

# 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 to 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 the 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.