

Maintenance Requirements for Apartments, Condos, and Dwellings



One of the biggest responsibilities for the landlord of a habitational risk is property maintenance. Rental property maintenance can be a “pain point” for landlords as it requires year-round vigilance, representing a significant amount of time and money. However, the benefits of property maintenance are twofold: 1) protection of the financial investment in the property, and 2) it’s required by the Landlord-Tenant Law.

The Landlord-Tenant Law requires landlords to maintain their rental properties to acceptable standards. While requirements differ slightly from state to state, they all contain common general requirements landlords must follow. These can include:

1) Adhering to all state and local building codes.

These vary from state to state so it’s advised to refer to them when addressing these common concerns:

- Install smoke detectors and carbon monoxide detectors if the building has a fuel-burning heater or appliance or an attached garage.
- Provide adequate functioning lighting in common areas, including parking lots and walkways.
- For multi-level buildings, ensure window safety and the installation of proper safeguards.
- Perform routine electrical inspections and maintenance and upgrade outdated wiring and protection devices.
- Perform routine inspections and maintenance of the building’s mechanical systems to make sure it remains in sound condition.

2) Performing repairs in a timely manner

- It’s the landlord’s responsibility to make sure the building and surrounding property are in habitable condition. If repairs are needed, they should be made in a timely manner. This can be accomplished through routine inspection.
- Repairs should be documented using inspection checklists. These checklists can be used to generate work orders that track repairs from inception to completion. In addition, work orders allow repairs to be completed in a timely manner.
- Proper notice must be given before completing repairs that aren’t emergency related; most states require that landlord’s give tenants 24- or 48-hours’ notice.

3) Maintain all common areas of the building

The Landlord-Tenant Law states that it’s the landlord’s responsibility to maintain all common areas of the building in a safe and clean condition. By doing so, landlord’s will reduce the liability exposure by making sure common areas are free of hazards and unsafe conditions that could cause injury and bodily harm. Simple measures can be done to accomplish this:

A. Safe

- Make sure the common areas of the property (interior and exterior) have adequate lighting installed, light bulbs are present, and fixtures are working properly.
- Make sure stairs are safe, including banisters, and that balusters have proper spacing.
- Walking surfaces should be smooth and level with no slip, trip, or fall hazards.
- If required, snow and ice removal should be provided in a timely manner.

B. Clean

- Maintaining a clean property can be an uphill battle, but the important thing is that landlords routinely perform housecleaning of common areas. All housecleaning should be documented.
- Patios and balconies should be held to the same house cleaning standards. If a tenant’s patio or balcony needs cleaning, it should be documented with an official notice to quit the non-compliant behavior. The documentation is an important piece of this process because if non-compliant behavior is not corrected after sending repeat notices, the landlord could use this documentation in the eviction process.
- Ensure that egress out of the building is free and clear. This includes hallways, exit doors, and outside the exit doors. The

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exit doors and fire escapes should be inspected to make sure they're operating properly. When applicable, panic hardware should be installed and operating properly.

4) Keeping vital services and mechanical systems functioning. This includes:

- Plumbing and septic systems, if applicable
- Electrical systems
- Gas (propane or natural gas)
- HVAC systems
- If appliances are supplied by the landlord, these must be maintained or replaced in a timely manner.
- Provide and maintain hot and cold running water.
- Provide proper trash receptacles in a safe manner and remove trash in a timely manner.

Please refer to the Schedule of Routine Maintenance for Apartments, Condos, and Dwellings for suggestions for your property's maintenance.

To maintain rental property so it complies with local building codes, landlords should perform regular unit inspections:

• Move in inspection

An inspection checklist should be developed and used during this walk through. It should be conducted with the new tenant and allows the landlord and tenant to document and discuss any concerns they may observe during this walk through. It documents condition of unit when it was turned over.

• Routine unit inspection

These should be scheduled regularly. These inspections are performed to make sure terms of the lease agreement are being followed and to document the condition of the unit throughout the terms of the lease.

• Move out inspection

This is also performed with the tenant. Not only is it the time to document any damages to the unit the tenant may have caused, it's also the perfect time to identify normal wear and tear repairs that need to be addressed before a new tenant can move in.