

DOES THE LANDLORD HAVE TO CLEAN THE APARTMENT BEFORE I MOVE IN?

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QUESTION:

What can I do about a landlord who promised a clean and newly painted apartment before we moved in, but didn't deliver? We have moved in because we had nowhere else to go, but I am concerned about our children's health and the total well-being of our family. Can I report the unhealthy living conditions to the health department? Please let me know of my legal rights or how to go about this problem in a dignified manner.

ANSWER:

If the unpainted and unclean conditions are genuine health risks, you should certainly take action. Call the health department and describe the situation. Depending on the agency's workload and the severity of the problems, you might get some action. If you're worried about deteriorating lead-based paint, by all means call.

For tenants facing seriously harmful conditions, many states have enacted remedies that let them repair the problems and deduct the cost from the rent, or withhold rent until the landlord accomplishes the cleaning and repairs. If your state has these remedies, check them out. Be careful, however, to follow the letter of the law when taking these steps.

And in the future, get that promise in writing before you move in. That way, you have a contract that you can point to if you need it later.

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DAN THE ROOMMATE MAN [www.roommateexpress.com](http://www.roommateexpress.com)

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#### MOVE-IN DAY

Your landlord will give you or should give you a move-in inspection sheet on the day that you take possess of your new apartment. It is very important that you take about 30 minutes and do an inspection of your new home before you move-in. Indicate on the move-in condition sheet any pre-existing damage i.e. spots on the carpet, wall damage, the general condition of the appliances.

Promptly return your completed form to the landlord and be sure to sign and date it. Your landlord should sign it as well and provide you a copy to keep for your records.

#### MOVE-OUT DAY

Remember that the key to having your damage deposit returned to you is to leave the property clean and in the same condition in which you received it less normal wear and tear. You should not be leaving behind any damage, trash or a place in need of cleaning.

Once the apartment is empty and clean, accompany your landlord for a final walk-thru inspection. This is the time to pull out your copy of your move-in inspection sheet which both you and your landlord signed. Walk from room to room with your landlord and compare the current condition of the apartment with the notations that you made on your move-in form. Take advantage of this opportunity to discuss with your landlord any cost of repairs which will be held out of your deposit. And lastly, it is always wise to take some pictures of the rental unit just to document the condition.

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