

**Q:** Most of the time, my tenants and I are able to work things out without any drama, but sometimes we disagree as to just who is responsible for making certain repairs to the apartment. Can you give me some guidelines that will help me decide if the repairs are my responsibility or the responsibility of the tenant?

**A:** Your lease agreement may address certain issues specifically, but absent any lease terms to the contrary, the following general rules apply. Residential rental units must be "habitable". In legal terms, "habitable" means the rental unit is fit for persons to live in and that it substantially complies with state and local building and health codes that materially affect a tenant's health and safety.

The law makes both landlords and tenants responsible for certain repairs, but you are ultimately responsible to ensure the unit is habitable. You are not responsible under the "implied warranty of habitability" for repairing damage caused by the tenant, his guests or his pets. You are responsible to take care of the habitability items, but your rental agreement can determine who takes care of the minor repairs.

California law lists several items that are required to maintain a habitable unit, these are effective water proofing and weather protection, including unbroken windows and doors; plumbing in good working order, including hot and cold running water connected to a sewage disposal system; gas facilities, heating, and electrical in good working order; clean and sanitary buildings and grounds; adequate trash receptacles; floors, stairways and railings in good repair.

Additionally, each rental unit must have a working toilet, washbasin and a bathtub or shower, operable dead bolts on the main entry doors, window locks, and smoke detectors. A landlord is also responsible for the installation and maintenance of the inside wiring for one telephone jack. Tenants must take reasonable care of the rental unit and the common areas.

Tenants are responsible for repair of all damage that results from their negligence, abuse, or acts by their family, guests or pets. Tenants must do all of the following: keep the premises "clean and sanitary;" use and operate gas, electrical and plumbing fixtures properly; dispose of trash and garbage properly; not destroy, damage or deface the property; not remove any part of

## **Apartment Association, California Southern Cities, Inc. - Responsibility**

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the structure, dwelling, facilities or equipment; must use the premises as a place to live; use the rooms for their intended purpose; and notify the landlord when dead bolts and window locks don't operate properly.