

## What Types of Repairs is a Landlord Obligated to Make for a Tenant?

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**Question:** What are a landlord's obligations to his tenant in regard to repairing things that break of their own accord over the course of the rental?

**Answer:** In the regular case where one rents a specific property, this is a machlokes Rishonim. Some Rishonim are of the opinion that since a rental is considered to be a temporary sale, the landlord has no responsibilities to the tenant. Just like a buyer has to pay for his own repairs, so does a tenant. Others feel that renting out an apartment inherently includes an obligation on the landlord to maintain the property.

It may be surprising to hear that 100 years ago, the normal practice in America was that the landlord was not held responsible to make any repairs. During the Great Depression, when many properties were falling into disrepair, all states instituted laws that required landlords to constantly repair their properties. These laws are known as "implied warranties", and are now part of every lease. Accordingly, the common minhag, which is binding halacha, is that owners have to make repairs to a rental property.

**Question:** How far does this obligation go? If a tenant complains that the doors or windows don't close smoothly, does the owner have to repair them? If the tenant complains that the air conditioner doesn't make the house cold enough, does the owner have to pay to fix that?

**Answer:** In general, the owner wouldn't have to pay for minor repairs that people usually do not care about. Obviously, this is a very grey area and it is hard to know exactly what is included in his obligation. I usually tell people that whatever an average homeowner would fix in his own home should be fixed for a tenant. If a window doesn't open smoothly and it costs \$500 to repair, chances are that an average homeowner would just live with it and wouldn't pay to fix it; therefore, he wouldn't have to do so for a tenant. If the air conditioner is not properly cooling down the house, the average homeowner properly would pay to fix it; therefore, he would be obligated to fix it for his tenant.