



FAQ: HOW TO GET REPAIRS

For HUD Subsidized Housing or Social Housing Contact Manhattan Housing Authority: 785-776-8588
Contact Code Enforcement for a free building code inspection (no permission from your landlord needed):(785) 587-4506. You can also download the Report It! App or [make a request on their website](#)

Q: When should I file a complaint and with who?

A: You should file a complaint when you need repairs. If you are a tenant in a privately-owned building, there are several things you can do to get their landlord to make repairs; however, you may want to take the following steps in order to establish a record:

1. **Email or text the building superintendent/management office regarding the repairs**, unless it is an emergency and then you should contact 911 (police, fire dept.) or contact City of Manhattan's Risk Reduction for assistance at (785) 587-4506 which is open from 8am noon, 1pm to 5pm Mon-Thur and 8am to noon on Fridays. It's important that you have evidence of what's broken and that you tried to contact the building's property management .
2. If the superintendent or management company does not respond, write a letter/email/text to the owner of the building that describes the problems in your apartment and includes pictures/videos. Ask for the repairs to be made by a certain date. Kansas law states that repairs must be attempted within 14 days. You should send the letter/email/text to the owner and Management Company while keeping a copy for your records.
3. If the owner still does not respond or fails to provide essential services, you may report the condition to the City of Manhattan Risk Reduction by calling them at (785) 587-4506 or by downloading the Report It! app or by visiting <https://www.manhattanks.gov/2347/Report-It>
4. To learn about many more options to get repairs, organize and contact Flint Hills Tenants United.

Q: How fast should the landlord respond to complaints and when does a repair also constitute a violation?

A: Landlords should respond immediately. However, it depends on how serious the conditions are. If you have a repair and the landlord doesn't respond in a reasonable time, call Risk Reduction Code Enforcement with the City of Manhattan at (785) 587-4506 or by visiting <https://www.manhattanks.gov/2347/Report-It>. When you contact code enforcement, they will schedule a time with you (without needing to ask permission from your landlord) to inspect what needs to be repaired to see if it violates housing codes. If so, code enforcement will order your landlord to make repairs and will send you a letter of all the violations they found. You can use that letter as evidence in a court of law and for

Violations Include (but are not limited to):

- Frayed wires that can start fire
- Pest infestations like insects/bugs, mice, or bats
- Non-functional utilities like hot water, electricity, or air conditioning/heater
- Structure is compromised

- Lack of smoke detectors
- Mold

Q: Can the landlord retaliate if I complain?

A: No. According to Kansas law, your landlord cannot evict you or force you to move out by raising your rent or decreasing your services (e.g., stop paying some of the utilities; stop doing some regular maintenance) after you have:

- complained to the landlord because needed repairs are not being made
- asked a governmental agency to inspect and/or complained to a governmental agency who can force the landlord to make repairs (like code enforcement)
- Or become active in a tenant organization like a tenant association or union

Q: Can I break the lease and move out if the landlord refuses to make repairs?

A: Yes. If after giving your landlord written notice (that you have a copy of) and after 14 days they have not responded, you can terminate your lease. To do so, you must give your landlord 30 days notice prior to the date your rent is due. For example, if it's June 15th and rent is due July 1st, you must wait until July 1st to provide the 30 day notice according to Kansas law. Make sure you have written proof that you have given notice to the landlord and evidence that the repairs were not made or adequately fixed. It helps to get a written letter from the City of Manhattan's Code Enforcement.

Q: Can I make repairs myself? If so, can I get reimbursed?

A: Yes. Kansas law also provides that the tenant has the right to collect "damages" from a landlord if the landlord does not comply with the laws regarding maintenance. This applies whether you decide to break your lease (see above) or to stay. What this means is that you have the right to ask your landlord to compensate you for your actual losses (repair bills you had to pay, costs to stay somewhere else or eat out when all or part of your place was unusable, damage to your furniture or other belongings due to the landlord's negligence, medical bills

Q: What do I do if my home becomes uninhabitable due to flooding, a fire, or some other disaster?

A: If your home becomes uninhabitable to the point where you can't live in it or in part of your home, Kansas law says you should be compensated for it accordingly. You can give a written 5-day "notice to quit" and move out immediately if your place can't be lived in at all. The law says that any prepaid rent after the move-out date should be refunded to you. Your security deposit is to be returned as in a normal move out. If only part of your home is habitable, then your rent must be reduced proportionally until repairs are made and the home is habitable.

Q: Can I go on a rent strike and how?

A: A Rent Strike can be an effective tool to get a negligent landlord to make necessary repairs. You can withhold rent alone; however, withholding rent as a group has more power. Here are some steps that can be taken:

1. Document conditions, call Risk Reduction and write a letter/email/text to your landlord.
2. If no repairs are made after 14 days, give the landlord written notice that you are withholding rent and your reasons until repairs are made. Written notice can be given as a Tenant Association as well. When written notice is given to the Landlord, the Tenant Association should state that the rent strike will begin IF repairs are not begun by a specified date. (A list of repairs should be provided.) Make sure that tenants are fully aware of the opportunities and risks involved in withholding their rent. Email Flint Hills Tenants United for support.
3. Save your full rent money. Rent abatement is not guaranteed.
4. You may be taken to court for nonpayment.
5. The judge may order the landlord to do repairs and you to pay the *full* rent money. This is why it's important to save all of your rent money.
6. The tenant blacklist is a database compiled by The Office of Court Administration and sold to "Tenant Screening" companies who then sell the information to prospective landlords. Landlords use this list to screen out both tenants who might be likely to fall behind in the rent and tenants who have withheld rent in order to get repairs or services. The lists are informally known as the "blacklist" because tenants who are on it are being punished for exercising their right to withhold rent for repairs and services. Be aware that if the landlord sues you in court for nonpayment you run the risk of being placed on a tenant "blacklist."

You have the right to withhold rent if repairs are not being done. Withholding rent is extremely powerful because you are affecting not just the landlord's profit but also his ability to pay his bills. Doing a rent strike as a group is many times more powerful than as an individual—the more money involved, the more powerful your rent strike!

What to be sure of, if you are withholding rent (alone or as part of a Rent Strike)

1. That you have all your rent money set aside, and you DO NOT SPEND IT.
2. That you have proof IN WRITING that you have informed your landlord of repairs that need to be done (prior to withholding rent), and that your landlord has failed to do them. All correspondence to your landlord should be sent by certified mail (return receipt requested). Keep copies of everything and always document your effort! (Telephone calls and personal meetings are almost worthless because you can't prove that they actually happened.)

What is the process?

- In some cases, you will be able to negotiate with your landlord to get repairs done, so that he can get his rent money. But in most cases, you will be taken to Housing Court (for non-payment of rent) before any resolution can come.
- When you receive the "petition" that the landlord has filed against you in Housing Court, you will then have an opportunity to file an "answer", in which you will be able to explain why you have been withholding rent, that there are bad conditions in your apartment or building that the landlord has failed to address. This is your defense.

- You MUST be diligent about responding and showing up to court dates and you ought to be able to prove that you are capable of paying all the money that you have withheld, that you have it. In addition, you must bring along all of the proof that you tried to get the landlord to make the repairs and that he has failed to. It helps to have called Risk Reduction and report the bad conditions.

Q: Is the landlord required to use qualified professionals to make repairs like plumbing and leaks?

A: No. They can use the superintendent for any small repairs. If you are unsure if repairs need a permit then you should call The City of Manhattan Code Enforcement at (785) 587-4506.