

REPAIR AND DEDUCT LAW: THE MOST EFFICIENT WAY TO ENSURE RESIDENTIAL RENTAL UNITS ARE SAFE AND WELL MAINTAINED

The Problem: A broken appliance, heating or cooling system malfunction, or other common housing repair can get needlessly delayed in any rental housing situation during the time it takes tenants to contact landlords, landlords to contact repair specialists, and the repair specialists to contact tenants to schedule a repair time. Problems can get worse and repairs more costly if not done promptly, and living in an apartment without an essential utility or appliance can range from inconvenient to dangerous.

Solution: SB 905 (Stanley) authorizes residential tenants to hire a third party to make necessary repairs to their dwelling unit if their landlord has failed to make these repairs within a reasonable period of time. Once repairs have been made and paid for, tenants can deduct the “actual and reasonable” cost of the repairs from their rent, as long as they provide documentation of the completed repair and payment to their landlord.

Additional Benefits: In addition to expediting repairs, the process established by SB 905

- Will help residential tenants avoid needless expenses such as hotel stays by enabling them to get repairs promptly made even if their landlord is unwilling or unable to make them.
- Will reduce litigation by allowing a residential tenant to hire a third party to do necessary repairs instead of filing a tenant’s assertion case asking the court to order that the landlord make the repairs.

For more information, contact Christie Marra, christie@vplc.org, or Laura Wright, laura@vplc.org.