



Apartment Checklist

REPAIRS AND MAINTENANCE



Landlord's Responsibility

In Texas, it is the landlord's duty to repair or remedy most conditions in an apartment unit that affect a tenant's health and safety, if they follow the proper procedure to request the repairs. The landlord, however, does not have any obligation to make repairs to anything that was damaged through abnormal use. The law does not require a landlord to repair a condition that does not affect a tenant's health and safety.

Always check the lease for repair terms.

Tenant's Responsibility

It is the tenant's responsibility to pay rent on time and to follow the conditions of the lease and house rules of the landlord. This includes, not disturbing others, violating the law on the property, or damaging the property. It is the tenant's duty to report any maintenance issues to the landlord in a timely manner. A tenant's lease may specify routine repairs and maintenance as the tenant's responsibility.

Fair Housing for Tenants

Indicators of unlawful rental discrimination:

- Misrepresenting the availability of housing when housing is available
- Requiring different terms or conditions based solely on a household member's race, color, national origin, religion, sex, familial status, or disability
- Refusal to make reasonable accommodations for a person with disabilities

File a Fair Housing Complaint:

<https://www.tdhca.state.tx.us/fair-housing/complaint-how-to.htm>

WHAT ARE CONSIDERED HEALTH AND SAFETY RISKS?

Sewage Backups



Faulty Wiring



Roaches



Roof Leaks



Rats



**Lack of Heat or
or Air
Conditioning**



What is the process to request REPAIRS?



1. FIRST NOTICE TO THE LANDLORD

Calling the landlord is the fastest way but it is necessary to also inform them in writing. The tenant should keep a dated copy of the letter. It is recommended to send the repair request by certified mail, return receipt requested.

2. PAY RENT ON TIME

The landlord is not obligated to make repairs required by state law unless the tenant is current on rent. The tenant must pay rent, or the tenant cannot force the landlord to make repairs. The rent must be current at the time the tenant provides the first notice; otherwise, that notice may not have any legal effect.

3. GIVE THE LANDLORD REASONABLE TIME TO MAKE REPAIRS

The law presumes seven days, from when the landlord receives notice, to be adequate time. However, the nature of the problem, availability of materials and labor, are factors that are taken into consideration in determining how much time is reasonable. The landlord must continue to make a diligent effort to remedy the issue.

4. CALL 311

If the landlord has had a reasonable time to fix the problem and has not done so, call 311.

The City of Houston will send an inspector who can determine whether the condition is a health and safety risk. Ask the inspector's name and follow up with 311 to obtain a written report. Tenants can also ask their district and At-Large council offices to obtain a report or understand the inspector's determination regarding risks.

5. PROVIDE A SECOND NOTICE

After the landlord has had a reasonable time to repair the condition following the initial notice, the tenant must send a second written notice. In this notice, the tenant should state clearly that this is a second notice and should ask the landlord for an explanation of the delay. In this letter the tenant **MUST** state clearly what will happen if the landlord does not make repairs 1) terminate the lease* 2) file a lawsuit seeking an order directing repairs and damages.

The tenant should send this by certified mail and keep a copy of the letter. If the landlord does not respond, the tenant will have an easier time in court, with evidence, to show that the landlord failed to remedy conditions that affect's a tenant's health and safety.

*Terminate the Lease. The tenant must be sure that the condition materially affects the physical health or safety of an ordinary tenant, that they have provided proper notices, and are not delinquent in paying rent. Please seek legal advice before taking this step.

RETALIATION

Note: is illegal for a landlord to retaliate against tenants who:

- Participate or carryout anything that is allowed by the lease or by law
- Ask landlords to repair or fix something
- File a complaint with a government agency
- Take part in any tenant group

This resource is brought to you by Council Member Letitia Plummer, At-Large 4

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Learn about Apartment Inspection Reform





CHECKLIST

Follow this process for repairs. Check off each item as you complete it and note the completion date.

1. FIRST NOTICE TO THE LANDLORD

- Call landlord/building manager.
- Write a letter with clear details about issues and request for repairs.
- Keep a dated copy.
- Send the letter by certified mail, return receipt requested.

2. PAY RENT ON TIME

- Current on rent.

3. GIVE THE LANDLORD REASONABLE TIME TO MAKE REPAIRS

- Wait seven days or longer (whichever is considered reasonable time for the issue).

4. CALL 311

- Call, email 311 with detail of the issues.
- Make note of the 311 case number.
- Ask the inspector's name.
- Follow up with 311 to obtain an inspection report.

5. PROVIDE A SECOND NOTICE

- Send a second letter.
- State that this is a 2nd notice in the letter.
- Ask the landlord for an explanation of the delay.
- State clearly what will happen if the landlord does not make the repairs. (OPTIONS BELOW)

OPTION 1: TERMINATE LEASE

- Current on rent.
- Evidence to show notices sent to landlord. (mailing receipt and electronic verification from certified letter, copies of letters sent).
- Inspection report, or other evidence to show that the condition affects physical health and safety.

OPTION 2: FILE A LAWSUIT

- Seek legal assistance

IMPORTANT

This process is only for conditions that affect a tenant's health and safety. For routine maintenance, the tenant should review their lease terms or negotiate with their landlord. If in doubt, seek legal advice.



RESOURCES

HOUSTON VOLUNTEER LAWYERS:

(713)-228-0735 / makejusticehappen.org

Offers Legal representation in: Housing matters i.e., Landlord/tenant, Homeownership

LONE STAR LEGAL AID:

(713)-652-0077 / lonestarlegal.org

Offers financial support for civil legal aid to low-income individuals/families (Legal Services Corporation funded)

TEXAS RENT RELIEF

(713)-652-0077 / lonestarlegal.org

Offers financial support for civil legal aid to low-income individuals/families (Legal Services Corporation funded)

DISABILITY RIGHTS TEXAS

1-833-212-4212 / housing@DRTx.org / disabilityrightstx.org

Offers direct legal assistance to people disabilities: Housing, Accessibility, Community living etc.

HOUSTON HOUSING AUTHORITY

(713)-260-0500 / housingforhouston.com

Offers support to low-income, elderly, and disabled residents

WORKFORCE SOLUTIONS

(713)-600-1234 / wrksolutions.com

Offers financial aid for childcare and career planning guidance

UNITED WAY OF GREATER HOUSTON

2-1-1 / unitedwayhouston.org

Offers 24/7 referral to various resources and services

HOMELESS HOUSTON

(713)-228-0735 / makejusticehappen.org

Offers Legal representation in: Housing matters i.e., Landlord/tenant, Homeownership

STAR OF HOPE

(713)-748-0700 / sohmission.org

Offers resources to combat homelessness, offers shelters for (Men, Women, and Families)

SOUTH TEXAS COLLEGE OF LAW HOUSTON

(713)-659-8040 / <https://www.stcl.edu/academics/legal-clinics/mediation-clinic/>

Offers mediation services in relation to landlord-tenant relations, contracts, employment, etc.

POWER TO CHOOSE

Powertochoose.org

Offers services to finding electricity providers

THE SALVATION ARMY

(713)-752-0677 / salvationarmyhouston.org

Offers financial & utility assistance, homeless prevention, clothing distribution

TEMENOS CDC

(713)-589-8853 / temenoscdc.org

Offers resources to combat homelessness: apartments and services

HOUSTON FOOD BANK

(713)-223-3700 / houstonfoodbank.org

Offers food distribution and other essentials such as securing state-funded assistance, job training, etc.

INTERFAITH MINISTRIES FOR GREATER HOUSTON

(713) 533-4900 / img.h.org

Offers nutritious food and grocery distribution

CATHOLIC CHARITIES OF THE ARCHDIOCESE OF GALVESTON-HOUSTON

(713)-526-4611 / catholiccharities.org

Offers assistance with housing, food distribution, family assistance, covid assistance

BAKER RIPLEY

(713)-590-2327 / bakerripley.org

Offers utility assistance and rental assistance

JEWISH FAMILY SERVICES

(713)-667-9336 / jfshouston.org

Offers mental health services, case management, employment services



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