

My lease says the tenant is the only one responsible for maintenance. Is this true?

No. The law applies even if the lease says it does not. It cannot be waived.

The lease may still say something about who is responsible for things such as minor repairs, lawn care, etc. The requirements of this law will still apply. Either a tenant or landlord can sue in court. They can get damages, orders to repair, and attorney fees. If a tenant violates the lease, however, most landlords may choose to simply file an eviction.

You can sue on your own in small claims court (up to \$6,000). You may also be able to get a lawyer to represent you, because if you win your case the landlord can be ordered to pay your attorney fees.

Smoke detectors

A separate law requires landlords to provide smoke detectors and have the tenant acknowledge in writing that the unit has a functional smoke detector.

Each landlord must install a battery or hard-wired smoke detector. If a tenant gives written

notice to replace or repair a smoke detector, the landlord must do it within 7 working days after notice.

Report violations to your local prosecutor. Ask for inspections by the state fire marshal's office.

To apply for legal help, call ILS intake at your nearest office.

Bloomington
812-339-7668
800-822-4774

Evansville
812-426-1295
800-852-3477

Fort Wayne
260-424-9155
888-442-8600

Indianapolis
317-631-9410
800-869-0212

Lafayette
765-423-5327
800-382-7581

Merrillville
219-886-3161
888-255-5104

New Albany
812-945-4123
800-892-2776

South Bend
574-234-8121
800-288-8121

Español 866-964-2138

For more information, visit
www.indianalegalservices.org.

This pamphlet is for information only. It is **NOT** legal advice. For more information on how to find a lawyer or get legal help, go to
<http://www.in.gov/judiciary/selfservice/>.

Laws change, so please be sure the information is current.

Your Rights and Duties as a Tenant: Warranty of Habitability

Prepared by

Indiana Legal Services, Inc.

What is a warranty of habitability?

A promise that the landlord will keep a rental home safe to live in.

Both you and the landlord have duties to keep the rental property in good condition.

A landlord must...

- Give you a rental unit in a safe, clean, and livable condition.
- Comply with health and housing codes.
- Make all reasonable efforts to keep common areas in clean and proper condition.
- Provide and maintain the following in good and safe working condition (if there at the time you signed your lease):
 - Electrical systems,
 - Plumbing (reasonable supply of hot and cold water at all times),
 - Sanitary systems,
 - Heating, ventilating, and air conditioning (adequate supply of heat at all times),
 - Elevators, *and*
 - Appliances supplied to encourage you to enter into the lease.

A tenant must...

- Comply with health and housing codes that apply to tenants.
- Keep the home reasonably clean.
- Not deface, damage, destroy or remove any part of the home.
- Follow all reasonable rules and regulations of the property.
- Deliver the home back to the landlord in a clean and proper condition.
- Ensure smoke detectors work and are not disabled (replace batteries as needed).
- Use these in a reasonable manner:
 - Electrical systems,
 - Plumbing,
 - Sanitary systems,
 - Heating, ventilating, and air conditioning,
 - Elevators (if supplied),
 - Facilities and appliances

If either the landlord or the tenant does not do these things, the law says you can sue in court. First, the landlord or tenant must give a notice and reasonable time to fix the problem.

What if the landlord does not follow the law?

You must give the landlord notice of the problem and a reasonable time to fix it. Put the date on the notice, and keep a copy for yourself. You must give the landlord access to the unit to make repairs.

If the landlord does not fix it in a reasonable time, the law says you can sue. However, if you are in violation of the lease in any way, the landlord may try to evict you.

Unlike some states, Indiana does not have a law that lets tenants withhold rent or make repairs and deduct it from the rent.

Generally, if you do not pay rent, you could be evicted. There may be very limited cases where you can repair and deduct, but you should talk to a lawyer first.

What else can I do if the conditions are bad?

You can contact your local board of health or code enforcement office to report the conditions in your home.