

Every family has the legal right to live in a home that is safe and healthy. This brochure will help you get bad rental housing repaired. You have more rights, and ability to get repairs made by your landlord, if your rental housing is covered by the Virginia Residential Landlord - Tenant Act (VRLTA).

### **WHAT RENTAL HOUSING DOES THE VIRGINIA RESIDENTIAL LANDLORD-TENANT ACT COVER?**

You are covered by the VRLTA if you live in an apartment building or in any type of multi-family housing. Multi-family housing means you share heating, hot water, entry and exit, or some other service with another dwelling unit in the same building. You also are covered if your landlord rents out more than ten single-family homes. In cities and in urban counties, you are covered if your landlord rents out more than four single-family homes.

### **WHAT DUTIES DO ALL LANDLORDS HAVE?**

Under Virginia law, all landlords must do these things:

- Follow building and housing codes affecting health and safety.
- Make all repairs needed to keep the place fit and habitable.
- Keep in good and safe working order all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances that the landlord supplies, or must supply.
- Supply water, hot water, air conditioning if provided, and heat in season; unless the tenant alone controls the heat, air conditioning, or hot water, or unless provided directly by a utility company to the tenant on a separate meter.

You and the landlord may agree in writing that you will do some of the landlord's duties, except the duty to follow building and housing codes affecting health and safety. The landlord must do this no matter what. If you and the landlord agree that you will do some of the landlord's duties, this must be in writing and must be done in good faith.

### **WHAT EXTRA DUTIES DO LANDLORDS COVERED BY THE VRLTA HAVE?**

Landlords covered by the VRLTA must do these extra things:

- Keep clean and safe any common areas used by more than one tenant household.
- Provide and keep up trash containers (except for single family houses).

### **WHAT SHOULD I DO IF SOMETHING NEEDS FIXING?**

Some tenants just stop paying rent when something goes wrong. This is a bad idea that can get you evicted. There is a legal and effective way to get bad conditions fixed. You have five steps to follow:

1. Identify the problem and who is responsible.
2. Get your proof together.
3. Give proper notice to your landlord.
4. Allow a reasonable chance for your landlord to repair.
5. Take the case to court if necessary.

### **HOW DO I IDENTIFY THE PROBLEM?**

Try to figure out the cause of the bad condition. For example, if water is leaking from your ceiling, try to figure out if it comes from a roof leak, or a tub or toilet upstairs. Figure out if anyone in your household caused the problem. Figure out from the list above if the landlord is responsible for fixing it. While you're at it, make a list of all the problems in your home, so they all can get fixed.

### **HOW DO I GET MY PROOF TOGETHER?**

For most housing problems, the best proof is an inspection by the local building inspector. Make an appointment to meet the inspector at your home. Have a list of the problems to point out as the inspector goes around.

Also, you may want to take pictures or a video of the problems and have a trusted person look at the problems so they can be a witness if necessary.

### **HOW DO I GIVE NOTICE TO THE LANDLORD?**

If the problem is one that the landlord should fix, you must give notice. If the inspector has found serious problems, the inspector's letter to the landlord is enough notice of the problem so the landlord will be held responsible. If there is no inspection letter, or if you just want to be sure, you should give notice to the landlord yourself. Your notice must follow these rules:

- Your notice must be in writing. You should keep a copy for yourself.
- Your notice should list all the problems that need fixing. Don't just assume the landlord knows about them because of your previous complaints.
- Your notice should give the landlord a time by which to fix each problem.
- You must mail your notice to your landlord. Take it to the post office and mail it certified mail, return receipt requested. Save the certified mail receipt and the green return receipt.

### **HOW MUCH TIME SHOULD I GIVE MY LANDLORD TO MAKE REPAIRS?**

You must give the landlord enough time to reasonably make the repairs. If the problem is an emergency (such as no heat in winter, or no water), your landlord must fix it immediately. This means within hours, or at most a day or two. For other repairs, you should give a reasonable time, such as 10-15 days, to make the repairs needed.

You also must give the landlord access to your home to make the repairs. If it is not an emergency, then the landlord will need your permission to come into your home to make the repairs. You should make this as easy as possible by giving permission in your notice letter. You also may tell your landlord, in your letter, what times of day are best, or how to reach you for permission. Don't give the landlord any excuse to say you wouldn't cooperate when he tried to repair.

### **WHAT SHOULD I DO IF THE REPAIRS AREN'T MADE?**

If the repairs aren't made in a reasonable time, you can take your landlord to court. You should call your local Legal Aid office to see if we can help.

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# **HOW DO I GET MY LANDLORD TO MAKE REPAIRS?**

CVLAS is a non-profit organization providing free legal advice, and representation to low income or elderly people in Central Virginia. Contact us Monday - Thursday 9-12 to see if you qualify for services.

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This pamphlet contains general information about your rights. Consult a lawyer if you have specific questions.