

# Tenants' Right to a Safe and Decent Home

## Landlords Must Provide a Safe and Habitable Home

If your home needs fixing, the law says the landlord must fix it, and the landlord's lease cannot excuse this responsibility. N.C. Gen. Stat 42-42.

Under North Carolina law, landlords must repair housing issues including but not limited to:

- Unsafe wiring or electrical outlets
- Unsafe flooring or steps
- Unsafe ceilings or roofs
- Lack of clean drinking water
- Broken exterior doors and windows
  - Doors and windows must have locks
- No heat in the winter (November-March)
- Broken toilet, bathtub, shower
- Rat infestation
- Excessive standing water, sewage or flooding
- Broken or missing smoke and carbon monoxide detectors

The landlord must repair the appliances they provided, Such as a Stove, Refrigerator, Furnace, and Air Conditioner

## How To Tell the Landlord What Needs To Be Fixed

Tenants have a responsibility to notify landlords of repair issues in the home. It is helpful for a tenant to:

- Document all issues in the home by taking pictures or videos.
- Request repairs in writing including by email, text message, or online portal
- If a tenant has to notify the landlord in person or on the phone, write down the date and time of the conversation and what repairs were requested.
- Keep a copy of written repair requests.

Tenants must give the landlord a reasonable amount of time to make the repairs.

## **If a landlord doesn't make repairs in a reasonable amount of time, a tenant can contact their local housing code enforcement.**

Many cities, towns, and counties have passed local housing codes to maintain minimum housing and building standards. All buildings that serve as residences whether owned individually or by a landlord must comply with these standards.

Tenants can contact their local code enforcement and request a FREE housing inspection. A housing inspector will typically come out to the tenants home and write a report if there are violations of the housing code. The inspector will send a letter to the landlord and the tenant detailing the necessary repairs and the deadline to make them.

## **Compensation for Tenants When the Landlord Refuses to Make Repairs**

A tenant is not protected from withholding rent to get repairs made in North Carolina. A tenant can still be evicted for non-payment of rent even when there are repair issues in the home.

If a tenant is paying rent while repair issues continue to exist, the tenant may be able to get money back. A tenant can try to negotiate a rent discount with the landlord. A tenant can also file a claim for monies owed if a settlement cannot be achieved or reached.

## **Tenants' Responsibilities**

A tenant is responsible for:

1. Keeping the place clean and safe.
2. Not damaging the home yourself or letting anyone else damage your place.

A tenant may be financially responsible when they or anyone visiting damages the home, either intentionally or negligently.

## **Repairs and Evictions**

If a tenant is facing eviction, they may want to contact an attorney for additional legal advice.

If a landlord files a summary ejectment action because a tenant complained or called for an inspection, they may have a retaliatory eviction defense in court. However, if a tenant is behind on rent or is withholding rent from their landlord based on repair issues, the landlord may have grounds to evict a tenant for nonpayment of rent.