

Eviction Prevention – Things to know before you rent.

- A. IF YOU ARE BEHIND IN RENT OR HAVE TO PAY YOUR RENT LATE:** Contact your landlord immediately! Don't wait until landlord files for eviction to start talking to them. Try to work out terms to catch up, put things in writing, and be sure to make any payments to landlord that you agree to make!
- B. DO NOT WITHHOLD YOUR RENT PAYMENT BECAUSE OF LANDLORD'S FAILURE TO MAKE REPAIRS!!!** You MAY NOT withhold rent because of bad living conditions! If landlord fails to make repairs, talk with an attorney about landlord's obligations and how to enforce them. In Indiana, tenants MAY NOT withhold rent or deduct cost of repairs from rent unless landlord agrees to it in writing!
- C. Landlord's Responsibilities: By law, landlords must:**
1. Deliver property in a safe, clean and habitable condition;
 2. Follow all health and housing codes;
 3. Keep the common areas clean and in proper condition;
 4. Keep the following (if provided at the beginning of the rental agreement) in working condition:
 - a. heating, ventilating and air conditioning systems (ability to provide enough heat at all times)
 - b. waste and sewage systems
 - c. plumbing systems (provide a reasonable supply of hot and cold running water at all times)
 - d. electrical systems
 - e. any appliances provided in order to get the tenant to agree to rent the place
 - f. elevators (if applicable)
- D. How to Report a Problem or Make a Repair Request:**
1. Give landlord WRITTEN, DATED notice that a repair is needed (may send by text or email).
 2. Give landlord a reasonable amount of time to fix the problem.
 3. Allow landlord access to your home so the repairs can be made.

If landlord still fails or refuses to fix the problem AFTER you have taken the above steps, you may have the right to sue landlord in court. If you win, the Court may order landlord to fix the problem, order landlord to pay you damages, and, if you have an attorney, order landlord to pay your attorney fees...BUT....

- E. Before you file a lawsuit to sue landlord for not making repairs:**
1. Be sure you have a written lease agreement (either a current lease or an old lease that expressly states that its terms continue to apply if you become a month-to-month tenant) and
 2. Be sure you are meeting all of your obligations under the lease. These are:
 - a. Comply with health and housing codes;
 - b. Keep rental premises reasonably clean;
 - c. Use the following in a reasonable manner: electrical systems, plumbing, sanitary systems, heating and air conditioning systems, elevators, and appliances;
 - d. Refrain from damaging rental property;
 - e. Comply with landlord rules and regulations;
 - f. Ensure smoke detectors have working batteries and are operable.
 3. **If you are not in compliance with these obligations, you run the risk of the landlord terminating your tenancy after they receive notice of your lawsuit—and possibly countersuing you for eviction.**

Need further help? Check out these free legal services:

Indiana Legal Services 1-844-243-8570 Mon-Fri 10:00 – 2:00 www.indianalegalservices.org/applyonline

The Neighborhood Christian Legal Clinic 317-429-4131 www.nclegalclinic.org/intakes

Indianapolis Legal Aid Society 317-635-9538