problem is—the worse the problem, the more rent you may withhold. It is a good idea to keep the rent that you withhold in a separate bank account, so that you can pay the money later if

a court decides you owe rent. Then, if your landlord tries to evict you and the judge rules that the housing conditions were not as bad as you thought, you will be able to pay the rent the judge says you owe.

- **Repair and deduct.** Repair the defect yourself or have a professional repair it and deduct the cost from your rent payments. The repairs must be necessary to make the home safe and livable and must be reasonable in price. Get a signed receipt.

When your rent comes due, give your landlord a copy of the receipt and pay the difference between your rent and the cost of the repairs. The cost of the repairs cannot be more than the amount of rent you owe for the lease term—for example, if you have a month-to-month lease, the repairs cannot cost more than one month's rent.

- **Bring a lawsuit** to get back the rent you paid when your home was not fit or to get compensation for any injuries or other damages you suffer because of the landlord's failure to make repairs.
- **Get a court order** requiring the landlord to make repairs.
- **Move**, without a further duty to pay rent. If you move out, write to your landlord to give your moving date and to say that you are moving because of the housing conditions that were not corrected. You should only use this option if the unit is totally unlivable. Your landlord may sue you for all the rent remaining due on the lease, so you must be able to show you had no other alternative.

## SAMPLE LETTER

[DATE]

Dear [NAME OF LANDLORD],

I am your tenant at [ADDRESS HERE]. I am writing to notify you of repairs that are needed in my home. The specific problems which need to be repaired include: **[FILL IN YOUR OWN PROBLEMS BELOW. THE FOLLOWING ARE ONLY EXAMPLES.]**

- 1.No hot water.
- 2.Leak in living room ceiling.
- 3.No heat.
- 4.Broken lock on front door.
- 5.[LIST OTHERS.]

I would appreciate it if you would make these repairs as soon as possible. If these conditions are not corrected by **[SPECIFIED DATE]**, I intend to exercise my legal rights, including **[HERE TELL THE LANDLORD WHICH OF THE STEPS DESCRIBED IN THIS BROCHURE YOU WILL TAKE, SUCH AS REDUCING THE RENT YOU PAY, MAKING THE REPAIRS AND DEDUCTING THE COST FROM YOUR RENT, OR MOVING OUT.]**

Sincerely yours,

\_\_\_\_\_  
[YOUR SIGNATURE]

### Are there other laws that can help me if the home I rent needs repairs?

Yes. Some of the other laws that can help you are:

- **Local housing codes.** Your landlord must obey any housing code which covers the place where you live. In some cases, the code enforcement

officer can make the landlord fix the problem or at least help prove that the problem really exists. Contact your local government to see if help is available.

- **Rent withholding laws.** In some cases, your duty to pay rent may be suspended if you live in a city or county which has a rent-withholding law. Such a law usually requires that you pay your rent into a special bank account if your home has been certified as unfit for human habitation. Contact your local government or an attorney to find out if such a law applies in your case.

For more assistance or information, contact your local Legal Services office or a private attorney.

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## REMEMBER

The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

Please use the information found in this brochure carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of the brochure.

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To Find Legal Help, visit:



<https://PaLegalAid.net/Find-Legal-Help>



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- What repairs must my landlord make?
- What should I do if the home I rent needs repairs?
- What can I do if the home I rent needs repairs?

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For more information on this issue and other topics visit:

[PALawHelp.org](http://PALawHelp.org)

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