

What To Do About Major Code Violations

Under Vermont law and health code, tenants have the right to safe and decent housing. If you have problems in your rented housing that present real health or safety threats, then those problems violate Vermont's Warranty of Habitability law. If there are such problems with your rental unit, here are some steps you can take:

First and Always (If at all possible), talk with your landlord about the problem. Explain what needs to be fixed. If he or she does not take action to fix the problem in a reasonably timely manner then:

Contact a Health Officer or rental housing inspector for your town. Take this step immediately. A health officer or inspector may order the landlord to make the needed repairs. Also, if a health officer or inspector finds serious code violations in your rental unit then the officer's order will serve as objective proof that real problems exist and this could help you defend yourself against a retaliatory eviction action. Remember this -- Retaliation against a tenant for making a legitimate complaint to an enforcement officer is illegal!

Contact Vermont Tenants Inc. at 864-0099.

Always send a written notice to your landlord and/or property manager informing him or her of the problem and of what actions you intend to take. You must do this even if the landlord already knows about the problem. VTI has a form letter you could use for this purpose. You should not forget to date the letter. It is preferable to send this letter by certified mail. Remember to make a copy of your letter and file it away where you can easily find it in the future.

If the landlord fails to make the repairs within a reasonable amount of time ("reasonable amount of time" will vary depending on the nature and severity of the problem), you can take one or more of the following actions:

- 1) Begin withholding rent until the problem is fixed. If you withhold rent it is best to put the rent into a separate account at a bank each time it is due. Wherever you keep the withheld rent money, it is very important not to spend it. You may need to prove to a court that you are withholding rent for a legal reason and not just because you could not or would not pay rent for some other reason.

Your other options include:

- 2) terminating the rental agreement after giving the landlord a reasonable notice period*
- 3) getting an order from a judge forcing the landlord to make the repairs*
- 4) suing for damages and attorney's costs*

*If you are considering the latter two options, you will probably need an attorney.

You can pursue more than one of the options listed above at the same time. Doing one of them does not prevent you from pursuing one or more of the other options.

*****This document is intended to serve as a general guide to tenants and does not constitute a legal opinion or legal advice regarding any particular situation.*****