

## **KNOW YOUR RIGHTS:** **Asking Your Landlord to Make Repairs**

### **Does my landlord have to repair everything that is broken?**

No. Generally, a landlord should repair issues that make a house uninhabitable (not safe to live in), unless you or your guest caused the issue.<sup>1</sup>

Also, depending on your lease, your landlord may be responsible for other types of repairs. Learn more about habitability (safe housing) issues in FVAP's resource "[Know Your Rights: Safe Housing for Tenants.](#)"



### **When should I ask my landlord to fix something in my unit?**

When you notice something in your unit needs to be fixed, ask your landlord to repair it as soon as possible. You should tell your landlord when there is an issue because they might not be responsible for fixing something that they do not know is broken. If you do not tell your landlord about an issue and it gets worse, you may have to pay for the repairs because you did not tell your landlord about the problem.<sup>2</sup>

### **How do I ask my landlord to fix something in my unit?**

Ask your landlord in writing to make a repair. Take photos or videos of the issue and send them to your landlord. Save copies of all the communications (letters, emails, pictures, etc.) with your landlord. Copies of communications can be used to show that you asked for repairs and what your landlord's response was. You may use FVAP's Template letter "[General Request for Repair](#)" to ask your landlord to fix something.

### **How fast should my landlord make a repair after I ask for one?**

Landlords must make repairs of habitability or safe housing issues in a "reasonable" time.<sup>3</sup> The length of

"reasonable" time depends on the repair.<sup>4</sup> For example, the reasonable time to repair a broken heater in the summer is likely longer than during the winter.

### **If a person who abused me damages my unit, do I need to pay to fix it?**

Maybe. You generally are only responsible for damage you or your guests cause.<sup>5</sup> A guest is someone you invite onto the property. Here are scenarios that may apply to you:

**Scenario 1:** *The person who abused me damaged my unit after I invited them in.*

Because the person who abused you was your guest, you are responsible for the damage.<sup>6</sup> (If you let someone in because they forced you to let them in through threats or physical acts, they are not a guest). However, a landlord may agree to pay for repairs even when it is your responsibility.

If you have to pay for the damage caused by a guest who abused you, here are some options you may have to get money for the repairs:

- (1) You may ask the court to order the person who abused you to pay for repairs in a Domestic Violence Restraining Order request.<sup>7</sup> You can do this on the DV-100 form under Section 23 called "Pay Expenses Caused by the Abuse."
- (2) You may sue the person who abused you for the cost of the damages in small claims court (for less than \$10,000) or in civil court.<sup>8</sup> To learn more about small claims court or other civil actions, [visit the California Courts website here](#) or by using the URL in the footnotes.<sup>9</sup>
- (3) You could be eligible for financial help from a nearby domestic violence agency. To find a domestic violence organization near you, [visit](#)

[the California Partnership to End Domestic Violence's website here](#) or by using the URL in the footnotes.<sup>10</sup>

(4) You may be able to get financial help from the California Victim Compensation Board. Learn more at <https://victims.ca.gov/for-victims/>.

A lawyer or DV advocate may be able to help you decide if any of these options are right for you.

**Scenario 2:** *The person who abused me came to my unit without my permission and damaged my unit. I did not invite them in.*

Because the person who abused you was not your guest, you should not be responsible for repairing what they damaged. If you need to ask your landlord to make a repair caused by an uninvited person who abused you, use FVAP's template letter "[Request for Repair: Uninvited Person Damaged My Home.](#)"

### **What can I do if my landlord does not make a needed repair?**

If a landlord does not fix a habitability issue in a reasonable amount of time, **talk with an attorney to figure out the best option for you.** You should talk to an attorney before acting because some options have large risks. For help finding an attorney, locate your local legal aid organization at <https://www.lawhelpca.org/>.

<sup>1</sup> *Green v. Superior Court* (1974) 10 Cal.3rd 616, 637-638., Civ. Code § 1941.2.

<sup>2</sup> Civ. Code §§ 1929, 1941.2.

<sup>3</sup> *Id.* at § 1942, subd. (a).

<sup>4</sup> *Id.* at § 1942, subd. (b).

<sup>5</sup> *Id.* at § 1941.2, subd. (a)(4).

<sup>6</sup> *Id.*

<sup>7</sup> Fam. Code §§ 6324, 6340, subd. (a)(1).

<sup>8</sup> Code of Civ. Proc. §§ 116.220, 116.221, 86(a), 88; Civ. Code § 3333.

Your options may include the following:

- calling code enforcement,
- repairing the issue on your own and deducting the cost from rent,<sup>11</sup>
- moving out before your lease ends,<sup>12</sup>
- withholding rent,
- filing a lawsuit against the landlord for not repairing the issues.<sup>13</sup>

Learn more about your options and the potential risks through the California Department of Real Estate's resource: [California Tenants – A guide to Residential Tenants' and Landlords' Rights and Responsibilities here](#) or by using the URL in the footnotes.<sup>14</sup>

### **Is my landlord allowed to punish me for asking them to make a repair?**

No, a landlord is not allowed to evict you, raise your rent, or otherwise punish you because you asked them to fix something.<sup>15</sup> For example a landlord cannot start charging you for parking or refuse to let you use the laundry facilities because you asked them to make a repair. An illegal punishment also includes reporting a tenant to immigration authorities.<sup>16</sup> Learn about immigrant tenants' housing rights in FVAP's Resource "[Know Your Rights: Housing Rights for Immigrants.](#)"



**How do I get more help?** Contact FVAP at [info@fvapl.org](mailto:info@fvapl.org) or (510) 380-6243.

<sup>9</sup> <https://www.courts.ca.gov/selfhelp-problemswithmoney.htm>

<sup>10</sup> <https://www.cpedv.org/domestic-violence-organizations-california>

<sup>11</sup> Civ. Code § 1942.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at § 1942.4.

<sup>14</sup> <https://landlordtenant.dre.ca.gov/resources/guidebook/index.html>

<sup>15</sup> *Id.* at § 1942.5.

<sup>16</sup> *Id.* at § 1942.5, subd. (c).