



National Center for Healthy Housing

Analysis of Standard Requirements in State Residential Landlord-Tenant Laws

The National Center for Healthy Housing reviewed the state laws dealing with residential landlord-tenant leases in November 2009. North Dakota has no law. NCHH is still researching the laws for District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New York, and South Dakota.

NCHH compared the duties of the landlords and the tenants to the Uniform Residential Landlord and Tenant Act. URLTA is a model law developed by the Uniform Law Commission (ULC) in 1972. In a separate report, NCHH identified significant state requirements not specifically addressed in URLTA.

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Building a healthy home environment for all children

A. State Adoptions

A. Need Research – 6 states and District of Columbia

1. DISTRICT OF COLUMBIA
2. ILLINOIS
3. MARYLAND
4. MASSACHUSETTS
5. NEW JERSEY
6. NEW YORK
7. SOUTH DAKOTA

B. Uniform Residential Landlord and Tenant Act – 25 states

1. ALABAMA
2. ALASKA
3. ARIZONA
4. ARKANSAS
5. CONNECTICUT
6. DELAWARE
7. HAWAII
8. INDIANA
9. IOWA
10. KANSAS
11. KENTUCKY
12. MISSISSIPPI
13. MONTANA
14. NEBRASKA
15. NEW MEXICO
16. NORTH CAROLINA
17. OHIO
18. OKLAHOMA
19. OREGON
20. RHODE ISLAND
21. SOUTH CAROLINA
22. TENNESSEE
23. VIRGINIA
24. WASHINGTON
25. WEST VIRGINIA

C. Warranty of Habitability – 5 States

1. CALIFORNIA
2. COLORADO
3. MAINE
4. NEVADA
5. VERMONT

D. Other – 13 States

1. FLORIDA
2. GEORGIA
3. IDAHO
4. LOUISIANA
5. MICHIGAN
6. MINNESOTA
7. MISSOURI
8. NEW HAMPSHIRE
9. PENNSYLVANIA
10. TEXAS
11. UTAH
12. WISCONSIN
13. WYOMING

E. No Landlord-Tenant Law – 1 States

1. NORTH DAKOTA

B. Duties under URLTA / State Adoption

Provisions of URLTA	State Adoption of URLTA Provisions				Comments
	Adopted with Additions	Adopted Same / Similar	Limited Adoption	Did Not Adopt	
§ 2.104. [Landlord to Maintain Premises]					
(a) A landlord shall:					
(1) Comply with the requirements of applicable building and housing codes materially affecting health and safety;	5	18	7	14	Often Added health code and Limited to substantially comply or not tenant's fault.
2) Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;	0	19	11	14	Often Limited to reasonably habitable or dropped habitable.
(3) Keep all common areas of the premises in a clean and safe condition;	1	19	10	14	Often Limited to reasonably clean or dropped clean.
(4) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by him;	0	23	8	13	Often Limited to reasonably good and safe working order or condition or tenant is not negligent.
(5) Provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal; and	0	15	9	20	Often Limited to exempts one to three unit buildings or single-family unit.
(6) Supply running water and reasonable amounts of hot water at all times and reasonable heat [between [October 1] and [May 1]] except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection.	0	28	3	13	Sometimes Limited to heat not water.

Provisions of URLTA	State Adoption of URLTA Provisions				Comments
	Adopted with Additions	Adopted Same / Similar	Limited Adoption	Did Not Adopt	
(b) If the duty imposed by paragraph (1) of subsection (a) is greater than any duty imposed by any other paragraph of that subsection, the landlord's duty shall be determined by reference to paragraph (1) of subsection (a).	0	16	1	27	
(c) The landlord and tenant of a single family residence may agree in writing that the tenant perform the landlord's duties specified in paragraphs (5) and (6) of subsection (a) and also specified repairs, maintenance tasks, alterations, and remodeling, but only if the transaction is entered into in good faith.	0	14	6	24	Often Limited by changing number of units or dropping good faith requirement.
(d) The landlord and tenant of any dwelling unit other than a single family residence may agree that the tenant is to perform specified repairs, maintenance tasks, alterations, or remodeling only if (1) The agreement of the parties is entered into in good faith and is set forth in a separate writing signed by the parties and supported by adequate consideration; (2) The work is not necessary to cure noncompliance with subsection (a)(1) of this section; and (3) The agreement does not diminish or affect the obligation of the landlord to other tenants in the premises. (e) The landlord may not treat performance of the separate agreement described in subsection (d) as a condition to any obligation or performance of any rental agreement.	0	12	8	24	Often Limited by providing more flexibility for landlord and tenant to agree.

Provisions of URLTA	State Adoption of URLTA Provisions				Comments
	Adopted with Additions	Adopted Same / Similar	Limited Adoption	Did Not Adopt	
§ 3.101. [Tenant to Maintain Dwelling Unit] A tenant shall:					
(1) Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;	8	16	1	19	Often Added health code.
(2) Keep that part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;	1	22	5	14	Often Limited to reasonably clean and safe.
(3) Dispose from his dwelling unit all ashes, garbage, rubbish, and other waste in a clean and safe manner;	0	28	2	14	Often Limited to reasonably clean and safe.
(4) Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;	0	26	1	17	
(5) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances including elevators in the premises;	0	28	0	16	
(6) Not deliberately or negligently destroy, deface, damage, impair, or remove any part of the premises or knowingly permit any person to do so; and	3	23	4	14	Sometimes Added all damage not just negligent or deliberate. Sometimes Limited to wanton or willful.
(7) Conduct himself and require other persons on the premises with his consent to conduct themselves in a manner that will not disturb his neighbors' peaceful enjoyment of the premises.	2	20	3	19	Sometimes Added serious nuisance. Sometimes Limited to unreasonable disturbance.

C. State Adoptions of URLTA Landlord Duties

URLTA Duties for Landlords in Section 2.104(a):

- (1) Comply with the requirements of applicable building and housing codes materially affecting health and safety;
- (2) Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
- (3) Keep all common areas of the premises in a clean and safe condition;
- (4) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances, including elevators, supplied or required to be supplied by him;
- (5) Provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal; and
- (6) Supply running water and reasonable amounts of hot water at all times and reasonable heat [between [October 1] and [May 1]] except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection.

		URLTA Section 2.104(a) Provision					
State	Citation	(1) Comply with Codes	(2) Keep Fit & Habitable	(3) Clean Common Area	(4) Keep Utilities Working	(5) Handle Wastes	(6) Provide Heat & Water
DISTRICT OF COLUMBIA	Unknown						
ILLINOIS	Unknown						
MARYLAND	Unknown						
MASSACHUSETTS	Unknown						
NEW JERSEY	Unknown						
NEW YORK	Unknown						
SOUTH DAKOTA	Unknown						
ALABAMA	35-9A-204	Same	Similar	Same	Same	Same	Same
ALASKA	34.03.100	None	Same	Same	Same	Same	Same
ARIZONA	33-1324	Limited	Same	Same	Same	Same	Same
ARKANSAS	None found	None	None	None	None	None	None
CALIFORNIA	1941.1	Similar	None	Added	Similar	Similar	Similar
COLORADO	38-12-503&505	Limited	Limited	Limited	Limited	Limited	Similar
CONNECTICUT	47a-7	Similar	Similar	Same	Same	Same	Same
DELAWARE	5305	Added	Similar	Similar	Limited	Limited	Similar
FLORIDA	83.51	Added	None	Similar	Limited	Similar	Similar
GEORGIA	44-7-13	None	None	None	Similar	None	None
HAWAII	521-42	Same	None	Similar	Limited	Similar	Similar
IDAHO	None found	None	None	None	None	None	None
INDIANA	32-31-8-5	Added	Limited	Limited	Similar	None	Similar

IOWA	562A.15	Same	Same	Similar	Same	Same	Same
KANSAS	58-2553	Similar	None	Limited	Same	Similar	Same
KENTUCKY	383.595	Same	Same	Same	Same	None	Same
LOUISIANA	2901-2700	None	Limited	None	Similar	None	None
MAINE	6026	None	Limited	None	None	None	Limited
MICHIGAN	554.139	Similar	Limited	None	None	None	None
MINNESOTA	504B.161	Similar	Limited	Limited	None	None	None
MISSISSIPPI	89-8-23	Same	None	None	Limited	None	None
MISSOURI	441.234	Limited	Limited	None	None	None	None
MONTANA	70-24-303	Limited	Similar	Same	Same	Same	Same
NEBRASKA	76-1419	Limited	Same	Same	Same	Same	Same
NEVADA	118A.290	Similar	Similar	Limited	Similar	Similar	Similar
NEW HAMPSHIRE	48-A:14	None	None	None	Limited	None	Similar
NEW MEXICO	47-8-20	Limited	Limited	Limited	Similar	Same	Same
NORTH CAROLINA	42-42	Similar	Same	Limited	Similar	None	None
NORTH DAKOTA	None found	None	None	None	None	None	None
OHIO	5321.04	Added	Same	Same	Same	Limited	Similar
OKLAHOMA	118	None	Same	Similar	Same	Limited	Similar
OREGON	90.320	None	None	Similar	Similar	Limited	Similar
PENNSYLVANIA	250.501-A	None	None	None	None	None	None
RHODE ISLAND	34-18-22	Same	Same	Same	Same	Same	Same
SOUTH CAROLINA	27-40-440	Same	Limited	Limited	Similar	None	Similar
TENNESSEE	66-28-304	Same	Same	Same	None	Limited	None
TEXAS	None found	None	Limited	None	None	None	Similar
UTAH	57-22-4	Similar	Similar	Similar	None	Limited	Limited
VERMONT	4457	Similar	Similar	None	None	None	Similar
VIRGINIA	55-248.13	Same	Same	Same	Same	Same	Same
WASHINGTON	59.18.060	Limited	None	Limited	Limited	Limited	Similar
WEST VIRGINIA	37-6-30	Added	Similar	Similar	Limited	Limited	Same
WISCONSIN	704.05	None	None	None	None	None	None
WYOMING	1-21-1203	None	Limited	Limited	Similar	None	Limited
Arizona Mobile	33-1434	Added	Same	Same	Same	Limited	Limited
Colorado Mobile	38-12-212.3	None	None	None	None	None	Limited
Connecticut Mobile	21-82	Added	None	Same	Similar	Limited	Limited
Iowa Mobile	562b.16	Added	Same	Same	Same	Limited	Limited
Nebraska Mobile	76-1492	None	Same	Same	Same	Limited	Limited
Texas Mobile	94.152	Limited	Limited	Limited	None	Limited	None
Washington Mobile	59.20.130	Added	None	Limited	Similar	None	None

D. State Adoptions of Tenant Duties

URLTA Duties for Tenants Provision in Section 3.104:

- (1) Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;
- (2) Keep that part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;
- (3) Dispose from his dwelling unit all ashes, garbage, rubbish, and other waste in a clean and safe manner;
- (4) Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;
- (5) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other facilities and appliances including elevators in the premises;
- (6) Not deliberately or negligently destroy, deface, damage, impair, or remove any part of the premises or knowingly permit any person to do so; and
- (7) Conduct himself and require other persons on the premises with his consent to conduct themselves in a manner that will not disturb his neighbors' peaceful enjoyment of the premises.

		URLTA Section 2.104(a) Provision						
State	Citation	(1) Comply with Codes	(2) Keep Clean & Safe	(3) Dispose of Wastes	(4) Keep Plumbing Clean	(5) Reas. Use	(6) Don't be Neg.	(7) Don't Disturb Peace
DISTRICT OF COLUMBIA	Unknown							
ILLINOIS	Unknown							
MARYLAND	Unknown							
MASSACHUSETTS	Unknown							
NEW JERSEY	Unknown							
NEW YORK	Unknown							
SOUTH DAKOTA	Unknown							
ALABAMA	§ 35-9A-301	Same	Same	Same	Same	Same	Same	Same
ALASKA	34.03.120	None	Same	Same	Same	Same	Same	Limited
ARIZONA	33-1341	Limited	Same	Same	Same	Same	Same	Same
ARKANSAS	18-17-601	Same	Limited	Limited	Limited	Same	Same	Added
CALIFORNIA	1941.2	None	Same	Same	Same	Similar	None	None
COLORADO	13-12-504	Added	Limited	Similar	None	Similar	Similar	Similar
CONNECTICUT	47a-11	Added	Same	Same	Same	Same	Same	Added
DELAWARE	5503	Added	Same	Same	Same	Same	Limited	Limited
FLORIDA	83.52	Added	Similar	Similar	Similar	Same	Added	Limited
GEORGIA	44-7-11	None	None	None	None	None	None	None
HAWAII	521-51	Same	Same	Similar	Same	Similar	Limited	None
IDAHO	None Found	None	None	None	None	None	None	None

INDIANA	32-31-7-5	Added	Limited	None	None	None	None	None
IOWA	562A.17	Same	Same	Same	Same	Same	Same	Similar
KANSAS	58-2555	Same	Same	Same	Same	Same	Added	Same
KENTUCKY	383.605	Same	Same	Same	Same	Same	Same	Same
LOUISIANA	None Found	None	None	None	None	None	None	None
MAINE	None Found	None	None	None	None	None	None	None
MICHIGAN	554.39	None	None	None	None	None	None	None
MINNESOTA	None Found	None	None	None	None	None	None	None
MISSISSIPPI	89-8-25	Similar	Same	Same	Same	Same	Same	Same
MISSOURI	441-630	Added	None	Similar	None	Similar	Limited	None
MONTANA	70-24-231	Same	Limited	Same	Same	Same	Added	Same
NEBRASKA	76-1421	Same	Same	Same	Same	Same	Same	Same
NEVADA	118A.310	None	Same	Same	Same	Same	Same	Same
NEW HAMPSHIRE	None Found	None	None	None	None	None	None	None
NEW MEXICO	47-8-22	Same	Same	Same	Same	Same	Same	Same
NORTH CAROLINA	42-43	Similar	Added	Same	Same	Similar	Similar	None
NORTH DAKOTA	None Found	None	None	None	None	None	None	None
OHIO	5321.05	Added	Similar	Similar	Same	Similar	Similar	Similar
OKLAHOMA	127	None	Similar	Similar	Same	Similar	Same	Same
OREGON	90.325	None	Similar	Similar	Same	Same	Same	Same
PENNSYLVANIA	250.503-A	None	None	None	None	None	Limited	None
RHODE ISLAND	34-18-2024	Same	Same	Same	Same	Same	Same	Same
SOUTH CAROLINA	27-40-510	Same	Limited	Limited	Same	Same	Same	Same
TENNESSEE	66-28-401	Same	Same	Same	None	None	Same	Similar
TEXAS	None Found	None	None	None	None	None	None	None
UTAH	57-22-5	Similar	Added	Similar	Similar	Same	Similar	Similar
VERMONT	4456	Added	None	None	None	None	Similar	Similar
VIRGINIA	55-248.16	Same	Same	Same	Same	Same	Same	Same
WASHINGTON	59.18.130	None	Same	Similar	Similar	Similar	Similar	None
WEST VIRGINIA	None Found	None	None	None	None	None	None	None
WISCONSIN	None Found	None	None	None	None	None	None	None
WYOMING	1-21-1204	None	Added	Same	Same	None	None	None
Arizona Mobile	33-1451	Added	Same	Same	None	None	Same	Same
Colorado Mobile	None Found	None	None	None	None	None	None	None
Connecticut Mobile	21-82	Added	Similar	Similar	Similar	Similar	Similar	Added
Iowa Mobile	562b.18	Added	Limited	Same	None	None	Same	Same
Nebraska Mobile	76-1493	Similar	Limited	Same	None	None	Same	Same
Texas Mobile	None Found	None	None	None	None	None	None	None
Washington Mobile	59.20.140	None	Same	Similar	None	None	Similar	None