



# SCHOOL ENVIRONMENTAL HEALTH AND ASTHMA COLLABORATIVE

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## LANDLORD AND TENANT COMMUNICATION

If your child has asthma and you rent a house or apartment, there's a good chance that some of the conditions that can lead to increased asthma triggers may have to be corrected by the landlord. Of course, it is in your control to keep your home clean, dusted and free of pet dander. However, other conditions, like leaky plumbing leading to mold, or pest problems like rodents and cockroaches, will probably require action by the landlord. Developing a positive relationship and good communication with the landlord when you move in can increase the chances that he or she will be helpful when you report a problem.

When problems arise that negatively affects your child's asthma:

- Talk with the landlord or manager.
- Tell the landlord or manager that your child has asthma, and describe the conditions that are unhealthy for your child and need to be repaired.
- Give the landlord or manager a letter containing the same information you discuss. This creates a written record of your communications.
- Write down the date and time of the conversation, and keep a copy of the letter.

If the landlord or manager does not correct the problems in a timely manner, write and deliver a second letter. If the landlord still does not correct the problems, consider contacting your county health or housing department, and/or housing code enforcement agency. You can also call 2-1-1 for information and referral services in your area (available in 33 California counties).

## Rights and Responsibilities

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California law makes landlords and tenants each responsible for certain kinds of repairs, although landlords ultimately are legally responsible for assuring that their rental units are fit to live in.

Under California law, both landlords and tenants are responsible for certain kinds of repairs. However, landlords are ultimately responsible for assuring that their rental units are habitable. This means that the rental unit is fit for occupation and that it substantially complies with state and local building and health codes.

A rental unit may be considered uninhabitable (unlivable) if it contains inadequate sanitation, or a condition that endangers the health, life, safety, property, or welfare of the occupants or the public. Conditions that create uninhabitable environments also can negatively affect people with asthma.

## Landlord's responsibility

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Before renting an apartment to a tenant, a landlord is required by law to make the unit fit to live in. And after the tenant moves in, the landlord must repair problems that make the rental unit unfit to live in.

A rental unit may be considered uninhabitable if it has inadequate sanitation, or a condition that endangers the health, life, safety, property, or welfare of the occupants or the public.

Landlords are required to provide:

- Effective waterproofing and weather protection of the roof, exterior walls, windows and doors.
- Plumbing facilities in good working order, including hot and cold running water, connected to a sewage disposal system.
- Heating facilities in good working order.
- Adequate trash receptacles in good repair.
- A working toilet, wash basin, and bathtub or shower. The toilet and bathtub or shower must be in a room which is ventilated and allows privacy.
- A kitchen with a sink that cannot be made of an absorbent material, such as wood.
- Windows in each room that open at least halfway for ventilation, unless a fan provides mechanical ventilation.
- A unit free of pests, such as cockroaches, rats and mice.

## Tenant's responsibility

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Tenants are required by law to take reasonable care of their rental units, as well as common areas such as hallways and outside areas. Tenants must keep these areas clean and undamaged. Tenants must also repair any damage that results from their neglect or abuse, and damage caused by anyone for whom they are responsible, such as family, guests, or pets.

A landlord may not be legally required to repair the condition if the tenant has not fulfilled the tenant's own responsibilities.

Tenants are required to:

- Keep the apartment as clean and sanitary as possible.
- Use and operate gas, electrical, and plumbing fixtures properly.
- Dispose of trash and garbage in a clean and sanitary manner.
- Not destroy, damage, or deface the premises, or allow anyone else to do so.
- Not remove any part of the structure, dwelling unit, facilities, or equipment, or allow anyone else to do so.
- Use the house or apartment as a place to live, and the rooms for their intended purposes. For example, the bedroom must be used as a bedroom, and not as a kitchen.