

What if I complain to my landlord about needed repairs and he tries to have me evicted?

Talk to a lawyer as soon as possible; especially if you have been served with legal papers. A landlord is not permitted to retaliate against you for trying to get them to make repairs, but if you are going to claim that this is what's happening, your landlord has to be notified that you're going to do this.



What if I Have More Questions?

You should contact a lawyer who can help you with your situation. All cases are different. If you live in government assisted housing, you may have more rights than discussed here.



Other Legal Representation and Materials:

Lawhelp.org/sc is South Carolina's guide to hundreds of free legal resources such as:

- Information about your rights and legal responsibilities
- Legal forms and court documents

Sclegal.org is a statewide website that contains:

- Information for the public in all civil law areas
- Legal library

Follow us:

- Facebook: facebook.com/sclegal
- Twitter: twitter.com/sclegal
- YouTube: youtube.com/sclegalservices
- Instagram: instagram.com/sclegalservices

Other Legal Representation

Consumer & Bankruptcy • Education
Employment • Family • Federal Income Tax
Housing • Migrant Farm Workers
Probate • Public Benefits

This brochure was prepared by South Carolina Legal Services and is provided as a public service.
Copyright retained by South Carolina Legal Services
Printed December 2020

LSC | America's Partner
for Equal Justice
LEGAL SERVICES CORPORATION



Getting Your Landlord to Make Repairs



Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

For Free Services

1 (888) 346-5592

www.lawhelp.org/sc/online-intake

contactus@sclegal.org

www.sclegal.org / www.lawhelp.org/sc



Your Landlord's Obligations

South Carolina law says a landlord has to make all repairs to the property that are necessary to keep it in a safe and livable condition. This includes:

- Keep the property in a “fit and habitable” condition.
- Keep common areas of the property safe (like hallways, shared yards, etc.).
- Make running hot and cold water and heat available.
- Keep all electrical, gas, plumbing, sanitary, heating, ventilating, air conditioning, and other appliances in good and safe working order.

Your landlord usually still has to make these repairs even if:

- You don't have a written lease;
- Your lease says you are responsible for repairs; or
- You are behind on your rent.

Sometimes you can agree to make certain repairs, but this agreement should be in writing and you should think carefully about how much it will cost before you do this.



Your Landlord Won't Make Repairs?

If the problems with the property seriously affect your family's health and safety or the condition of the property, you should give your landlord notice **in writing** of what needs to be fixed. Keep a copy of your letter and record the date that you gave it to your landlord.

You have two options if your landlord refuses to make repairs.



1) **Go** - You can tell your landlord in your letter that you will move out if the repairs are not made within 14 days. If the damage to the property threatens your family's health or safety, the landlord must make the needed repairs within 14 days. If the damages are serious, but don't affect your family's health or safety, your landlord has to start making the repairs within 14 days and finish them within a reasonable time.

2) **Stay** — You can take your landlord to Magistrate's Court and ask the court to order your landlord to make repairs.

Q&A

If my landlord won't make repairs, can I stop paying rent or pay part of the rent and use the other part to make repairs myself?

No. You still have to pay all of your rent on time as long as you have your lease. If you don't, your landlord may have the right to have you evicted from the property even if they have not made repairs.

What if the damage is not very serious?

The law does not allow you to move out if the problems are not very serious. Your landlord does still need to make repairs. If they don't, you can take them to Magistrate's Court and ask the court to order them to make repairs.

What if the damage was caused by me, my family, or a guest?

You generally cannot move out if you caused the damage. In most cases, you have to pay for damage caused by you, your family, or your guests.

What appliances does my landlord have to fix?

If the appliance came with the property and doesn't belong to you, generally your landlord has to keep it working. Your lease may say that there are some appliances your landlord doesn't have to fix, but this can't include appliances that are necessary to provide essential services like plumbing or sewer, running water, hot water, heat, etc.