

Monte Davis Property Management Service, LLC
9901 Brodie Lane, Ste 160-288
Austin, Texas 78748
(512) 861-8089

TENANT VS LANDLORD PROPERTY MAINTENANCE

Basically, the landlord is responsible for providing a "habitable" unit for a tenant. This means *providing* the amenities that are essential to maintaining the tenant's living requirements, i.e., working plumbing, gas, electric, unbroken windows or doors, clean buildings and grounds that are sanitary and safe. The warranty of habitability does not require a landlord to make sure the rental property is aesthetically pleasing to the tenant. The tenant is responsible for *keeping* the property in the same condition as it was when they moved in. Both the landlord and the tenant have responsibilities for maintaining the property, as outlined below.

Landlords Must Fix Major Problems

The landlord must keep the structure of the building sound, including stairways, floors, and roofs; keep electrical, heating, and plumbing systems operating safely; supply hot and cold water in reasonable amounts; and exterminate infestations of pests such as cockroaches (unless otherwise specified in your lease agreement.) Keep in mind, however, that if a problem is the result of your own carelessness -- such as a vermin infestation caused by your poor housekeeping -- the repair bill will properly be forwarded to you.

Landlords May Have to Make Minor Repairs

While annoying problems like leaky faucets, old paint, torn screens, or worn flooring can be unpleasant or inconvenient; they don't make the unit uninhabitable. Whether your landlord must take care of a minor repair depends upon a number of factors, beginning with the nature of the problem. Purely cosmetic repairs are not legally required. Mildewed grout or worn carpet, for example, are less likely to require a landlord's attention than are loose tiles that make the shower unusable or holes in carpeting that could trip someone. Additionally, upon move-out, landlords are generally responsible for minor repairs or improvements that result from normal wear and tear. (See attached Normal Wear and Tear document.)

The Basic Tenant Responsibilities

- To ensure the property stays sanitary, clean and in good repair. This includes basic day-to-day cleaning and upkeep of the interior of the home and yard during your tenancy, as well as proper disposal of all trash and pet waste.
- To notify your landlord in a timely manner about maintenance issues so they can make proper repairs and prevent further damage. It's their job to meet standards that keep rental units habitable. If you have an appliance that you feel isn't working properly or a temperature control issue, etc. it is your responsibility to submit a work order through the tenant portal. If close to a weekend or holiday, contact your property manager as well.
- To wait a reasonable amount of time. The landlord is required to respond within a reasonable amount of time. Defining a "reasonable amount of time" depends on the nature of the problem. Is it posing a safety risk or is it more of a superficial issue? Is it interfering

with your ability to do essential tasks or is it just an inconvenience? In non-emergency situations, you're generally expected to give the landlord several days to make the requested repairs.

- If you do not give your landlord a reasonable opportunity to respond, or allow access to your unit, you may be in breach of your lease. Even something that would be considered an improvement, such as replacing a pane in a drafty window, could put you at risk of eviction.
- The cost of repairing any/all damage caused by you or your family, guests or pets while you occupy the property. Many states recognize and enforce tenant liability in the following scenarios:
 - Failure to discard trash
 - Removal of light fixtures, appliances, smoke detectors or permanent decorative items
 - Damage occurring as a result of pet policy violations
 - Damage caused by fires as a result of negligence or reckless conduct
 - Misuse of designated rooms
 - Use of the premises for unlawful purposes
 - Costs associated with normal wear and tear, such as having the carpets cleaned.

Landlord vs. Tenant Maintenance

- Plumbing, heating and air conditioning
 - Landlord:** Responsible for keeping these systems in good working order.
 - Tenant:** Responsible for using these fixtures properly and for reporting any issues to prevent further damage. While the owner is required to fix these systems, if it was discovered to be defective due to tenant negligence, like flushing a diaper, putting potato peels down the disposal, or not changing A/C filters as required, the tenant would be responsible for repair costs.
- Smoke detectors, fire alarms and carbon monoxide detectors
 - Landlord:** Required to provide/maintain safety features and replace/repair as needed.
 - Tenant:** The lease agreement requires tenants to replace batteries and test these systems periodically to make sure they are working properly at all times.
- Management of known toxins
 - Landlord:** Required to warn tenants of the presence of lead paint dust, asbestos and mold in the rental property and manage such toxins to ensure they do not pose a health danger to the tenant.
 - Tenant:** Required to use proper ventilation systems and ways to clean mold should any be discovered during tenancy.
- Appliance repair
 - Landlord:** Your lease will stipulate who is responsible for appliance repairs in the unit.
 - Tenant:** Must properly use all appliances or ask property manager for instructions. If tenant damages appliance by overstuffing the washer and/or dryer, not cleaning the dryer's lint trap, putting improper food stuffs down the disposal, etc. the tenant would be responsible for repair costs. *All appliances should be tested immediately upon move-in and any malfunctioning appliance should be reported on the Move-in Condition Form.*
- Pest control
 - Landlord:** Your lease will stipulate who is responsible for pest control in the unit/yard.

Tenant: The tenant must keep the property sanitary as to not invite infestation. If the tenant does not do so, the tenant would bear all costs for extermination.

- Landscaping

Landlord: Your lease will stipulate who is responsible for landscaping. It becomes the landlord's responsibility for a property that violates local laws or HOA rules.

Tenant: If landscaping maintenance is assigned to the tenant as per the lease, and the landscaping is not addressed in a timely manner, nor within 10 days of notice of lease violation, the landlord may hire the work out and pass the charges on to tenant. The landlord may also pass on to the tenant any fines for violating local laws or HOA rules.

- Common areas

Landlord: Must keep all common areas of a multi-unit residential property safe and clean, provide appropriate trash receptacles and arrange for regular pickup.

Tenant: Required to follow property rules in regards to cleaning up after themselves in common areas and not misusing equipment, such as a laundry room or picnic area.

Single-family homes and duplexes

If you are renting a single family home or duplex, you may or may not know about general home maintenance. Below are suggested items that you may need to purchase, and tips that you'll want to know about to perform the aforementioned responsibilities:

- Toolkit. We suggest a screwdriver set, hammer, utility knife, measuring tape, extension cord, power strip, flashlight, pliers and level to start.
- Step-ladder to change smoke detector batteries, reach light fixtures, ceiling fans, curtain rods, ceiling vents to change A/C filters (if in the ceiling), and clear gutters.
- Plunger for toilets, a plumbing snake for clogged tub and sink drains (Home Depot sells a 3-pack for \$4.74) There are 10" sink plungers available now as well.
- A/C filters. Make sure to purchase the appropriate sized filters. Filters need to be changed monthly, especially if you have a pet. The filter may not appear dirty, but an accumulation of dust can block gas orifices, hinder fan rotation, and reduce heating and cooling efficiency (which raises your utility bills.)
- Spigot covers. Spigots are outside faucets that you would connect a hose to. In the colder months before the temperature freezes, you must remove your hose and install a spigot cover on each spigot. These are usually Styrofoam and can be purchased from Home Depot or Lowes. If you have a garage, check to see if the previous tenant left any.
- Fire extinguisher. <https://www.apartmenttherapy.com/know-how-to-buy-the-right-fire-110889>
- A lawn mower and rake (if lawn maintenance is the tenant's responsibility per your lease).
- For emergencies, you will need to know the location of your breakers, water shut off valves, gas shut off valves, water heater, etc. The property manager should have pointed these out to you at move-in. Please call us if you are not sure of the location.

Prior to submitting a Work Order, please review your Preventative Maintenance Addendum for Emergency vs Non-emergency issues, as well as details on troubleshooting specific issues.