

## Residential Rental Agreements Act (RRAA)

The North Carolina Residential Rental Agreements Act of 1977 defines the maintenance and repair duties of the landlord and the tenant.



Is my landlord required to make **ALL** repairs?

**It is important that tenants read their lease agreements** because some leases do not require landlords to make all repairs. It is also important for tenants to be aware of their local building and housing codes to know what their landlords are required to provide/maintain.



Is my landlord required to follow **ALL** building and housing codes?

- **Tenants should check their local building and housing codes to know specifically what codes their landlords are required to follow.**
- Generally most local housing codes require that:
- Owners must provide safe and properly functioning heating and plumbing systems.
- Heating systems must be able to heat up every habitable room to at least 65-70 degrees.
- All walls, doors, and windows must be weather tight and not leak into the unit.
- Walls, ceilings, and floors must be free of holes, cracks, and peeling paint.
- Landlords must rid multi-family units of infestations of rodents or bugs.
- Doors and windows opening to the outside must have locks and screens.



## Fair Housing in Winston-Salem

The Fair Housing Ordinance of the City of Winston-Salem **prohibits** the following acts based on race, color, religion, sex, national origin, handicap or family status:

- ✔ Refusing to sell or rent housing.
- ✔ Lying about the availability of housing.
- ✔ Evicting someone from housing.
- ✔ Discriminating in the terms or conditions of housing, such as rent, security deposits, house sale prices, the use of facilities or financing.



Do you think that you are being discriminated against?

If you believe that you are being discriminated against contact the **Winston-Salem Human Relations Department.**



Phone: 336-727-2429

Fax: 336-748-3002

TDD: 336-727-8139



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WINSTON-SALEM FORSYTH COUNTY

# HOUSING FAQ

# LANDLORD'S MAINTENANCE & REPAIR DUTIES

## Tenant Duties

-  Legally pay all rent due under the lease.
-  Maintain the housing unit one occupies. Including keeping the plumbing fixtures clean.
-  Safely throw away all garbage.
-  Do not deliberately destroy or damage the rental property.
-  Notify the landlord, in writing, of the need for replacement or repairs. This does not apply if it is an emergency and repairs need to be made immediately.
-  As the tenant you are responsible for any damages that you may cause and following current applicable building and housing codes.

## Landlord Duties

-  Comply with the current and local applicable building codes.
-  Promptly make all repairs. This Includes:
  - Electrical
  - Plumbing
  - Sanitary
  - Heating
  - Ventilating
  - Air Conditioning
  - Mold
-  Provide working smoke detectors at the beginning of each tenancy and replace or repair the broken smoke detectors within 15 days of receipt of notification.
-  Make the premises safe and livable.



If I paid for the repair, can I withhold my rent?

- North Carolina **does not** allow tenants to withhold rent (exceptions are made if the landlord consents to it in writing or a court order allows you to do so).
- Tenants can file a small claims suit against the landlord requesting the court's permission to withhold part of the next month's rent payment to cover the costs paid by the tenant for repairs or to compensate the tenant for the reduced rental value of the dwelling.



How do I take legal action against my landlord?

- To take legal action for reduction in rent (Rent Abatement) the tenant will need to show the following
- that the tenant has a written or oral lease agreement with the landlord.
  - the landlord was responsible for making the repair.
  - that the landlord was given written notification of the need for the repair and did not do so in a reasonable amount of time.
  - copies of the bill given the tenant by the repair service, plus a receipt that the bill was paid by the tenant.
  - evidence (can be the tenants testimony) showing how much the rental value of the house or apartment was reduced by the landlords failure to make required repairs.

Tenants can contact  
 (919) 716-6000

for more information on how to  
file a small claims lawsuit.

**If possible contact an Attorney before bring  
claims against a landlord.**



What if my landlord took a long time to make the repairs?

The Tenant can still file a small claim for recovery of rent already paid (Rent Recoupment). In order to do so the tenant will need to show the following:

- The tenant had a lease with the landlord when the problems occurred.
- The problem needing repair was the responsibility of the landlord under the RRAA, local building codes and/or the terms of the lease agreement.
- if the situation was not an emergency, copies of written notice to the landlord requesting repairs, along with evidence showing that the landlord took a long time to make the repairs.



What do I do if my landlord is not following all of the building or housing codes?

- Landlords are required to follow local building and housing codes. If the landlord does not follow the codes the tenant has a right to take legal action.
- Tenants can also seek the help of local authorities to make sure that landlords follow the codes.



Who is responsible for areas such as the swimming pool and hallways?

- The landlord is responsible for keeping areas such as hallways, parking lots, play areas, laundry rooms and swimming pools in safe conditions.
- Courts have allowed tenants to reduce their payments if the landlord fails to keep the areas listed above safe.