

What can I do if my landlord won't make repairs?

The law requires that the tenant give the landlord notice of the repair problem and a reasonable opportunity to make the repair. If the landlord has ignored your verbal requests for repairs, send a letter to the landlord. Include in your letter:

- Specifically what needs to be repaired; and,
- The number of verbal requests that you have made for those same repairs.

Date and sign the letter. Keep a copy of it. Then wait a reasonable period of time for the landlord to respond to your request.

What is a reasonable period of time to wait for the landlord to respond?

The answer depends upon the nature of the problem and how it is affecting your family's ability to use the rental unit. For example:

- 8 hours is a reasonable deadline if the toilet is not flushing;
- 2 days is a reasonable deadline if you have no heat in winter months;
- 1 week is a reasonable deadline if the roof is leaking rain; and,
- 1 month is a reasonable deadline if there are excessive cockroaches.

What if my landlord does not respond to my letter?

The law allows you to hire someone to make the repairs and deduct the cost from your rent if:

- You do this no more than twice in a 12 month period;
- The repairs cost less than 1 month of rent;
- You did not (nor did your guests) cause the repair problems;
- You gave the landlord notice of the repair problems; and,
- You waited a reasonable period of time for the landlord to make the repairs.

If you follow **all** of the following steps, it is against the law for the landlord to retaliate against you with an eviction notice. Be prepared to fight an attempted eviction. Keep copies of written notices that you sent the landlord, and estimates and receipts for repairs. Always pay rent by money order.

1. Send a second letter to the landlord stating that, if you do not hear from him or her within 3 days, you will pay someone to make repairs and deduct the cost from next month's rent;
2. Wait 3 days, then get 3 repair estimates;
3. Pay someone to make the repairs;
4. Pay the landlord the portion of the rent not used for repairs and give the landlord a copy of the receipts for the repairs.

What if the repairs cost more than one month of rent?

Give your landlord written notice of the repair problems. If your landlord does not respond within a reasonable period of time, call Environmental Health Service of San Mateo County (650) 363-4305.

If the repair problems are serious, the landlord will be given a date for completing the repairs and fined for every day after that date that repairs are not made.

Important: Do not threaten to call Environmental Health Service of San Mateo County, just call. It is against the law to try to evict someone in retaliation for reporting serious repairs to a government agency. If you only threaten to report the repair problems, the landlord could give you an eviction notice before you get a chance to.

What kind of problems are considered serious under the law?

Any problem that affects your ability to live in the rental unit is considered serious under the law. The following are examples of serious problems:

- No heat
- No hot water
- Hazardous electrical wiring
- Moisture in walls or ceiling

- Unsafe floors, stairs, or railings
- Plumbing backup
- Rats, mice, or lots of cockroaches

What if a repair problem is an immediate threat to my family's health or safety?

Check to see if your lease limits your remedies to damages or injunction. If it doesn't, you can choose to move out within a reasonable time after a serious problem is one that affects your family's ability to continue living in the unit. You should give written notice to the landlord that you have moved out of the unit and why. If the lease limits your remedies, consider one of the other options mentioned in this brochure. If you smell gas, call PG&E. Their 24 hour emergency telephone number is 1-800-743-5000.

Bay Area Legal Aid
San Mateo County Office
2287 So. El Camino Real
San Mateo, CA 94403

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WON'T MAKE
REPAIRS**



For help call

**BAY AREA
LEGAL AID**

(650) 358-0745

OR TOLL FREE (800) 551-5554