

**Resources**

You may also file a petition for a “decrease in services” with the San Francisco Rent Arbitration and Stabilization Board. The Rent Board will then hold a hearing with you and your landlord to determine if your apartment’s condition warrants a decrease in rent. The Rent Board is located at 25 Van Ness, and their website, <http://www.ci.sf.ca.us/rentboard/index.htm>, has lots of information of interest to renters in San Francisco.

The Community Board Program is another great resource. They will set up a mediation between you and your landlord and try to work out a solution that is acceptable to all parties. They can be reached at (415) 920-3820. Help can also be found at the Housing Rights Committee at (415) 703-8644, the San Francisco Tenants’ Union at (415) 282-6622, and St. Peter’s Housing Committee at (415) 487-9203.

If none of the above strategies work, you should seek legal advice from a qualified legal service provider such as AIDS Legal Referral Panel to address the situation.

Since these laws may change frequently, you should always check with the rent board or a qualified legal service provider, such as ALRP, for up-to-date legal advice. You may call ALRP at (415) 701-1100 in San Francisco, or at (510) 451-5353 in Oakland.

**Other Resources:**

The following phone numbers are accurate at the time of printing (January 2003). Some of these agencies offer services or information in other languages. Call beforehand to find out when these services are available. Some services may be available to residents of San Francisco County only.

AIDS Legal Referral Panel  
Housing Advocacy Project  
(415) 701-1200 ext. 314

Eviction Defense Collaborative  
(415) 431-8831

San Francisco Rent Board  
(415) 252-4600

Bar Association of San Francisco  
Volunteer Legal Services Program  
(415) 982-1600

Homeless Advocacy Project  
(415) 575-3130 or 1-800 405-4HAP

Bay Area Legal Aid  
(415) 982-1300

Lawyer’s Committee for Civil Rights  
(415) 543-9444

St. Peter’s Housing Committee  
(Comite de Vivienda San Pedro)  
(415) 487-9203

San Francisco Tenant’s Union  
(415) 282-6622

Housing Rights Committee of San Francisco (415)  
703-8644

**AIDS Legal Referral Panel**  
**1663 Mission Street, Suite 500**  
**San Francisco, CA 94103**  
**(415) 701-1100**  
**(510) 451-5353**

# HABITABILITY

## A GUIDE FOR PERSONS LIVING WITH HIV/AIDS



**Legal Services for People with HIV/AIDS**  
**in the San Francisco Bay Area**  
**(415) 701-1100 (SF)**  
**(510) 451-5353 (Oakland)**

California Relay Service  
**(800) 735-2929, dial (415) 701-1100**  
[info@alrp.org](mailto:info@alrp.org)  
[www.alrp.org](http://www.alrp.org)  
Se habla español

## Habitability Issues

Many tenants in the San Francisco Bay Area are housed in buildings that are over 100 years old, so problems with old plumbing, wiring, etc., are common. Some of these problems can range from minor inconveniences to major health hazards such as leaky roofs, mold problems, or rat infestation – and problems such as these can be particularly hazardous to persons living with HIV/AIDS. This pamphlet will discuss the laws regarding habitability issues and the steps you can take to get problems corrected.

## Do Your Own Inspection!

Before you take that giant step of renting a unit, you should carefully inspect the premises for defects. Look at the plumbing – is it rusty or leaky? Is there hot water? Do the toilets work? Does the heat work? How is the electrical system? Do all the light switches and outlets work? Are there exposed wires? Are the walls, roof, doors, and windows in good condition? Are the appliances in good condition? Check for signs of rodent or insect infestation. Check for fire safety – are there working smoke detectors, fire exits and escapes?

Check the common areas that are shared with other tenants in the building. Are they sanitary? Is there trash overflowing? If the apartment has too many defects, it is probably a bad idea to rent that unit. If you must rent that apartment, at least get the landlord to promise in writing that the problems will be fixed, with the dates by which the work will be completed. If you document the problems in writing at the beginning of your tenancy, the landlord won't be able to blame you for the problems later. It is also a good idea to talk to other tenants in the building to see how responsive the landlord is in making requested repairs.

## What is my landlord obligated to fix?

Landlords are required to maintain residential rental property in a livable or “habitable” condition. California Civil Code Section 1941.1 and the Uniform Housing Code set out basic requirements that rental units are obligated to meet in order to be considered habitable. This law applies throughout the duration of your tenancy, not just when you move in. Some of these requirements include:

- Waterproof and weather-protected roof and exterior walls
- Unbroken windows and doors
- Plumbing and gas facilities maintained in good working order
- Hot and cold running water
- Sewage disposal
- A heating system in good working order capable of heating every room to at least 60 degrees Fahrenheit
- Electric lighting and wiring maintained in good condition
- Common areas such as lobbies, hallways, yards, and stairways clean and free from accumulations of debris, filth, rubbish, garbage, rodents, and vermin
- Trash receptacles
- Floors, stairways, and railings maintained in good condition
- There are also other laws requiring landlords to provide smoke detectors and a working telephone jack

In addition to the California Civil Code, the Supreme Court of California has ruled that in every rental agreement, whether oral or written,

there is an “implied warranty of habitability.” This warranty of habitability means that your landlord has to provide you with housing that substantially complies with local building and health codes.

## How can I get the repairs made?

The first step in correcting a habitability problem is to alert your landlord in writing. If you have a leaky pipe, for example, tell your landlord that it is in his or her interest to correct the problem swiftly since the leak could damage the floors in your unit and the ceiling of the unit below you. You can mention the additional expense of wasted water on the water bill. If you have a problem with mold infestation, explain that it poses a serious health hazard and that it must be corrected as soon as possible. You may also mention that state law requires the landlord to make these repairs. Keep copies of any letters you send to your landlord as proof that the landlord had notice of the problem.

If your landlord does not respond within a reasonable amount of time, there are other options. You can call the local building inspector to perform an inspection of your unit and cite the landlord if there are violations. There are risks, however, in calling the building inspector, especially if you live in an illegal unit. If your unit is illegal, the landlord may be cited and have to shut the unit down. This means you would be forced to vacate, so ALWAYS make sure you are living in a legal unit before calling for an inspection.