

Outline of Landlords' & Tenants' Responsibilities For Habitability & Repairs

Landlord's Responsibilities:

California Civil Code section 1941 states that when a landlord rents property to a tenant as a place to live in, the property must be in a "habitable" condition. "Habitable" means fit to live in. Section 1941 also states that the landlord must repair problems that make the property uninhabitable-except for problems caused by the tenant or the tenant's guests, children or pets. In order for the property to be habitable, it must have all of the following:

- a) Effective waterproofing and weather protection of roof and exterior walls, including windows and doors.
- b) Plumbing facilities in good working order, including hot and cold running water, connected to a sewage disposal system.
- c) Gas facilities in good working order.
- d) Heating facilities in good working order.
- e) An electrical system, which is in good working order, including lighting, wiring and electrical outlets. At the minimum 1 outlet and 1 light fixture, in every room. The bathroom requires only 1 light fixture. Common stairs and hallways must be lighted.
- f) Clean and sanitary buildings, grounds and appurtenances for example, a detached garage or garden, which are free from debris, filth, rubbish, garbage, rodents and vermin.
- g) Adequate trash receptacles in good repair.
- h) Floors, stairways and railings in good repair.
- i) A working toilet, wash basin, and bathtub or shower. The toilet and bathtub/shower must be in a room that is ventilated, and that allows for privacy.
- j) A kitchen with a sink, which cannot be made of an absorbent material (for example, wood)
- k) Natural lighting in every room through windows or skylights. Unless there is a ventilation fan, the windows must be able to open at least half way.
- l) Safe fire or emergency exits leading to a street or hallway. Stairs, hallways and exits must be kept litter free. Storage areas, garages, and basements must be kept free of combustible materials.
- m) Working smoke detectors in all units of multi-unit buildings and in common stair wells in apartment complexes.
- n) Working Carbon Monoxide detectors at the time tenant takes possession outside each separate sleeping area in the immediate vicinity, on every level of a single-family dwelling, duplex, lodging house, private dormitory, hotel, motel, condo, time-share or multiple unit dwelling which contains a fossil-fuel burning heater, appliance, fireplace or attached garage. **Single family dwellings including those located within structures with 1-4 units effective immediately and all other**

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multi unit dwellings are required to have installed carbon monoxide detectors no later than January 1, 2013.

- o) Operable dead bolt lock on each main entry door of rental units, and operable locking or security devices on windows.

These are minimum requirements. Other conditions may make the rented property not habitable. For example, the rented property may not be habitable if it does not substantially comply with building and housing code standards that materially affect a tenant's health and safety.

Tenant's Responsibilities:

A tenant must take responsible care of the rented property and the common grounds. This means that the tenant must keep those areas in good condition. A tenant also must repair all damage that he or she causes, or that is caused by the tenants' guests, children or pets. California Civil Code section 1941.2 requires the tenant to do all of the following:

- a) Keep the premises "as clean and sanitary as the condition of the premises permits."
- b) Use and operate gas, electrical and plumbing fixtures properly. Examples of improper use include overloading electrical outlets, flushing large foreign objects down the toilet, and allowing any gas, electrical or plumbing fixture to become filthy.
- c) Dispose of trash and garbage in a clean sanitary way.
- d) Not destroy, damage, or deface the premises, or allow anyone else to do so.
- e) Not remove any part of the structure, dwelling unit, facilities, equipment or appurtenances, or allow anyone else to do so.
- f) Use the premises as a place to live, and use the rooms for their proper purposes. For example, the bedroom must be used as a bedroom and not as a kitchen.
- g) Notify the landlord when deadbolt locks and window locks or security devices do not operate properly.
- h) Notify the owner or the owner's agent in writing if you become aware of an inoperable or deficient carbon monoxide detector within your unit. Owner or owners agent by law will not be found in violation of the law for a deficient carbon monoxide detector when he she has not received a notice from you.

This Fact Sheet is only a summary of landlords' and tenants' rights and responsibilities in this area. These are only guidelines and all are definitive statements of the law. Questions about the law's application to particular cases should be directed to a specialist or attorney.