

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help:



www.ctlawhelp.org

HOUSING

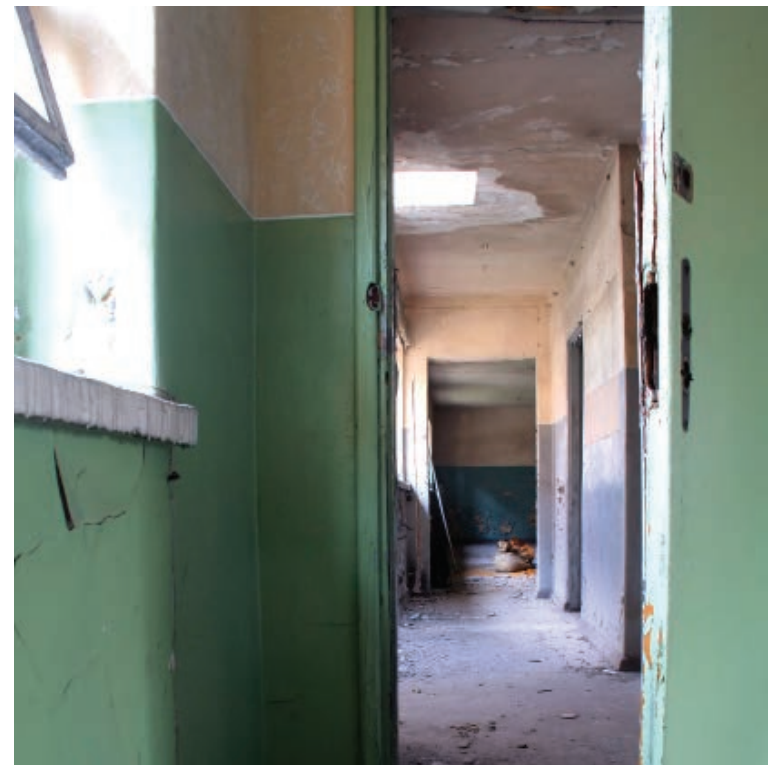
LEGAL SERVICES

SELF-HELP SERIES

Tenants' Rights: Repairs

What you can do if your rental home needs repairs.

July 2018



We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

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What to do if your landlord won't make repairs

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If you're under 60, call us for help:



Statewide Legal Services

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Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd 203-336-3851
Suite 950

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr.
Suite 120 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

426 State Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut.

The information in this booklet is based on laws in Connecticut as of 7/2018. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

You may bring witnesses to court and the same types of proof that you brought to the first hearing. If you want the inspector to go to court and more than 60 days have passed since the first hearing, ask the clerk for a new subpoena.

What happens to the rent money that I paid to the court?

When the repairs have been made and the lawsuit is over, the judge decides who gets the money. You can also make an agreement with your landlord about who gets the money. Make sure it is in writing and give a copy to the court.

If the judge is making the decision, tell the judge why you think you should get the rent money back.

The judge can decide to give

- **you** part or all of the rent money, or
- **the landlord** part or all of the rent money you paid.

Note: If you start a case against the landlord and then later decide not to go to court, the court will give the rent money to the landlord.

Can my landlord evict me if I file a lawsuit?

No. As long as you pay your rent to the court every month, your landlord cannot evict you for not paying rent.

Do not pay late. Pay your rent within 9 days of the due date.

If your landlord tries to evict you after you start your case, you will have a good defense against eviction. See the legal aid booklet: *Evictions and Lockouts*.



Even if your apartment needs repairs, **pay your rent on time.**
If you don't, **your landlord can evict you.**

What does Connecticut law about say repairs?

The law says your landlord must

- make your apartment clean and safe when you move in, and
- keep the apartment in good condition while you live there.

Your landlord must fix problems like

- peeling paint or broken windows;
- plumbing, electrical, or heating systems that don't work properly, even if you pay for heat or water;
- rats, roaches, bedbugs, and other pests; and
- a broken smoke detector (or no smoke detector).

You can sue if your landlord does not make needed repairs.

Do I have to pay my rent if the landlord ignores me or takes a long time to make repairs?

Yes. It may not seem fair, but even if the problems are bad and the landlord is ignoring you, you still have to pay your rent. However, you can ask the landlord if you can make the repairs yourself and take the cost of the repairs off your rent. If you do this, **make sure to get it in writing first.** You can also ask the landlord to reimburse you for any damage to your belongings.

What can I do if my landlord won't make repairs?

STEP 1: Ask your landlord to make repairs.

If the repairs are urgent, call the landlord and tell them right away. Ask when they are coming to make these urgent repairs. Some examples of urgent repairs are

- flooding or leaking water, and
- a broken window or door that won't open or close.

It's best to also ask in writing for repairs to be made. Keep copies of any letters, emails, or text messages that you send. If you see the landlord, ask about the status of your request and make a note in your calendar about what the landlord told you.

If your landlord does not make repairs when you ask, go to Step 2.

Warning! Don't sign an agreement if you can't do what it says.

What if the landlord and I cannot make an agreement?

You will have a trial and a judge will decide your case. Your trial will probably take an hour.

- You and your landlord must each swear to tell the truth.
- When it is your turn to speak, tell the judge about the repairs needed in your apartment and the date(s) you asked for the repairs to be made.
- You may ask the inspector to tell the judge what's wrong with your apartment and to give the judge the inspection report.
- You can ask the judge to order your landlord to
 - make the repairs,
 - give you back the rent you paid for the time that your landlord did not fix the problems, and
 - pay you for damage to your things or your health.

What happens after the hearing?

The judge may ask you and the landlord to go back to court to report on the repairs. Ask the clerk if you have another court date.

If you have another hearing to report on the repairs...

If the repairs have not been made,

- tell the judge, and
- ask the judge to have someone (called a *receiver*) make the repairs.

The Court Hearing

How do I get ready for the hearing?

- Make a list of the needed repairs.
- Note how the problems in your home hurt or inconvenienced you or your family.
- If you can, take photos of the problems in your home. Bring extra copies of the photos for the judge and the landlord.
- You can bring witnesses to court who have seen the problems.

Will the inspector go to court?

As soon as the clerk tells you the date of your hearing, ask the clerk for subpoena papers. The subpoena papers tell the inspector to come to court with the inspection report. You will have to pay a marshal to deliver the papers (unless the court gave you a fee waiver). You can get a list of marshals at the court's website or at the clerk's office.

Will my trial start right away?

You and your landlord will speak to a housing mediator first. The mediator will help you try to make an agreement (also called a stipulation) instead of having a trial.

If you can make an agreement, then you, the landlord, and the judge will sign it. You will each get a signed copy.

You can also make an agreement on your own with the landlord, but talk to the housing mediator before you sign it.

STEP 2: Get someone to inspect your apartment.

Call **2-1-1** or go to **www.211ct.org** to get the phone number for the Code Enforcement office in your town.



Call and tell them you want to file a complaint, and ask to have someone inspect your apartment.

Make every effort to be home when the inspector comes to your apartment.

- Write down the inspector's name.
- Show the inspector everything that needs to be fixed.
- Ask when you can get a copy of their report.
- Go to the inspector's office and get a copy of the report.

If you have not heard from the landlord about making the repairs or seen any changes in three weeks, go to Step 3.

STEP 3: Start a lawsuit in court.

You can start your lawsuit if your landlord doesn't fix the problems within 21 days after you filed the complaint with the Code Enforcement Office.

Keep in mind that you cannot start a court case without having an inspection first (Step 2).

The court can order the landlord to make the repairs. You will pay the rent you would have given the landlord to the court clerk instead. You might also get some of your rent money back because the landlord didn't make the repairs on time.

If think your landlord may try to evict you, start your case **before** you get eviction papers.

If you already got eviction papers, it may be too late to start your case. Here are some things you can do:

- Call your local Code Enforcement Office right away and ask for an inspection.
- Talk to a lawyer.
- Don't give up. The repairs needed may help you win the eviction case.

Starting a Lawsuit

1. Fill out the following forms. Staff at the Court Service Center can give you the forms and help you fill them out. You can also get the forms online at www.jud.ct.gov/webforms.

- *Notice of Suit* (#JD-HM-19)
- *Complaint* (#JD-HM-35)

2. Bring the forms to the court.

- Sign them in front of the court clerk, a notary, or a lawyer.
- File them with the Housing Court clerk.

If you can't afford to pay the filing fee, ask the clerk for an *Application for Waiver of Fees* (#JD-CV-120). Also see the legal aid booklet, *Can't Afford to Pay Court Fees? Ask for a Fee Waiver*.

3. Go to court on your hearing date and tell the judge what happened.

Should I keep paying rent to my landlord?

Once you start your lawsuit, you will pay rent to the court instead of to your landlord. The court clerk will give you a receipt for the money you give to the court. If you have not paid your rent for the current month, pay your rent to the court (cash or money order only).

Keep paying your rent to the court until the judge decides your case. If you don't pay your rent to the court, the court can throw out your case without deciding about the repairs.

What happens next?

The court will send the lawsuit papers to your landlord by certified mail. The inspector will also get a copy of your lawsuit. If your landlord doesn't accept or pick up the certified letter, you will have to pay a marshal to deliver the papers. You can find a list of marshals at the court's website or at the clerk's office.

If you can't afford the marshal's fee, ask the clerk for an *Application for Waiver of Fees* (#JD-CV-120). See the legal aid booklet, *Can't Afford to Pay Court Fees? Ask for a Fee Waiver*.

When will the court hearing be scheduled?

The clerk will schedule a court hearing to be held within two weeks after your landlord gets the papers. The inspector is required by law to bring a copy of the inspection report for your house or apartment to the hearing. To protect yourself, you should make arrangements with the court to have the inspector come to court with the inspection report. See *Will the inspector go to court?* on the next page.