

LANDLORD WON'T MAKE NECESSARY REPAIRS?

KNOW YOUR RIGHTS

OPTION 1: REPAIR & DEDUCT

A tenant's right to use a contractor for services at the landlord's expense, when the landlord fails to complete necessary repairs within 14 days of notification of an issue that threatens life, health, or safety.

Maintenance issue must...	be one that "if not promptly corrected, will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, including an infestation of rodents or a lack of heat, hot or cold running water, light, electricity, or adequate sewage disposal facilities"
Tenant must...	notify the landlord in writing. First class certified mail, an email or text with a time stamp, or dropping it off in person with a "neutral party" as your witness.
Landlord must...	complete the repair (or take reasonable steps toward making it) within 14 days of notification.
Without action on behalf of the landlord...	the tenant can go to a third party licensed contractor for these services at the landlord's expense. These services can be donated, as long as the person doing the work is a licensed contractor.
Tenant must...	give the landlord an itemized statement of charges in order to deduct the cost of the repair (up to \$1500, even if greater than rent) and pay any remaining rent.
Added bonus!	The tenant can deduct the value of the repair even if the repair was donated or paid for by a third party on the tenant's behalf. You can use this month after month!

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OPTION 2: TENANT'S ASSERTION

A tenant's right to file a suit against their landlord for not making necessary repairs and legally withhold rent by paying it to a third party (escrow with the courts).

Maintenance issue must...	be one that "if not promptly corrected, will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, including an infestation of rodents or a lack of heat, hot or cold running water, light, electricity, or adequate sewage disposal facilities"
Tenant must...	be current on rent, and notify the landlord/property mgmt in writing, or have an agency notify them in writing. First class certified mail, an email or text with a time stamp, or dropping it off in person with a "neutral party" as your witness.
Landlord must...	Complete the repair (or take reasonable steps toward making it) within a "reasonable amount of time" (not specified like with Repair & Deduct, but assumed to be similar)
Without action on behalf of the landlord...	the tenant can file a "tenant's assertion" against their landlord (not their property manager!) and pay their rent into escrow with the court.
Determine your landlord...	by visiting the SCC (state corporation commission) website. You will need to know their address or their attorney to file the tenant's assertion
Tenant must visit...	the courthouse Clerk's office to file. Forms are provided there by the Clerk. The cost is \$60, unless the tenant cannot afford the cost of filing. If that's the case, the Clerk can help with the additional form.