Habitability and Repairs

FOLLOWING THE PRINCIPLES DEFINED by the California Supreme Court’s 1974 Implied Warranty of Habitability decision, an owner of residential property is required to maintain all units in habitable conditions. All units must also be kept in good repair. The California Civil Code instructs owners and managers to meet the habitability standards listed below.

It is important to remember that these are minimum requirements. There may be other factors that effectively make the property uninhabitable. The law provides tenants who are confronted with substandard living conditions with a number of remedies, all of which are described on page 17.

Property Provider Responsibilities

Civil Code Section 1941.1, 1941.3

- Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.
- Functional plumbing facilities, including hot and cold running water, and efficient sewage disposal.
- Gas facilities, heating resources and electrical system in good working order.
- At least two functioning electrical outlets (or one outlet and one light) in every room, with at least one light in the bathroom.
- Well-lighted common areas, such as stairs and hallways.
- Buildings, grounds and fixtures that are clean, sanitary and free from debris, rodents and vermin.
- Adequate and properly maintained trash receptacles (now also required by local ordinance in Isla Vista).
- Functional outer doors and locks, including a deadbolt lock for the main entry door, and window locks.
- Maintain operable deadbolt locks that extend, in the lock position, a minimum of 13/16 of an inch in length beyond the strike edge of the door and protrude into the doorjamb.
- Functional smoke detector—it’s the tenant’s responsibility to buy and install batteries for the smoke detector.
- Floors, stairways and railings that are safe and in good repair.

Tenant Responsibilities

Civil Code Section 1941.2

- To keep the premises “as clean and sanitary as the condition of the premises permits.”
- To dispose of trash in an appropriate manner.
- To operate gas, electrical, and plumbing fixtures in an appropriate manner. Examples of inappropriate use include overloading electrical outlets, flushing large objects down the toilet, and allowing bathroom fixtures to become filthy.
- To provide batteries for the smoke detector.
- To refrain from damaging or defacing the premises and to ensure that guests also refrain from such activities.
- To use the premises solely as a residence, as intended, and to use the living room, the bedrooms, the bathrooms and the kitchen solely for their respective intended purposes.

MOLD PREVENTION & CLEANUP

Mold is a frequent visitor to Santa Barbara-area homes due to our coastal environment. A few tips for a mold free rental:

- Move furniture, especially beds, a couple inches away from walls to create additional airflow.
- Do not overstuff your closet or under your bed. Mold loves areas that stay humid because of lack of ventilation.
- Utilize your bathroom ventilation fan during and after showers. If you don’t have one, request that your property provider install one. Utilize your kitchen exhaust fan while cooking to reduce steam.
- Open windows and blinds to allow airflow and sunlight to dry any moisture (without creating a security issue).
- Wipe down wet windowpanes and walls to remove excess moisture.
- Do not overwater indoor plants.
- Do not leave wet clothes or towels lying around or stuffed into closets.
- CLEAN mold with solution of one cup of bleach per gallon of water whenever you see it to prevent it from spreading. Keep windows open while cleaning with bleach. Wash soft items in hot water.
- Most household mold is not hazardous to one’s health (although some people are allergic to mold and might experience upper respiratory problems).
- If you suspect that there is a leak in your rental unit causing the mold, you must contact your property manager as soon as possible so they can remedy the problem.
- For more information and advice about mold, stop by CHO.