

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:

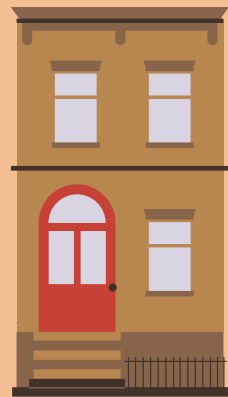
- effective waterproofing and weather protection
- working plumbing and gas facilities, and adequate water supply
- working heating facilities
- working electrical systems
- clean and sanitary premises
- appropriate receptacles for waste
- well-maintained floors and stairways
- deadbolt locks on certain 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: www.HERACA.org

Email: inquiries@heraca.org

Phone: 510-271-8443

SOURCES

- California Civil Code section 1941 states that a property must be in a "habitable" condition. (Green v. Superior Court (1974) 10 Cal.3d 616, 637-638 [111 Cal.Rptr. 704, 719]; Civil Code Sections 1941, 1941.1.
- https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1941.1.