

# Habitability Checklist

This list is a guide to help you identify uninhabitable conditions, based on Civil Code §1941.1, Health and Safety, §17920.3 and local building codes. Due to the variety of circumstances which can arise, it is impossible to list everything here. Use your own judgment. If it adversely affects your living situation, it is probably an uninhabitable condition, as opposed to something like an ugly paint job. This is a general list, which can apply to inside, outside, common areas, recreational facilities, parking areas, etc.

## **ELECTRICAL**

- System entirely unstable
- Circuit breakers blow

### **Wall switches**

- Not working
- Intermittent
- Cover plates broken
- Cover plates missing
- Sparking

### **Light fixtures**

#### **Interior lighting**

- Flickering/intermittent
- Not working
- Inadequate lighting
- Electric shock
- Light dangling
- Not secured properly

#### **Exterior lighting insufficient**

- Common grounds
- Doorways
- Stairways/stairwells
- Garage
- Parking areas
- Walkways/hallways
- Outside individual units
- Entrance to building

### **Electrical outlets not working**

- Electric shock from any part
- Missing cover plates
- Exposed wiring
- Sparking
- One socket not working
- Loose socket
- Plug falls out
- Indoor outlets near water are not GFI
- Outdoor outlets are not GFI

### **Fans not working**

- Ceiling/circulation
- Portable/window fans
- Heater [e.g., bathroom]
- Above stove

### **Smoke alarms**

- Too sensitive/always sounding
- Not working at all
- Doorbell does not work
- Security system does not work

## **APPLIANCES (supplied with unit)**

### **Appliances not working**

- Stove
- Refrigerator
- Dishwasher
- Clothes washer/dryer
- Trash compactor

### **Garbage disposal**

- Does not work
- Backs up

## **HEATING/AIR CONDITIONING**

### **Furnace**

- Does not work
- Missing
- Thermostat broken
- Inadequate/no heat
- Pilot goes out
- Produces odor
- Noisy during operation

### **Ducts**

- Broken
- Asbestos in ducts
- Air filters failed
- Vents do not work

### **Other heaters not working**

- Heat lamps
- Wall heaters
- Portable units

### **Air conditioning**

- Central air does not work
- Window unit does not work
- Inadequate cooling
- Noisy
- Thermostat does not work

## **PLUMBING**

### **Hot and cold water**

- Insufficient hot water
- Pressure varies/sudden bursts
- No water at all
- Faucets broken/not working

### **Dirty/unsanitary water**

- Contaminated
- Rust/discoloration
- Odors

- Bad taste [e.g., sewage]

### **Inadequate drainage**

- Backs up into sink
- Backs up into shower/bathtub
- Slow drainage

### **Toilets**

- Slow fill and flush
- Sewage backups/overflows
- Flushing mechanism broken

### **Leaks**

- From water line to wall
- From base on the floor
- From fixture itself
- Bathtub drain does not work
- Sink stoppers do not work

### **Faucets on sinks and tub**

- Loose/broken
- Hard to turn
- Leaky (continuous/intermittent)

### **Other leaky plumbing**

- On/under sink counter
- Drains under sink
- Hoses/hot and cold intake
- Drainage hose
- Broken pipes in ceiling/wall

### **Sewer/septic system**

- Not working
- Inadequately maintained
- Surface discharge
- Leaks
- Odor
- Discharge under building

### **Kitchen sink counter**

- Counter surface broken/damaged
- Unsanitary porous surface

### **Exterior faucets**

- Do not work
- Leak

## **FLOORING**

### **Floors**

- Holes in floor
- Separating from wall
- Weak/loose floorboards
- Buckling/uneven
- Loose/chipped/missing tiles

- Loose/tear/missing linoleum
- No Flooring

### **Carpeting**

- Nails sticking up through carpet
- Exposed tack strips
- Mildewed/moldy
- Stinks/unsanitary
- Torn/frayed/loose
- Trip hazard

### **WINDOWS**

- Inadequate number of windows
- Inadequate ventilation
- Cracked/broken glass
- Gaps in panes/windows
- Inadequate weather stripping

### **Windows that should open**

- Do not open easily
- Do not stay open
- Do not close completely
- Do not latch
- Stick
- Ground floor windows have no lock

### **Window screens [local ordinance]**

- Holes/tears
- Missing from some/all
- Frames bent/broken

### **DOORS**

#### **Interior doors**

- Doorknob/lock broken
- Loose in frame/maladjusted
- Stick
- Will not close securely
- Doorknob/latches missing

#### **Exterior doors**

- Door broken
- Handle/lock broken
- Door does not lock
- Key does not work well
- Loose in frame/maladjusted
- Stick
- Will not close securely
- Missing knobs/latches/deadbolts
- Inadequate weather stripping
- Threshold is broken
- Cracked/broken glass

#### **Sliding glass doors**

- Do not completely close
- Will not lock securely
- Do not latch
- Loose in track
- Stick
- Cracked/broken glass

#### **Other exterior screen doors**

- Improperly mounted
- Will not close fully/properly
- Will not latch/lock

- Loose in track
- Frame bent/broken
- Holes/tears in screen
- Cannot be secured open

### **STRUCTURE**

#### **Ceiling**

- Falling down/collapsing
- Sagging/damp/soft spots
- Holes
- Flaking
- Looseness
- Leaks/stains from rain
- Leaks/stains from plumbing

#### **Walls**

- Weak/loose/unconnected
- Holes/gaps
- Missing wall surface
- Studs exposed
- Damp/soft spots
- Inadequate insulation
- Inadequate soundproofing
- Leaks water from outside
- Exterior walls not sealed
- Shower area not waterproofed

#### **Basement**

- Floods
- Inadequately sealed
- Unstable basement walls

#### **Stairways/rails**

- Insecure/unsafe railings/steps
- Dilapidated/failing

#### **Exterior porch/deck**

- Uneven/unstable
- Holes/rotting

#### **Paint**

- Flaking/peeling/chipping
- Lead-based

### **COMMON AREAS**

#### **Recreation room**

[Specify in list on next page]

#### **Gym**

[Specify in list on next page]

#### **Mailbox**

[Specify in list on next page]

#### **Parking area**

- Broken security gate
- Flooding
- Plumbing leaks onto cars
- Inadequate space to park
- Entrance blocked
- Assigned parking not enforced
- Inadequate ventilation

#### **Swimming Pool/jacuzzi**

- Does not work
- Has stagnant/unhealthy water
- Slippery pool deck

- No fence around pool
- Missing safety devices
- Inadequately lit
- Leaks
- Pump/filter broken
- No circulation
- Will not heat
- Algae accumulation
- Chipped tile

#### **Elevator**

- Does not work
- Works sporadically
- Does not function properly
- Intercom system does not work
- Walkways have trip hazards

#### **Laundry room**

- Machines do not work
- Inadequately lit
- Filthy with debris/trash
- Inadequate trash bins/pickup
- Trash/debris/junk around grounds

### **NUISANCES**

#### **Infestations**

- Mice/rats/rodents
- Cockroaches
- Ants
- Bed bugs
- Spiders
- Termites
- Bees/wasps/hornets
- Flies/mosquitos
- Pigeons/bats
- Raccoons/opossums
- Mold/mildew/mushrooms
- Raw sewage on exterior ground
- Noxious fumes from sewer
- Other toxic/noxious fumes
- Smoke from neighbors in building
- Chemicals/paints contamination
- Unruly neighbors/pets
- Drug trafficking on the premises
- Gang activity on the premises

#### **Criminal acts by other tenants**

- Assault/molestation
- Violent crimes
- Prostitution in nearby units

#### **Noise**

- Construction in the building
- Neighbors quarreling/stomping
- Noisy functions in the building
- Noise from adjacent property

#### **Hazards to health**

[Specify in list on next page]

#### **Offensive to the senses**

[Specify in list on next page]

#### **Blocks movement**

[Specify in list on next page]

**LIST ANY OTHER ITEMS HERE**

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**List of Defects – Worst to Least**

Use the checklist information to create the list of defects that you will present. Arrange them from worst to least, using the workspace below. The first impression is a lasting impression. When you present this list to your landlord, a government inspector, the judge or jury, you want them to see the worst thing first, so they understand that you have serious problems, not just minor ones. This is simply a worksheet to help guide you through it, with examples. You will repeat this list, so it is worth saving by itself.

**Example**

**Your List**

Lack of heat	_____
Cockroach Infestation	_____
Bedroom window will not close	_____
Smoke from downstairs unit	_____
Garbage disposal broken	_____
Smoke detector not working	_____
Three Electrical outlets not working	_____
Kitchen drawer sticks	_____
Peeling paint in living room	_____
Inadequate brush receptacles	_____

On the next page, you organize this list for trial. You will be explaining to the judge or jury about each of these items in the detail required. First, you identify what the problem is, then where it is. You document when it first began, to your knowledge, and if it was finally fixed. You identify when you first gave Notice to the landlord about the condition, and what Result, if any, you got from that. You identify any Evidence that you have, like a picture, letter, email, receipt, estimate, or whatever is related to that condition. Finally, you explain, in real terms, how it affected your living situation, and by approximately what percentage it reduced the monthly value of living there. That could be 1% to 50%, or more. Ten months at 10% is a whole month's rent worth of reduction. This gives you a handy guide for your testimony, as well as discovery questions directed to the landlord.

## Habitability Evidence

#	Problem	Location	Began	Ended	Notice	Result	Evidence
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

- After filling out the form above, if you need more space to list other items, please make another copy of this form.
- Describe, very clearly, in lines 1 – 10 below, how the issues listed above have affected your living there.
- Give an approximate percentage reduction in rental value, that you have lost, due to this condition during that time. Please specify between 1% to 50%, or more.

1. \_\_\_\_\_ %

2. \_\_\_\_\_ %

3. \_\_\_\_\_ %

4. \_\_\_\_\_ %

5. \_\_\_\_\_ %

6. \_\_\_\_\_ %

7. \_\_\_\_\_ %

8. \_\_\_\_\_ %

9. \_\_\_\_\_ %

10. \_\_\_\_\_ %