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.

<table>
<thead>
<tr>
<th>ELECTRICAL</th>
<th>APPLIANCES (supplied with unit)</th>
<th>HABITABILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>System entirely unstable</td>
<td>Appliances not working</td>
<td>□ Bad taste [e.g., sewage]</td>
</tr>
<tr>
<td>Circuit breakers blow</td>
<td>□ Stove</td>
<td>□ Inadequate drainage</td>
</tr>
<tr>
<td>Wall switches</td>
<td>□ Refrigerator</td>
<td>□ Backs up into sink</td>
</tr>
<tr>
<td>Not working</td>
<td>□ Dishwasher</td>
<td>□ Backs up into shower/bathtub</td>
</tr>
<tr>
<td>Intermittent</td>
<td>□ Clothes washer/dryer</td>
<td>□ Slow drainage</td>
</tr>
<tr>
<td>Cover plates broken</td>
<td>□ Trash compactor</td>
<td>Toilets</td>
</tr>
<tr>
<td>Cover plates missing</td>
<td>Garbage disposal</td>
<td>□ Slow fill and flush</td>
</tr>
<tr>
<td>Sparking</td>
<td>□ Does not work</td>
<td>□ Sewage backups/overflows</td>
</tr>
<tr>
<td>Light fixtures</td>
<td>□ Backs up</td>
<td>□ Flushing mechanism broken</td>
</tr>
<tr>
<td>Interior lighting</td>
<td></td>
<td>Leaks</td>
</tr>
<tr>
<td>Flickering/intermittent</td>
<td></td>
<td>□ From water line to wall</td>
</tr>
<tr>
<td>Not working</td>
<td></td>
<td>□ From base on the floor</td>
</tr>
<tr>
<td>Inadequate lighting</td>
<td></td>
<td>□ From fixture itself</td>
</tr>
<tr>
<td>Electric shock</td>
<td></td>
<td>□ Bathtub drain does not work</td>
</tr>
<tr>
<td>Light dangling</td>
<td></td>
<td>□ Sink stoppers do not work</td>
</tr>
<tr>
<td>Not secured properly</td>
<td></td>
<td>Faucets on sinks and tub</td>
</tr>
<tr>
<td>Exterior lighting insufficient</td>
<td></td>
<td>□ Loose/broken</td>
</tr>
<tr>
<td>Common grounds</td>
<td></td>
<td>□ Hard to turn</td>
</tr>
<tr>
<td>Doorways</td>
<td></td>
<td>□ Leaky (continuous/intermittent)</td>
</tr>
<tr>
<td>Stairways/stairwells</td>
<td></td>
<td>Other leaky plumbing</td>
</tr>
<tr>
<td>Garage</td>
<td></td>
<td>□ On/under sink counter</td>
</tr>
<tr>
<td>Parking areas</td>
<td></td>
<td>□ Drains under sink</td>
</tr>
<tr>
<td>Walkways/hallways</td>
<td></td>
<td>□ Hoses/hot and cold intake</td>
</tr>
<tr>
<td>Outside individual units</td>
<td></td>
<td>□ Drainage hose</td>
</tr>
<tr>
<td>Entrance to building</td>
<td></td>
<td>□ Broken pipes in ceiling/wall</td>
</tr>
<tr>
<td>Electrical outlets not working</td>
<td></td>
<td>Sewer/septic system</td>
</tr>
<tr>
<td>Electrical shock from any part</td>
<td></td>
<td>□ Not working</td>
</tr>
<tr>
<td>Missing cover plates</td>
<td></td>
<td>□ Inadequately maintained</td>
</tr>
<tr>
<td>Exposed wiring</td>
<td></td>
<td>□ Surface discharge</td>
</tr>
<tr>
<td>Sparking</td>
<td></td>
<td>□ Leaks</td>
</tr>
<tr>
<td>One socket not working</td>
<td></td>
<td>□ Odor</td>
</tr>
<tr>
<td>Loose socket</td>
<td></td>
<td>□ Discharge under building</td>
</tr>
<tr>
<td>Plug falls out</td>
<td></td>
<td>Kitchen sink counter</td>
</tr>
<tr>
<td>Indoor outlets near water are not GFI</td>
<td></td>
<td>□ Counter surface broken/damaged</td>
</tr>
<tr>
<td>Outdoor outlets are not GFI</td>
<td></td>
<td>□ Unsanitary porous surface</td>
</tr>
<tr>
<td>Fans not working</td>
<td></td>
<td>Exterior faucets</td>
</tr>
<tr>
<td>Ceiling/circulation</td>
<td></td>
<td>□ Do not work</td>
</tr>
<tr>
<td>Portable/window fans</td>
<td></td>
<td>□ Leak</td>
</tr>
<tr>
<td>Heater [e.g., bathroom]</td>
<td></td>
<td>FLOORING</td>
</tr>
<tr>
<td>Above stove</td>
<td></td>
<td>Floors</td>
</tr>
<tr>
<td>Smoke alarms</td>
<td></td>
<td>□ Holes in floor</td>
</tr>
<tr>
<td>Too sensitive/always sounding</td>
<td></td>
<td>Separating from wall</td>
</tr>
<tr>
<td>Not working at all</td>
<td></td>
<td>□ Weak/loose floorboards</td>
</tr>
<tr>
<td>Doorbell does not work</td>
<td></td>
<td>Buckling/uneven</td>
</tr>
<tr>
<td>Security system does not work</td>
<td>□ Loose/chipped/missing tiles</td>
<td></td>
</tr>
</tbody>
</table>
☐ Loose/torn/missing linoleum
☐ No Flooring
☐ Carpentry
☐ 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
☐ Inadequate/leaky
☐ 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/rodsents
☐ 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/molestatation
☐ 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 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.

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.

<table>
<thead>
<tr>
<th>Example</th>
<th>Your List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of heat</td>
<td></td>
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<tr>
<td>Cockroach Infestation</td>
<td></td>
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<tr>
<td>Bedroom window will not close</td>
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<tr>
<td>Smoke from downstairs unit</td>
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<tr>
<td>Garbage disposal broken</td>
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<tr>
<td>Smoke detector not working</td>
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<tr>
<td>Three Electrical outlets not working</td>
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<tr>
<td>Kitchen drawer sticks</td>
<td></td>
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<tr>
<td>Peeling paint in living room</td>
<td></td>
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<tr>
<td>Inadequate trash receptacles</td>
<td></td>
</tr>
</tbody>
</table>
Habitability Evidence

<table>
<thead>
<tr>
<th>#</th>
<th>Problem</th>
<th>Location</th>
<th>Began</th>
<th>Ended</th>
<th>Notice</th>
<th>Result</th>
<th>Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>10</td>
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</tr>
</tbody>
</table>

- 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. ___________________________________________________ _________%