



Property Management Essentials:

Warranty of Habitability

Warranty of Habitability is a federal law passed in 2008 that protects tenants from hazardous living conditions. Warranty of habitability, generally, is a warranty implied by law that by leasing a residential property, the lessor is promising that the property is safe to be lived in. Warrant of habitability can be breached if there is no heat, hot water, or other essential services. Also, safety issues like smoke alarms or other fire code issues can be considered to make a dwelling uninhabitable. A breach of warrant of habitability gives the renter remedies such as withholding rent payments, or even breaking a lease.

Key Topics

- *Tenant requirements for a WH claim*
- *Process and timelines*
- *Items deemed uninhabitable*



For this process to begin the tenant must provide written notice to the property manager that something needs to be repaired in the property due to a potential health or safety hazard. The repairs must be made within a reasonable amount of time. This is a hugely debatable issue, as different people have a different understanding of what is 'reasonable'. If the tenant then provides a second written notice, the repairs must be made within 5 business days. If the problem is still not remedied after that time then the tenant has grounds to terminate the lease, withhold rent and possibly seek injunctive relief in district court. A

good property management practice is to document in writing if a work order is delayed due to parts, uncooperative tenant, etc. to avoid lease termination.

Though specifics are not outlined in the law 'uninhabitable' could be defined by any number items that are lacking in the property including:

- Poor water proofing and weather protection
- Broken windows or doors
- Water leaks
- No hot water
- Faulty electrical wiring
- Poorly maintained floors, stairs or railings
- Unclean and unsanitary common areas
- Issues with rodent or vermin infestations
- Not being in compliance with applicable building, housing and health codes
- Inadequate number of garbage receptacles

Again, these are just a few items that may render a property as unfit for human habitation and “materially dangerous or hazardous to a tenant’s life, health or safety.”

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