

WHAT YOU NEED TO KNOW ABOUT HABITABLE UNITS

We only deal with reputable landlords and properties in good condition, but we are regularly asked (usually for a friend or relative) about what makes a property “uninhabitable”. Since we all live in California, not surprisingly there are extensive rules and court cases on what is or is not a habitability issue.

It’s important to note that perfection is not required, nor is the unit required to be aesthetically pleasing (fuschia paint is fine). A minor building code violation also does not create a habitability issue.

We have put together a cheat sheet on what the rules and cases say create habitability issues. This is current as of 2011, and additional things may be added at any time (don’t expect anything to drop off the list, though)

- Known lead paint hazards.
- Structural defects making the premises unsafe.
- Effective waterproofing and weather protection, including broken windows and doors.
- Hot and cold running water and a connection to a sewage disposal system.
- Natural gas system in good working order.
- Heating system in good working order.
- Electrical system, including lighting wiring and equipment, in good working order.
- Building and grounds free from debris, filth, rubbish, garbage, rodents and vermin (insects).
- Adequate trash receptacles in good working order.
- Floors, stairways and railings in good working order.
- Property is free from mold to the point people can live there.
- Property is not contaminated by methamphetamine.

In addition, each rental unit must have all of the following:

- A working toilet, wash basin, bathtub or shower (not both) the toilet and bathtub must be in a room which is ventilated and allows privacy.
- The kitchen sink must be a non-absorbent material.
- Natural lighting in every room from a window or skylight. The windows must open at least halfway for ventilation. If not, a fan for ventilation must be provided.
- Safe fire and emergency exits leading to a street or hallway. These exits must be clean, clear, and litter free.
- Operating dead bolts on the main entry doors of rental units, and operating locking devices on the windows.
- Working smoke detectors in multi-unit buildings. Apartment complexes must also have smoke detectors in the common areas.
- Locking mail box for each unit. The mail box must meet Postal Service regulations.
- Ground fault interrupters for swimming pools, and anti-suction protection devices for apartment hot tubs and wading pools.
- One working telephone jack.