

**38-12-505. Uninhabitable residential premises.**

(1) A residential premises is deemed uninhabitable if:

- (a) THERE IS MOLD THAT IS ASSOCIATED WITH DAMPNESS, OR THERE IS ANY OTHER CONDITION CAUSING THE RESIDENTIAL PREMISES TO BE DAMP, WHICH CONDITION, IF NOT REMEDIED, WOULD MATERIALLY INTERFERE WITH THE HEALTH OR SAFETY OF THE TENANT, EXCLUDING THE PRESENCE OF MOLD THAT IS MINOR AND FOUND ON SURFACES THAT CAN ACCUMULATE MOISTURE AS PART OF THEIR PROPER FUNCTIONING AND INTENDED USE; OR
- (b) It substantially lacks any of the following characteristics:
  - (I) FUNCTIONING APPLIANCES THAT CONFORMED TO APPLICABLE LAW AT THE TIME OF INSTALLATION AND THAT ARE MAINTAINED IN GOOD WORKING ORDER;
  - (II) Waterproofing and weather protection of roof and exterior walls maintained in good working order, including unbroken windows and doors;
  - (III) Plumbing or gas facilities that conformed to applicable law in effect at the time of installation and that are maintained in good working order;
  - (IV) Running water and reasonable amounts of hot water at all times furnished to appropriate fixtures and connected to a sewage disposal system approved under applicable law;
  - (V) Functioning heating facilities that conformed to applicable law at the time of installation and that are maintained in good working order;
  - (VI) Electrical lighting, with wiring and electrical equipment that conformed to applicable law at the time of installation, maintained in good working order;
  - (VII) Common areas and areas under the control of the landlord that are kept reasonably clean, sanitary, and free from all accumulations of debris, filth, rubbish, and garbage and that have appropriate extermination in response to the infestation of rodents or vermin;
  - (VIII) Appropriate extermination in response to the infestation of rodents or vermin throughout a residential premises;
  - (IX) An adequate number of appropriate exterior receptacles or garbage and rubbish, in good repair;
  - (X) Floors, stairways, and railings maintained in good repair;
  - (XI) Locks on all exterior doors and locks or security devices on windows designed to be opened that are maintained in good working order; or
  - (XII) Compliance with all applicable building, housing, and health codes, THE VIOLATION OF which if violated, would constitute a condition that MATERIALLY INTERFERES WITH THE LIFE, HEALTH, OR SAFETY OF THE TENANT.

(2) No deficiency in the common area shall render a residential premises uninhabitable as set forth in subsection (1) of this section, unless it materially and substantially limits the tenant's use of his or her dwelling unit.

(3) Unless THE RENTAL AGREEMENT PROVIDES otherwise stated in AS PERMITTED BY section 38-12-506, BEFORE A RESIDENTIAL PREMISES IS leased to a tenant, THE RESIDENTIAL premises must comply with the requirements set forth in section 38-12-503 (1) AND (2)(a).