Missouri Legal Services

Legal aid programs providing free legal help to the low-income and disadvantaged in Missouri

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Repair and Deduct

What is Repair and Deduct?

Repair and deduct is a legal remedy that allows some tenants to deduct from the tenant's rent the cost of repairs made to a rental property. If your landlord does not correct housing code violations that negatively affect the habitability, sanitation or security of your home, in some cases you may repair the problem yourself and deduct the cost of the repair from your rent.

My landlord won't make repairs to my unit, do I have the right to repair and deduct?

Yes, in some limited circumstances. A tenant's right to repair and deduct is governed by Section 441.234 of the Revised Statutes of Missouri. In order to successfully use "repair and deduct" you must meet and follow all of the statutory requirements.

Which tenants can use repair and deduct?

1. You must have lived in your home for 6 months or more,

2. You must have paid all rent and charges due to the landlord,

3. You must have fixed or corrected any lease violations for which you have received notice from the landlord, and

4. You, your family or guest must not have caused the defective condition deliberately or negligently.

What repairs can be made?

1. The problems with the rental property must affect "habitability, sanitation or security" of the premises and be a violation of a local municipal housing or building code. These are generally serious problems. To determine if the problem satisfies this requirement, you should contact your city or county department that is in charge of housing or building codes.

2. The cost of the repair must be less than $300 or one half the monthly rent, whichever is greater - provided the amount may not exceed one month's rent.

3. You may not deduct more than one month’s rent during a twelve month period.

4. All work must be done in a "workmanlike" manner.

What procedures must I follow?

1. Before you can make a repair and deduct the cost from your rent:

2. You must notify the landlord in writing of your intent to repair at the landlord’s expense unless he repairs the problem within 14 days, or as promptly as required in case of emergency.

3. Your landlord must fail to repair or correct the problem within 14 days after being notified, or as promptly as required in case of emergency.

4. If your landlord during the notice period disputes in writing the necessity for the repair, you must obtain a “written certification” from the local building or health department that the condition violates a local or municipal housing or building code before you make the repair.

5. After you give a copy of the certification to your landlord, you must then wait to see if your landlord corrects the problem within 14 days of the date you either obtained the written certification, or the date you sent the notice, whichever is later, or as promptly as required in the case of an emergency.

6. You must have the repair made in a “workmanlike” manner.

7. You must submit an itemized statement and receipts to your landlord before deducting the cost of repair from your rent.

Recordkeeping

1. Keep copies of the following for your records:

2. Your notices to the landlord

3. Landlord’s written responses

4. Certification from building or health department, if applicable

5. Photos of the condition needing repair

6. Photos showing the completed repair

7. Receipts and itemized statement

Serious Problems

If the problem is a serious one which will cost more than $300 or one-half of the monthly rent to repair, this law does not apply. If you have serious sanitation, health, structural, heating or plumbing problems, you should contact your local city or county government about the problems. The conditions may be a violation of housing or building codes in your city or county, and if so, the landlord may be required to make repair.

For these types of serious problems you may also be allowed to withhold your rent and pay it into escrow. However, this is a complicated procedure and you should talk to an attorney before beginning this process.

Prepared by Legal Services of Eastern Missouri, Inc. (LSEM). LSEM provides this educational information as a public service. It is not legal advice. Sometimes the laws change. Always consult a lawyer, if you can, before taking legal action. The mission of LSEM is to provide high-quality civil legal assistance and equal access to justice for low-income people in Eastern Missouri.

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