



Rent Smart

Module D

Who's Responsible for Maintenance, Repairs and Care?



Extension

UNIVERSITY OF WISCONSIN-MADISON

Rent Smart 2017 focuses on the knowledge and skills essential for a successful renting experience. It challenges participants to know and understand their rights and responsibilities as a tenant as well as know and understand the rights and responsibilities of their landlord. Emphasis is on forming a strong partnership between the tenant and landlord. **Rent Smart** was originally based on information collected through focus groups held with property managers and tenant advocates. It was piloted under its original name, **Good Neighbor-Good Tenant**, for several years, then taught as **Rent Smart** in numerous Wisconsin counties for the past 15 years.

Rent Smart 2017 participant goals include:

- Learn new skills to build positive relationships with landlords and neighbors.
- Gain confidence in their ability to find and maintain affordable housing.
- Understand the application and screening processes used by landlords.
- Learn the responsibilities and rights of tenants and landlords.

The 2017 revised curriculum continues to emphasize an active learning approach designed to foster participant motivation and course effectiveness. Videos, case studies and internet links have been incorporated in the updated curriculum to provide additional interactive learning options. The 2017 revised curriculum consists of six modules, designed to be taught separately or in combination.

Rent Smart 2017 Modules:

- How Much Will It Cost? And Can I Afford It?
- Checking Out the Rental Property and the Landlord
- Application Process
- **Who's Responsible for Maintenance, Repairs and Care?**
- Communications
- Rental Agreements—Moving In, Moving On

The “**Who's Responsible for Maintenance, Repairs and Care?**” module was prepared by Michelle Tidemann, Fond du Lac County Family Living Educator and Judy Knudsen, Brown County Family Living Educator.

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Overview

Responsibility for repairs and upkeep are common communication topics between landlords and tenants. This module covers who is responsible for maintenance, repairs, and care while emphasizing the rental team concept and importance of good communication. The module includes information on developing a plan for caring for the rental unit and how to deal with specific pest control issues and lead paint.

Participants will also learn ways to protect their property and their security deposit through use of the *Check-In/Check-Out Rental Condition Checklist*, recordkeeping and rental insurance.

References

Instructors are encouraged to investigate and identify where to obtain local housing codes for participants' use.

Instructors are also encouraged to review the references listed below to become familiar with upkeep and repair responsibilities for renters.

- Wisconsin Administrative Code ATCP134, Residential Rental Practices: https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/134.pdf
- Landlord Tenant Guide: <https://datcp.wi.gov/Pages/Publications/LandlordTenantGuide.aspx>
- Tenant Sourcebook, Legal Action of Wisconsin: http://www.legalaction.org/content/?cm_id=83
- Tenant Resource Center: www.tenantresourcecenter.org/
- Lead-Safe Wisconsin: <https://www.dhs.wisconsin.gov/lead/index.htm>
- Know about Lead When Purchasing or Renting a home: <https://www.dhs.wisconsin.gov/lead/homepurchase.htm>
- Free Couch? Think Twice About Bed Bugs: <http://labs.russell.wisc.edu/insectlab/2016/08/15/think-twice-about-bed-bugs/>
- Insect ID from the UW Department of Entomology: <http://labs.russell.wisc.edu/insectid/category/indoor-and-kitchen-insects/>
- HUD's Healthy Homes Program www.hud.gov/healthyhomes





Objectives

Participants will:

1. Understand tenant responsibilities and those of landlords for repairs and upkeep.
2. Learn ways to protect their property and security deposit.
3. Gain an increased appreciation of the financial and personal value of caring for rental living spaces.

Activities

Activity 1: Who is Responsible?

Activity 2: Check-In/Check-Out Forms

Activity 3: Record Keeping

Activity 4: Renter's Insurance

Activity 5: Caring for Your Living Space

Teaching Outline

Provide *Overall Handout* and *Handout 1: Repairs and Government Regulations* before beginning the module.

Suggested Introduction

Who is responsible for changing lightbulbs in the rental unit? Who is responsible for fixing a broken window? Do tenants need insurance? Is it the tenant or the landlord? Don't know? You are not alone. Questions about responsibility for upkeep and repairs are among the chief topics of discussion for both tenants and landlords alike. This module explores these questions and offers some ideas for keeping responsibilities clear within the rental team.

Responsibility for the care and repair of a rental property are shared by the landlord and tenant. The Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) is responsible for administering landlord-tenant regulations in the state. The regulations are in the Wisconsin Administrative Code ATCP134, Residential Rental Practices. The regulation sets out some of the responsibilities of landlords and tenants with regard to care and repair. Most municipalities also have housing codes that establish minimum quality standards that landlords must meet for residential rental

Questions about responsibility for upkeep and repairs are among the chief topics of discussion for both Tenants and Landlords alike.

properties. Handout 1: *Repairs and Government Regulations* lists some of the care and repair requirements of landlords and tenants.

Activity 1: Who is Responsible?

(Objective 1: Understand tenant responsibilities and those of landlords for repairs and upkeep.)

- Instructor Materials: *Who is Responsible?* Answer Key (Options 1 & 2)
- Handout 2: *Who is Responsible?* (Option 1)
- Instructor Materials: *Who is Responsible Game Board* Participant (Option 2)
- Instructor Materials: Game Cards for *Who is Responsible Game* Instructor/Participant (Option 2)

Option 1

Provide Handout 2: *Who Is Responsible?* Ask participants to vote on whether the landlord or the tenant is responsible for each item listed. In most cases, there will be some disagreement on each item. Use Instructor Materials: *Who is Responsible* Answer Key for correct answers.

Refer to the *Overall Handout* for the Keys to Determining Responsibility. Review and explain that in the rest of the module each of these keys will be discussed.

Option 2

In advance, cut apart the Game Cards for *Who is Responsible Game* and give one card to each participant or pair of participants depending on the size of the class. The items on the cards are the same as those on Handout 2: *Who is Responsible?* For a large group you could enlarge the *Who's Responsible Game Board* or recreate the chart on a flip chart.

Instruct each participant to read their card to the group. The group then decides where to place the card on the chart, indicating who is responsible for the repair and why by referring to the section on the *Overall Handout* about the Keys to Determining Responsibility. This activity may also be done in smaller participant groups with multiple sets of cards and game boards. After the small group completes the activity, they report out to the group for large group discussion. Use Instructor Materials: *Who is Responsible?* Answer Key for correct answers.





Activity 2: Check-In/Check-Out Forms

(Objective 2: Learn ways to protect their property and security deposit.)

- Handout 3: *Check-In/Check-Out Rental Condition Checklist*
- Rental Unit Inspection Tools: flashlight, hairdryer, lightbulb, and pen/paper/camera/measuring tape (or photos)
- Video Check-In/Check-Out
- Instructor Materials: *Photos of rental unit*

Provide participants with Handout 3: *Check-In/Check-Out Rental Condition Checklist*.

Suggested Introduction: Most landlords require residents to make a security deposit when they move into a rental unit. The purpose of the deposit is to provide funds to pay for any damage that occurs while the resident lives there. However, what if the landlord charges a resident for damage that was caused by a previous resident? The best way for residents to protect themselves from this is to complete a detailed inspection of the unit—with the landlord or with a witness who does not live in the rental unit—before moving in.

Wisconsin landlords are required to provide tenants with a Check-In Form when moving into a rental unit for documenting the condition of the unit when a tenant moves in. Tenants have seven days to make any notes on the Check-In Form which the landlord may have overlooked and return it to the landlord.

The primary goal of the inspection is to identify items that may end up as deductions from your security deposit if you don't call them to the landlord's attention before you move in. However, there are two other important functions of the check-in inspection:

1. To make sure everything is in working order—for example, faucets, drains, electric outlets
2. To make sure tenants know how to operate and care for equipment in the rental unit

The best time to identify problems is before you move in. As you are most likely to have the landlord's attention at this time, take the opportunity to make sure you know how things work in the rental unit and what maintenance work you are expected to do.

When completing a Check-In Form, look for missing items, damaged items, dirty items and/or excessive wear. Use the form to write down everything found wrong with the rental unit when you move in. Be sure to list even very small "damages," for example, the number of nail holes in each wall, dents in the kitchen floor, or chipped paint on the baseboards.

Sign and date the Check-In Form; make a copy for yourself and then give the original form to the landlord. It is best to have the landlord sign and date

your copy to show the original was received. If you cannot get the landlord to sign tenant's copy, mail the form to the landlord by certified mail as described in Wis. Wis. Stat. § 704.08. (Tenant Source Book, Legal Action 2016)

Using the examples on the first page of Handout 3: *Check-In/Check-Out Rental Condition Checklist* show participants how to use the form to document the current condition, not just place a check mark on it. Look for:

- Missing Items—Ice cube trays, window screens, and broiler pans are examples of items that should typically come with the rental unit, but may be missing.
- Damaged Items—Cracked window glass, burned or cracked counter tops or bath fixtures, and holes in plaster are examples of damage.
- Dirty Items—Ovens and stove tops may have a build-up of baked-on dirt and grease. Bathtubs may have a layer of grime on the bottom that can be hard to remove.
- Excessive Wear—Normal wear and tear should not result in deductions from security deposits. However, there can be disputes about what normal wear is and what excessive wear is. It is a good idea to be sure you understand how the landlord defines “normal wear” and to be alert for items that seem to show excessive wear. Carpeting, vinyl flooring, and window treatments are items with which wear and tear can be an issue.

Demonstrate how to use the Rental Unit Inspection Tools or show video of them in use.

- Pen/Paper—to document the inspection and to use for noting/dating changes or repairs
- Camera/Video—recorder—take pictures of the inspected rooms to have on file, give a set to Landlord. Then store them until it is time to move out, take a new set of photos to show before and after.
- Flashlight—to look in dark places, hard to see areas, behind or below. Looking for pest infestations, uncleanliness and damage.
- Hairdryer—use to make sure all sockets work. Additionally, because hairdryers use a lot of electricity this should indicate if there are any electrical limits.
- Lightbulbs—for use in the areas where a lightbulb should be and there isn't one. Makes sure the light works.
- Measuring Tape—for use in measuring for furniture, window coverings, closets, etc.



Option 1

Have small groups complete an inspection of the site where the class is being held or by using still shots of rental unit rooms. Remind them to look for missing items, damaged items, dirty items and/or excessive wear. Document their findings on Handout 3: *Check-In/Check-Out Rental Condition Checklist*.

Option 2

Using video of a rental unit (<https://www.youtube.com/watch?v=QTcMU0Ba-7s&feature=youtu.be>) “walk through” to inspect the rental unit. Occasionally pause the video to assist the participants. Ask them to look for the missing items, damaged items, dirty items and/or excessive wear. Document their findings on Handout 3: *Check-In/Check-Out Rental Condition Checklist*.

Activity 3: Record Keeping

(Objective 2: Learn ways to protect their property and security deposit.)

- Handout 3: *Check-In/Check-Out Rental Condition Checklist* (second blank copy)
- Gallon resealable bags 1 per participant (Optional)
- Handout 4: *Rental Records*
- Handout 5: *Family Records: What to Keep Where and for How long*, NDSU Extension, 2/2015

Suggested Introduction: Keeping important family records, which include rental agreement, Check-In/Check-Out Forms, and related documents, in an organized manner is a lifesaver when a tenant needs them. It saves time, trouble, money, and frustration of searching for materials. Recordkeeping systems, like spending plans, need to fit your lifestyle. Record keeping systems can be a file cabinet or a simple drawer in a bedroom or a paper box with a cover. You could use file folders, recycled large mailing envelopes or gallon resealable bags to organize documents. Getting started on a record keeping system may be time-consuming at first, but once it is set up, it will be easy to maintain and most important—important papers will be right at one’s fingertips!

Distribute all of the above handouts and the gallon resealable bags (optional) and review each handout and methods participants have used for record keeping.

Activity 4: Renters Insurance

(Objective 2: Learn ways to protect their property and security deposit.)

- Handout 6: *Renter’s Insurance*

Explain that the landlord has insurance only on the building. Tenants are responsible for insuring their belongings.

Suggested Introduction: Who is responsible for damages or loss of belongings in a rental property? Most landlords carry property insurance that covers damages to the building. Tenants are responsible for insuring their belongings. Renter's insurance protects the tenant's property within the rental unit. Documentation of personal belongings is important when purchasing renter's insurance. Using a camera or video, renters should document their belongings. The photos could be placed with the policy in the record-keeping system. A record of a tenant's possessions will be invaluable in settling claims with the insurance company.

Some rental insurance policies will also cover a tenant's property when it's outside of the rental unit. Some policies offer liability insurance and cover fire or water damage. It is important for a tenant to check all insurance options within a policy that is being considered. For as much as it covers, renter's insurance is relatively inexpensive.

Distribute Handout 6: *Renter's Insurance*. Review information provided in handout.

Activity 5: Caring for Your Living Space

(Objective 3: Gain an increased appreciation of the financial and personal value of caring for rental living spaces.)

- Handout 7: *If You Don't Care for Your Living Space*

OPTIONAL:

- Handout 8: *Cleaning Tips for Renters—Cleaning Institute*
- Sticky notes with each task from, wall signage-Daily, Weekly, Monthly
- Handout 9: *Your Plan for Care for your Living Space*
- Handout 10: *Bed Bug/Roach Control and Lead Paint Hazards*
- Instructor Materials: *Photos of Bed Bug and an Infestation* (need to be 8x10)
- Excerpt from Don't Let the Bed Bugs Bite found on the Rent Smart website Module D, activity 5 (Audio)

Depending on your participants, consider if information on caring for the rental living space is appropriate. If a rental unit is not kept reasonably cleaned and cared for, the tenant may lose some or all of their security deposit and have addition costs when moving out. If this activity is included, emphasize making the care of the rental unit easier and more effective. Note that there is a financial return associated with caring for the rental unit when the tenant's security deposit is returned.



Suggested Introduction: Many landlords are concerned that tenants do not keep rental units clean. This is a problem for landlords because a poorly cleaned unit can cause pest problems and increased wear on the unit. Likewise, this can be a problem for tenants. If tenants don't keep their units clean, tenants may see deductions from their security deposit and cleaning and/or repair charges when moving out.

Ask participants to list problems that can result from not caring for the rental unit living space.

Provide Handout 7: *If You Don't Care for Your Living Space*. Review the potential problems associated with a poorly maintained home. Suggest that they may be able to use some of these reasons to motivate family members or other household members to help with the care of the rental unit.

OPTIONAL: Provide Handout 8: *Cleaning Tips for Renters—Cleaning Institute*. Share that keeping the rental unit clean will not only please the landlord, it will also make it healthier and save money in the long run for tenants. Having a plan for how one will care for the rental living space will aid in keeping the rental unit clean in a timelier manner, leaving time for other activities.

On large sticky notes, list each of the tasks for care found on Handout 8: *Cleaning Tips for Renters—Cleaning Institute*. Evenly distribute these sticky notes among participants. Instruct them to post each note under signs you have tacked up, designating daily, weekly, and monthly/as needed tasks.

When posting is complete, review where items have been posted. Provide Handout 9: *Your Plan for Care for your Living Space* and instruct participants to complete their own cleaning plan.

OPTIONAL: Provide and discuss Handout 10: *Bed Bug/Roach Control and Lead Paint Hazards*

Share that prevention is the key to bed bug and roach control. This handout goes into detail on these hard to control insects. Use the Instructor Materials: *Photos of Bed Bug and an Infestation* for visual identification. Prevention is also the key to roach control. If you have the capability to play an audio file, play the excerpt from *Don't Let the Bed Bugs Bite*, interview with P.J. Liecsh, Extension entomologist specialist, found on the Rent Smart website, Module D, activity 5. Following the tips related to roach control will make rental units less hospitable to roaches. Roach poisons should always be used with great care. Follow labels carefully and use only when other controls have proven ineffective.

Discuss the serious health risks associated with lead poisoning and what tenants can do to avoid lead poisoning. Lead poisoning is one of the most common child health problems. Lead paint is common in housing built before 1978. Landlords must alert new tenants to potential lead paint hazards and give them information about lead poisoning and its prevention.



Learning Assessment

Have participants learned the key concepts of this Rent Smart module? The following questions or activities are recommended to assess participant understanding of the information covered in this module.

- List the 4 Keys to Determining Responsibility.
- From the “Who is Responsible?” Activity—select two repairs—ask who is responsible and why for each.
- Ask participants to identify “What can happen if a tenant does not care for their living space?”

