



Mid Penn
LEGAL SERVICES



Housing Code Fact Sheet

When you rent an apartment or house, your landlord guarantees that s/he will make the repairs that are needed to keep the rented premises safe and sanitary. This guarantee is called the Warranty of Habitability, and it cannot be waived by tenants. If repairs are not made as requested, you need some way to motivate your landlord to make the repairs quickly. You also may need proof that the repairs were not made in order to assert your rights. For serious problems, often the best way to get your landlord to make repairs is to arrange for a housing code inspection.

When you have asked your landlord to make repairs, and the repairs have not been made, you can call the Housing Code Enforcement Officer. Code Enforcement Officers often respond quickly to tenants' requests for inspections, and if the problems are very severe, the Code Enforcement Officer may require the landlord to fix the problem immediately or face a steep fine. The fines are often very expensive; so many landlords will make the repairs rather than paying the fine.

HOW DO I ARRANGE FOR A HOUSING CODE INSPECTION?

To find the housing code inspector for your area check your local government's website or call the borough or township office.

Remember, you should always try to negotiate with your landlord. **Request, in writing, that your landlord make the repairs.** Information on how to request repairs and what your rights are if your landlord does not make the repairs is available in MidPenn's brochure entitled [Repair & Deduct: A Tenant's Right to Safe and Decent Housing](#). Give him/her a reasonable amount of time to make the repairs. If it is clear that your landlord does not intend to make the repairs, a code inspection is one way to get them done.

WHAT KINDS OF TENANTS CAN ARRANGE FOR HOUSING CODE INSPECTIONS?

Local code enforcement requirements vary from borough to borough. Contact your local office to ask whether your situation is included within the local code.

State Code Enforcement Officers will only inspect multiple unit dwellings (the law specifies apartment houses, tenement houses, apartment hotels, club houses, lodging houses, and rooming houses) of at least two units which are vertically stacked (like an apartment building), not side-by-side (townhouses or row houses). Farm buildings occupied by fewer than ten employees are also excluded.

WHAT GOOD DOES A HOUSING CODE INSPECTION DO ME IF MY LANDLORD STILL REFUSES TO MAKE REPAIRS?

If you arranged for a housing code inspection and your landlord has not made the necessary repairs to bring the premises up to Code standards, you can use the code inspection report as evidence in a subsequent hearing. For example, if your landlord files a Complaint with the magisterial district justice to evict you for nonpayment of rent, you can use the inspection report to show that you should not have been required to pay the full rent during the period that the habitability problems existed. If the problems threaten your health or safety, you may be entitled to just move out with no further obligation to pay rent. Or, you can affirmatively sue your landlord at District Justice Court for damages and/or past rent paid related to the habitability problems. In all of these situations, a housing code inspection report is excellent evidence of what the problems are and that your landlord refused to fix the problems. For more information

on how to request repairs and what your rights are if your landlord does not make the repairs, see MidPenn's brochure: **Repair & Deduct: A Tenant's Right to Safe and Decent Housing**.

In order to offer a code inspection report as evidence in a hearing, you may need to call the housing inspector as a witness and/or provide written certification from the code inspection officer that the report is accurate and part of the municipality's records. For further information about using a housing code inspection report as evidence, feel free to contact MidPenn Legal Services.

WHAT IF THE PROBLEMS ARE REALLY, REALLY BAD AND MY LANDLORD CAN'T REPAIR THEM RIGHT AWAY?

A word of caution: If the problems indicated in the housing code inspection are very severe and cannot be repaired quickly, the Code Enforcement Officer may **condemn** the unit. Condemnation is required when habitability problems are very severe, posing a threat to health and safety. In that situation, you would have to find alternate housing with very little advance notice, so you may want to consider this possibility before calling the Code Enforcement Officer.

WHAT IF MY LANDLORD FINDS OUT THAT I CALLED THE CODE ENFORCEMENT OFFICE?

State code enforcement and many local Code Enforcement Offices keep reports by tenants confidential. Confidentiality by code enforcement helps to ensure that landlords do not find out who made the report and retaliate against that tenant.

Even if your landlord does find out that you reported the situation to the code enforcement office, landlords are forbidden from retaliating against tenants for asserting their rights. Landlords are not allowed to evict tenants, or increase rent, simply because the tenant called the Code Enforcement Office. This kind of eviction is called retaliatory eviction.

MidPenn Legal Services serves residents of: Adams, Bedford, Berks, Blair, Centre, Clearfield, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Perry, Mifflin, Schuylkill & York Counties.
If you have specific questions about housing issues call MidPenn at 1-800-326-9177.



This brochure contains general information and not specific legal advice. Although this information is believed to be accurate at the time of preparation, individual situations may require individual analysis, such that it may be advisable to consult with a lawyer. May 2010