

PENNSYLVANIA TENANTS: Know Your Rights!

Do you lease a house or apartment in Pennsylvania?

Have you complained to your landlord about lead paint, dirty drinking water, or another environmental, health, or safety issue but gotten no response?

Under Pennsylvania law, your landlord must:

- Make repairs in a timely manner
- Maintain safe common stairways, hallways, railings, and roadways for tenants and their guests
- Maintain roofs and walls
- Provide and maintain electricity, plumbing, hot and cold water, heating and air-conditioning
- Not retaliate against a tenant for (1) filing a complaint with a government agency, (2) joining or organizing a tenant union, or (3) withholding rent in response to a landlord's refusal to make necessary repairs

If you think these rights have been violated, you may have a case for damages or a reduction of repair costs from your rent. When your apartment is uninhabitable, you may be able to terminate the lease.



Fair Shake[®]
Environmental Legal Services

Have questions? Reach out!
Fair Shake Environmental Legal Services
412-664-5546
<https://www.fairshake-els.org/contact>

ADVERTISING ONLY

This document is not legal advice and people should consult with an attorney about their specific housing rights before taking action to break a lease or other legal commitment.

PENNSYLVANIA TENNANTS: FOLLOW THESE STEPS!

I have environmental, health, or safety concerns about the property I rent.

What should I do?



Step #1: Keep Records

- When possible, take pictures or videos of the problem. Take notes by paper or on an app on your phone.
- Treat this like a diary and create a timeline charting the course of your problems.
- Focus on major problems such as issues with running water and sewage systems, lack of heat or electricity, unsafe structural conditions, or pest infestations.



Step#2: Contact Your Landlord

- Using the photos, videos, and notes you've taken, draft a brief but thorough note to your landlord outlining the hazards in your home.
- Be sure to send this note to the person or address where you send your rent.
- It's always good to add in a fail-safe: send both a letter and an email. Use the notification letter on Fair Shake's website.



Step #3: Give Your Landlord Time to Make Repairs

- After notifying your landlord of the issue, you must give them a chance to respond and fix it.
- Use the attached form as a template for this letter.
- If your landlord does not make the necessary repairs, complete and send them the rent withholding letter on Fair Shake's website before withholding your rent.

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Step #4: Should I Stay or Should I Go?

- **Go:** If your landlord fails to make the necessary repairs in a reasonable time, you can end the lease without penalty.
- **Stay:** If you cannot or do not want to leave, you can either (1) make the repairs yourself and deduct the cost from future rent, or (2) stop paying rent until your landlord makes the repairs. If you start withholding rent, you must set up a separate bank account and deposit the money there.



Step #5: Contact Your Public Health Department

- If you decide to withhold your rent until any repairs are made, you should contact your municipality's Department of Public Health. This agency might also be called the Department of Health & Safety or Department of Licenses & Inspections.
- Tell the Department that you believe that your landlord has "breached the implied warranty of habitability" and that you would like the Department to declare the premises unfit for habitation.
- If the Department certifies the premises as unfit for habitation, you are further justified in withholding rent until repairs are made.
- If the landlord does not make the repairs in 6 months, you can use the withheld rent to do them yourself.

Step #6: Ask a Court for Help

- The next step is to ask your local magisterial district court for help. Individuals often represent themselves before Pennsylvania magistrates.
- Find your local magistrate at this site: <https://www.pacourts.us/courts/minor-courts/magisterial-district-judges>.
- Pennsylvania uses a standard state-wide form for landlord tenant disputes, which you can find at this site: <https://www.pacourts.us/Storage/media/pdfs/20210515/220318-file-71.pdf>.

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