



## WHO IS RESPONSIBLE FOR THAT REPAIR?

Maintaining any property is important to the investment and **normally the property owner's responsibility**. However, when you lease a property there are instances when the tenant could be responsible for certain maintenance issues. Oftentimes it can be difficult to determine whose responsibility it is.

**HABITABILITY IS ESSENTIAL.** Even when an owner and resident sign an agreement in writing that the tenant is responsible for ALL maintenance, no owner can hold a tenant responsible for all repairs. The Uniform Residential Landlord Tenant Act (URLTA) establishes that landlord's must provide "habitability" for all tenants. Using this as a basis, courts have passed down many judgments against owners who have tried to use a written rental agreement to avoid their responsibilities.

This act, however, does not mean that a tenant cannot be responsible for any damage that caused "inhabitability." Property owners must prove the tenant

caused the damage prior to charging them for the repair. In addition, it is a mistake for a property owner to withhold a repair until the tenant pays when it affects habitability. You must make the repair in a timely manner, then charge the tenant and seek legal methods if necessary, to be refunded .

***"It is a mistake for a property owner to withhold a repair until the tenant pays when it affects habitability."***

Here is an example: Mr. Johnson, a tenant, placed a frantic call to his Property Manager because the upstairs toilet was overflowing and flooding the bathroom. The Manager called a plumber to go to the property immediately. He resolved the problem and stopped the flooding. He discovered that Mr. Johnson's son, Timmy, dropped a small toy truck in the toilet where it became lodged, causing the blockage and damage. The Property Manager acted correctly on behalf of the owner by quickly calling the plumber to resolve the problem. Then, the Property Manager charged Mr. Johnson with the plumbing and remediation bills, which the tenant is responsible for, thus reimbursing the owner.

**WHAT IS THE TENANT'S RESPONSIBILITY?** There is normal maintenance that landlords can require of residents, such as replacing light bulbs, keeping the residence clean, changing the smoke alarm battery, cleaning the trash receptacle, picking up debris, landscape care as agreed upon, furnace filter re-

placements, etc. This falls under "reasonable care of the property," and is normally contained in the rental agreement. It is the tenant's residence and while living there should maintain it in a clean and orderly manner.

In most instances the property is equipped with a refrigerator, range and sometimes a washer/dryer. It is the owner's responsibility to maintain these appliances and the tenant to treat them with reasonable care. In some cases there can be a written option that does not require the owner of the property to maintain or replace the washer/dryer units. However, this type of restriction can often lead to a strained landlord/tenant relations.

**IS THE TENANT RESPONSIBLE?** *Essentially, the tenant is responsible for a repair if they were the direct cause of the repair.* By dropping a toy truck in the toilet, Timmy's action was the basis of the flooding; Therefore, it was a definite tenant responsibility. If large tree roots had caused a sewer blockage, backing up the toilet, it would be an owner's responsibility.

Here is another example: A tenant moves in a large appliance and damages the flooring. This is a clear-cut case of tenant caused damage.

A tenant can also be held responsible if they do not report a necessary repair that leads to unnecessary damage, such as continual leaking under the kitchen sink which leads to dry rot. This is why landlords should encourage tenants to report maintenance. Many times, when tenants do not report a problem, it becomes a battle to determine what the owner should pay and what the resident

### PLEASE REMEMBER:

PRANDI Property Management will be coordinating installation of Carbon Monoxide Detectors in all properties over the next few months. The price per detector will be:

- 1 Installed Detector = \$85**
- 2 Installed Detectors = \$110**
- 3 Installed Detectors = \$135**
- 4 Installed Detectors = \$160**
- 5 Installed Detectors = \$185**

\*\*\*At the same time we will be checking for the presence of proper smoke detectors.

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PRANDI Property Management, Inc. proudly holds the Prestigious Certified Residential Management Company (CRMC®) designation, from the National Association of Residential Property Managers (NARPM).

## *Vision Statement...*

*To be the most trusted name in property management services in Marin County by offering unparalleled customer service through effective communication, technology, and continued education. The PRANDI Team will continue to be the most respected leader in the industry and strengthen our presence in Central and Southern Marin.*

## **SUMMER HAS FINALLY ARRIVED!**

With the Summer rental season in full swing the PRANDI office has been *very busy* from new client meetings to rental showings. The 2011 rental market thus far has been very promising and we have been successfully leasing properties for moderate increases in the single family market.

We have also been **pleasantly surprised** with decreased listing periods for homes mainly in Southern Marin. Luckily, we have been staying very busy with this warm weather and have been able to complete many multi-family improvement projects, as well as continue to perform our annual evaluations to detect on-going maintenance items to prevent deferred maintenance of your properties

—Your PRANDI Property Management Team

## **UPDATE FROM JULY 2010....**



As you may know, last year we received iPads to aid in true “mobile leasing” and communications. We’ve truly been committed to our 2011 company goals — one of which has been staying on top of all things *Technology*. We’re using our iPads for property inspections and new client meetings. Our software company has just released an amazing new App that allows us to beautifully display our rentals to prospective renters while “on-the-go”!

In addition to our own App, our listings also sync to other handy iPhone and iPad Apps that are “rental-friendly” such as RedFin and Realtor.com.

**Download them today!**

should reimburse to the owner. This is a difficult situation because the initial problem was the owner’s but the tenant contributed to the on-going damage.

**EDUCATE AND WORK WITH THE TENANT.** Preventative maintenance is always the simpler route. Educating residents is a key to avoiding unnecessary maintenance and having to charge the tenant. As your Property Managers, we outline what is their

responsibility and what is not, require them to report maintenance, and define what is “reasonable care of the property”.

If a tenant-caused repair occurs, we act first, resolving the problem to protect your investment. Then we determine and document the problem. Last of all, we work with the tenant to achieve a peaceful resolution and reimbursement to the owner if it has been a true tenant-caused repair.