VERSION 1.3

06.2021

TENANT TOOLKITS

Warranty of Habitability

Sometimes life happens.

If you rent a space and the landlord or property management has not maintained safety, sanitary, or livable housing, the Heartland Center staff has gathered the following information for you. This toolkit will cover tenants' rights in Missouri, tenants' options when in this situation, as well as a guide to lingo and other resources available.

Please note: This information is **not legal advice** and, unless you've been specifically told otherwise by Heartland Center staff, no attorney has reviewed your information or performed an analysis of facts or risks. Heartland Center is providing this legal information for educational purposes.

HEARTLAND CENTER FOR JOBS AND FREEDOM

816.278.1344
www.jobsandfreedom.or
info@jobsandfreedom.org

Overview.

Housing issues are stressful and can be overwhelming.
We hope this tool kit can provide you with some resources and options to take. Here we include a quick overview and checklist of the information in this toolkit. Refer to this as many times as needed, and feel free to reach out to info@jobsandfreedom.org if you have any further questions. We will respond to you as soon as we are able.

- **Know your rights.** *(pg. 3)*
  Review the rights here and on our website.

- **Weigh your options.** *(pg. 4)*
  You may feel backed into a corner, however, you do have options. Review your options and determine which is the best for you.

- **Know the lingo.** *(pg. 5)*
  Sometimes the language used for housing is odd. We've provided some definitions to level the playing field and help as you navigate your issue.

- **Find support.** *(pg. 6)*
  There are options for resources and support. Connect with KC Tenants to engage with tenants fighting for and supporting tenants.

- **Reach out for more information.**
  Housing issues and eviction can be overwhelming. We created this in hopes of answering some basic questions and providing information. If you find yourself in need of more information and support, call our hotline at (816) 278-1344 to get further advice and support.

NEXT: **Your Rights.**

Your Rights.

Tenants have a right to safe, sanitary and livable homes.

Assuming the tenant hasn't done something to cause the issue (which is rarely the case) common violations of the warranty of habitability can be:

- infestations of bedbugs, mice, or roaches
- non-functioning heat
- Serious electrical problems
- Significant structural problems
- Non-working toilets/faucets/shower
- Lack of utilities (water, electric, gas)

NEXT: **Your Options.**

Your Options.

However, tenants do have options:

PUT IT IN WRITING

Tenants should first put the request for repairs in writing, making the request clear and specific. Use the **repair request and negotiating** forms here to make the request.

Send the request either certified mail return receipt requested or send it via email to the landlord. Keep a copy of the letter and proof that you sent it.

CALL HEALTHY HOMES

Tenants in Kansas City have a right to request an inspection from the Healthy Homes unit at the Health Department. Simply call 3-1-1 from any phone within the city and state that you would like a healthy homes inspection.

Is there ever a reason to not call Healthy Homes? Possibly. If a tenant is behind on rent, the action of calling the city may provoke the landlord to move forward with legal action for the unpaid rent. Also, if the conditions are severe, it's possible that Healthy Homes will make you move out. If this happens, Healthy Homes is supposed to have funds to help a tenant move. Call us if you're concerned.

Tenants outside of the Kansas City area can check with their local code enforcement or rental inspection department. Call the local city hall for contact information.

If a tenant is behind on rent, the landlord may to file suit at any time

NEXT: **Your Options. (continued)**

Your Options. *(continued)*

However, tenants do have options:

TAKE LEGAL ACTION

A tenant may be able to file a small claims case against their landlord and ask the court to award them back rent. We have the **small claims form and warranty of habitability addendum forms** here. There can be risks in taking this action. A landlord is likely to countersue for any unpaid rent and fees. Also, if a tenant wins in court, the judgment may be difficult to collect.

MOVE OUT

If the conditions are bad enough a tenant may be able to leave the home. You'll want to receive legal advice to make sure to do this in the safest way. Tenants who choose this action will want to carefully document the conditions, review the lease for potential consequences, give the landlord notice, return the keys, leave in broom clean condition (when possible), and forward their mail. The risk is that the landlord may try to sue the tenant for the breaking of the lease.

WITHHOLD RENT?

This can be risky as it's likely to invite the landlord to file an eviction case. Heartland Center recommends that tenants not withhold rent, when possible. Instead, tenants may be able to sue the landlord and pay the rent into the court. Call us for more information.

If a tenant is behind on rent, the landlord may to file suit at any time

NEXT: **The Lingo**

The Lingo.

Tenant, a.k.a. renter – a person who rents a space from another individual or company. Sometimes there is a written lease and sometimes there is a spoken agreement.

Warranty of habitability – when a landlord rents to you, the landlord "warrants" that the home will be safe and livable, even when it's not in writing.

NEXT: **The Resources.**

The Resources.

Heartland Center for Jobs and Freedom
816.278.1344
www.jobsandfreedom.org
Heartland Center's website. You can find links to toolkits for other situations and other up-to-date resources for tenants.
Other Tenant resources and Toolkits -
http://www.jobsandfreedom.org/tenant-rights-attorney

United Way - 211
Call 211
https://uwgkc.myresourcedirectory.com/
United Way's hotline for local resources and services.

KC Tenants
816.533.5435
www.kctenants.org
They are an organization led by a multiracial, multigenerational base of poor and working-class tenants in Kansas City. KC Tenants are organizing to ensure that everyone in KC has a safe, accessible, and truly affordable home.