HABITABILITY 101

Know your rights and responsibilities as a California tenant

WHAT DOES HABITABILITY MEAN?

A “habitable” unit is one that is fit for human occupation and substantially complies with state and local building safety and health codes.

WHAT IS REQUIRED IN A HABITABLE DWELLING?

A habitable unit must have:
- effective waterproofing and weather protection
- working plumbing and gas facilities, and adequate water supply
- working heating facilities
- working electrical systems
- clean and sanitary premises
- appropriate receptacles for waste
- well-maintained floors and stairways
- deadbolt locks on certain doors
- no lead paint hazards

WHAT IS REQUIRED OF A TENANT?

Tenants must repair all damage resulting from their own neglect or abuse, or from damage caused by family, guests, or pets for whom they are responsible
- Ex: keep common areas clean, take out trash regularly, use rooms for intended purposes, don’t deface or seriously damage property

WHAT TO DO IF YOU NEED A REPAIR & HOW TO GET HELP

- Contact landlord in writing with explicit detail of repair(s) needed and a specific request for the repair(s).
  - It is KEY to keep track of ALL communication!
  - Make sure to sign and date the letter (or email) and send any letters with tracking. Include your address in the letters.
  - Keep copies of all documents and an organized phone log of any verbal communications with time, date and details of the conversation for your records.
- Take photos of the issue(s) needing repairs and save them in multiple places for your records
- Follow up in writing if you do not receive a response. If you still do not receive a response, reach out to a lawyer for help asserting your rights.

IMPORTANT:

Tenants should speak to a lawyer if they have specific issues with their rental units. This flyer is for general information only.

For more information:
Website: HERACA.org  Email: inquiries@heraca.org  Phone: 510-271-8443

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References:
- California Civil Code section 1941 states that a property must be in a “habitable” condition. (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1941.1.

SOURCES