

NOTE: THIS DOCUMENT IS INTENDED TO PROVIDE GENERAL INFORMATION, AND NOT AS A COMPREHENSIVE INSTRUCTION ON LANDLORD/TENANT LAW AS PROVISIONS ARE TECHNICAL AND EXCEPTIONS MAY APPLY.

The “Warranty of Habitability” is a common issue for which Long Island Housing Services receives inquiries. Tenants are entitled to a livable, safe, and sanitary apartment. If the landlord is not providing necessary utilities on a regular basis, or not taking care of repairs that are health hazards, they may be in violation of this warranty. If the landlord has in fact breached the warranty, tenants may sue for a rent reduction for that time period.

When clients call us regarding lack of repairs/utilities, we generally advise them to document the issue. Write a detailed letter to the landlord (retaining a copy for yourself), stating the nature of the problem, the date the problem occurred, and the date(s) you made the landlord aware of the problem. Also include a reasonable date in which you request the landlord remedy the problem. Additionally, if the problem poses a health threat, try calling your County Health Department to respond to your complaint. If they respond, make sure you obtain documentation from the official.

If the landlord does not respond to your request, you may want to try a “repair and deduct” letter or withhold rent until the problem is resolved. If you choose the latter, ***WE MUST STRESS THE IMPORTANCE OF CALLING ON THE EXPERTISE OF AN ATTORNEY BEFORE COMMENCING ANY ACTION THAT MAY LEAD TO A CASE BEFORE THE COURT!***

The following are three sample letters that were furnished to us by Nassau Suffolk Law Services, a non-profit, community based poverty law program which provides legal assistance in civil (non-criminal) matters to low income persons throughout Nassau and Suffolk Counties.

SAMPLE LETTER, NEED FOR REPAIRS:

Date

Dear Landlord,

*I talked to you on Thursday about fixing the front steps and the leaky pipe in the kitchen. You said you'd be over on Saturday to do the work.
Thank you for your prompt attention.*

Sincerely,
Tenant

SAMPLE "REPAIR AND DEDUCT":

Date
Dear Landlord,

*I have asked three times to fix the front steps, the leaky pipe in the kitchen, and the broken window in the bedroom. You keep saying you will make the repairs, but so far you haven't.
Since you haven't fixed these problems, I am going to make the repairs myself and take the money I spend out of next month's rent.
Please find the enclosed two written estimates for the materials. If I haven't heard from you by Saturday, March 15, I will buy the materials and do the repairs.*

Sincerely,
Tenant

SAMPLE RENT WITHHOLD LETTER

NOTE: WE MUST STRESS THE IMPORTANCE OF CALLING ON THE EXPERTISE OF AN ATTORNEY BEFORE COMMENCING ANY ACTION THAT MAY LEAD TO A CASE BEFORE THE COURT!

Date
Dear Landlord,

*For two months now I have been trying to get you to make repairs. The health department said that the following problems are health hazards:
Pipes in kitchen leak badly
Bad cockroach problem
One broken window in bedroom
Plaster came off wall by leaky pipes, wiring now exposed.
In return for my rent money, you are supposed to keep my apartment livable. I will not pay anymore rent until you make repairs.
Enclosed is a copy of a money order for next month's rent. I will not pay this rent until you fix up the house.*

Sincerely,
Tenant