



Kentucky Courts Rule to Limit Tenants' Rights to Recover Damages

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Kentucky tenants who know their landlords have not repaired a defect had best be careful. According to two Kentucky court rulings, they don't have a blanket license to sue the landlord if they are injured by the defect.

The rulings came from Kenton Circuit Judge Martin Sheehan, and more recently, the state Court of Appeals. In *Brandon True v. Faith Bluegrass Manor Apartment* (2010-CA-001784-MR), the appellate court upheld Judge Sheehan in dismissing the tenant's case. Both courts ruled that there was no question that the tenant knew a railing at his apartment was loose, because the screws were missing, and that the landlord had never repaired it. Nevertheless, the tenant fell through the railing and sued the landlord for his injuries.

Both courts ruled that a tenant can recover for negligent repairs only if the repair resulted in an increased danger that was unknown to the tenant, or if the repair gave the deceptive appearance of safety. The Court of Appeals was unanimous in affirming Judge Sheehan.