



# Legal Aid Society of Hawai`i

## Tenants: What to Do If Your Home Needs Repairs

This brochure is useful if:

- you are renting your home from a private landlord and/or receive Section 8 assistance; AND
- your rental unit needs repairs.

If you are being evicted too, talk to a Legal Aid advocate before filling out this packet.

### IMPORTANT NOTE:

If you live in public housing (Housing and Community Development Corporation - HCDCH), this packet will not work for you. If you need repairs in your public housing unit, contact your public housing management office. You must write a letter requesting repairs but you cannot deduct the costs from your rent.

This brochure describes what you need to do to get your home repaired and liveable based on your rights under the Landlord-Tenant Code, HRS Section 521-64, -65. The process explained here must be followed precisely but basically involves two steps:

- (1) write your landlord a letter, and
- (2) if the landlord does not make repairs in a timely manner, have the repairs done, get receipts, and deduct a maximum of \$500 from your rent.

My rental unit needs repairs.  
What can I do?

If you are renting from a private landlord or if you receive Section 8 assistance, you have a right to request that your landlord make repairs to your rental unit. If your landlord does not make the necessary repairs after you properly request them, you can deduct up to \$500 in repair costs from your rent. When you deduct repair costs from your rent, it is called a “repair and deduct.” There is a very specific process that you must follow when you do a “repair and deduct.”

**YOU SHOULD NOT STOP PAYING RENT SIMPLY BECAUSE A REPAIR IS NEEDED OR YOUR LANDLORD DOES NOT RESPOND TO YOUR REPAIR REQUESTS. IF YOU DO NOT PAY YOUR RENT, YOUR LANDLORD CAN TAKE YOU TO COURT TO EVICT YOU.**

What if I caused the damage?  
Can I still use Repair and Deduct?

If the damage was caused by you, someone you live with, or someone that you allowed into your unit, your landlord does not have to make the repairs. In this situation, a repair and deduct would not be appropriate.

You will probably have to pay for the repairs by either having the damage repaired OR your landlord can deduct the damage from your security deposit when you move out.

### How Long Do I Need To Give My Landlord To Start The Repair?

**Emergency Repairs:** the landlord must begin to fix emergency repairs *three (3) business days* after s/he receives your written (or oral) request.

Emergency repairs include: electrical, plumbing, and major appliance repairs (e.g., stove, water heater, refrigerator, etc.) or anything that is needed to keep your rental unit sanitary and habitable.

**Ordinary Repairs:** the landlord must begin to fix ordinary repairs *twelve (12) business days* after s/he receives your written request (oral requests will not start the 12 day period).

Ordinary repairs include: a broken door, ripped window screen, cracked floor tiles, etc.

**Health & Safety Repairs:** the landlord must begin to fix health and safety repairs *five (5) business days* after s/he receives notice of the violation from a state or county agency. See instructions on page 4 for details.

**Business Days** are non-holiday weekdays. Weekends and holidays are not included. Note that the 3- or 12-day period begins only after the landlord *receives* your letter.

**If your landlord cannot meet the repair deadline,** s/he can get a deadline extension extending the required 3- or 12- day period to begin repairs IF s/he (1) gives you a good reason why the repair did not begin AND (2) s/he sets a reasonable start date.

## How Do I Start the Repair and Deduct Process?

### 1. Write a Letter

First, you must write a letter requesting that your landlord make the repairs. If you have an *emergency repair*, you can give your landlord oral notice, but it's a good idea to follow up in writing because oral communication is hard to prove. *See the sample letter at the back of this brochure to see what your letter will look like.*

In your letter, be specific about the repairs needed and keep a copy of the letter for your records. After your landlord *receives* your letter, repairs must begin 3 or 12 business days later, depending on the seriousness of the repair. Remember, the 3 or 12 business days deadline only begins after your landlord receives your letter. (See the text box on page 2 for a description of these deadlines.) It is also a good idea to call your landlord to request the repairs. A phone call may speed up the repair process, especially for emergency repairs.

**To make sure that your landlord received your letter**, you should send your letter by at least one of the following methods: (1) certified mail with a return receipt requested (costs about \$3.00; the post office will have your landlord sign for the letter and you will get a card mailed back to you with your landlord's signature), OR (2) hand-delivering the letter with someone who witnesses your delivery and/or your landlord signs a letter saying that s/he received the letter.

#### THE SIX MONTHS RULES

Be aware that two rules apply to the repair and deduct process.

1. When you write your repair request letter to your landlord, you should list **everything** that needs to be repaired. If you miss anything, your landlord will not be obligated to repair anything not listed in your letter for the next six (6) months. However, if a problem arises after you send your letter, this six-month rule does not apply and you can request repairs at any time.

2. During any (6) month period, you cannot require your landlord make more than three (3) months' worth of repairs. This means that the landlord cannot be obligated to spend more than three (3) times your rent (e.g., \$1500 if your rent is \$500/month) during any 6-month period.

### What Happens If My Landlord Doesn't Meet the Deadline?

If your landlord does not obtain a *deadline extension* (see text box on previous page) OR does not begin the repairs within the required 3- or 12-day period, you can arrange for the repairs to be done and deduct the costs, up to \$500, from your next rent payment.

**1. Immediately arrange for the repairs.** After the 3- or 12-day period, you can have the repairs done.

**2. Deduct the repair amount from your rent.** Submit all the receipts for your costs to your landlord. Deduct the total amount of your costs from your rent, up to a maximum of \$500. *You must have receipts for all costs that you deduct from your rent.*

### Can I fix things myself when I use the Repair and Deduct process?

Yes, as long as the repairs are professional and of "workman" quality. To be compensated, you must follow all the repair and deduct steps, including keeping receipts for supply costs and labor.

## What if my rental unit has health/safety problems?

If there is a potential health or safety violation in your rental unit, you can send your landlord a letter AND/OR contact the appropriate government agency. When you call the government agency, they will send someone to inspect your rental unit to see if there is a building code/health/safety violation.

There are three primary departments you can contact: Electrical, Plumbing, and Vector Control

### Electrical

Oahu: 523-4391  
Maui: 243-7255  
Hilo: 961-8331  
Kona: 329-4857

### Plumbing

Oahu: 523-4396  
Maui: 243-7368  
Hilo: 961-8331  
Kona: 329-4857

### Vector Control

(investigates conditions such as roaches, rats, odors)  
Oahu: 483-2535  
Maui: 243-7375  
Hilo: 933-4551  
Honokaa: 775-9533  
Kealahou: 322-7011  
Kauai: 241-3306

Kauai: Electrical and Plumbing inspections are not available on Kauai. You must hire a contractor or electrician to do an inspection. If there are any violations, you can turn in their report as proof.

Other helpful numbers in Oahu include the following:

Department of Health information: 586-4400  
Noise Radiation and Indoor Air Quality: 586-4700  
Environmental Concern Hotline: 527-5091

Building Code Inspector: 523-4276  
Sanitation: 586-8000  
Water Pollution: 586-4309

If the agency finds a violation, they will write a report and contact your landlord. Once your landlord receives notice of the violation from the government agency, s/he has *5 business days* to make the necessary repairs. If the landlord cannot meet this 5-day deadline, s/he can request a deadline extension. But, if your landlord does not ask for a deadline extension and does not make the repairs within 5 business days, you can do one of two things:

- (1) **Do a repair and deduct.** Immediately make the necessary repairs, submit your receipts, and deduct the costs from your rent up to \$500, OR
- (2) **Write the landlord a letter, at least 5 business days before the work begins, with written signed estimates from two qualified professionals.** Your landlord can request that you use a substitute. If s/he does not make a substitute request, you can have the repairs done using the lowest-costing professional. When you give your landlord the receipts, you can deduct up to \$500 or one month's rent, whichever is greater, for the expenses.

## What if part or all of my rental unit has been damaged and I can no longer use it?

If you are unable to use your unit because of damage or fire, and you did not cause the damage on purpose, you can:

- (1) immediately move out AND notify your landlord within one week to end your rental contract, OR
- (2) vacate the part of your rental unit that is damaged and unusable and be responsible to pay rent for no more than the fair rental value of the remaining part of the rental unit that you live in.

**SAMPLE LETTER REQUESTING YOUR LANDLORD  
MAKE REPAIRS TO YOUR RENTAL UNIT**

*Your Name  
Address*

*Date*

*Your Landlord's Name  
Landlord's Address*

Dear *Your Landlord's Name,*

I live in your rental unit at *your rental unit address and apartment number, if any*. I will try to reach you by phone today, but I wanted to be sure you received a list of my repair requests in writing.

***LIST THE NEEDED REPAIRS LIKE THIS:***

- 1. The screen next to my kitchen door is torn and needs to be replaced.*
- 2. The kitchen faucet cannot be completely turned off and is constantly dripping.*

I would appreciate it if you could start the repairs as soon as possible. If you cannot being the repair within *3 days (for emergency repairs) or 12 days (for normal repairs)*, I will arrange for the repairs to be done, send you receipts for the repairs, and deduct the costs from my next month's rent.

Please let me know if you have any questions or concerns. Thank you.

Sincerely,

*sign your name here*

***To make sure that you have proof that your landlord received this letter, mail this letter by certified mail with a return receipt OR hand-deliver it in front of a witness or have your landlord sign for it.***



Legal Aid Society of Hawai'i  
924 Bethel Street  
Honolulu, HI 96813



## Important Names and Numbers

**Legal Aid Society of Hawai'i**  
<http://www.legalaidhawaii.org>

### LEGAL HOTLINE

open Monday to Friday: 9:00 - 11:30PM  
& 1:00 - 3:30PM

Oahu call 536-4302

Maui call 242-0724

Molokai call 553-3251

Lanai call 565-6089

Hilo call 934-0678

Kona call 329-8331

Kauai call 245-7580

## Legal Terms

**business days** weekdays, not including weekends or holidays  
**certified mail with a return receipt requested** this means that the postal worker will have the addressee sign for the letter and the sender will receive a mailed card with the addressee's signature on it.

**deadline extension** if your landlord cannot meet the deadline for needed repairs, s/he can get a deadline extension if s/he gives you a good reason for the delay and sets a reasonable start date for the repairs to start.

**emergency repairs** repairs that are needed to keep your rental unit sanitary and habitable.

**health and safety repairs** repairs that are ordered by a government agency when they issue a notice of violation to your landlord.

**ordinary repairs** minor repairs that are not an emergency and not immediately needed to keep your rental unit sanitary and habitable.

**repair and deduct** a process that you can follow when your landlord will not make needed repairs to your rental unit.

**workman quality** if you do repairs on your own, it must be professional done in order to do a repair and deduct.