

## Tenants' Rights: Repairs

**November 2015**

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

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, bed bugs; and
- no smoke detector.

**Ask your landlord to make the repairs.** You can sue if your landlord does not make needed repairs.

### What Can I do if My Landlord Won't Make Repairs?

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**STEP 1: Ask your landlord to make repairs.**

**If you ask in person**, make sure there is a witness with you.

**If you ask in writing**, keep a copy of your letter.

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

**STEP 2: Get someone to inspect your apartment.**

You cannot start a court case without an inspection.

- Call the Code Enforcement office in your town to file a complaint. Call **2-1-1** or go to <http://www.211ct.org> to get the phone number.

When the inspector comes to your apartment,

- show the inspector everything that needs to be fixed, and

- write down the inspector's name.

### 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 official complaint. The court can order the landlord to make the repairs. You might also get some of your rent money back.

## Starting a Lawsuit

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**1. Fill out the following forms.** Staff at the Court Service Center or the court clerk can give you the forms and help you fill them out. You can also get the forms online at [www.jud.ct.gov/webforms](http://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-FM-75). See our 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?

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**Once you start your lawsuit**, you will pay rent to the court – not to your landlord. 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 do not pay the court your rent, the court can throw out your case without deciding about the repairs.

**Warning:** If you change your mind about suing, you may not be able to get your rent money back.

## What happens next?

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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-FM-75). See our booklet: [Can't Afford to Pay Court Fees? Ask for a Fee Waiver](#).

## When will the court hearing be scheduled?

The clerk will set 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?* below.

## The Court Hearing

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### How do I get ready for the hearing?

- Make a list of the needed repairs.
- Notes 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 may bring people (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. You can get 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-FM-75). See our booklet: [Can't Afford to Pay Court Fees? Ask for a Fee Waiver](#).

### 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.

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

## What if the landlord and I cannot make an agreement?

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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's your turn, tell the judge about
  - the repairs needed in your apartment,
  - if there is a smoke detector in your apartment, and
  - the date 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 may 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...

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If the repairs have not been made

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

You may bring witnesses to court and the same kind of proof you took 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 are done 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** all or part of the rent money, or
- to give **the landlord** part or all of the rent money you paid.

## Can my landlord evict me if I file a lawsuit?

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**No.** If 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 our article on [Eviction](#).

### **Can I start my case if the landlord already gave me eviction papers?**

If you think your landlord may try to evict you, start your case before he or she gives you eviction papers.

If you already got a *Notice to Quit*, it may be too late to start your case. But you should do these things:

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

This article was produced by [Connecticut Legal Services](#), [Greater Hartford Legal Aid](#), [New Haven Legal Assistance Association](#), and [Statewide Legal Services of Connecticut](#).