

leased for residential use for a term of one year or less, the tenant may assert as a defense, in addition to any other defenses authorized by law, that there exists upon the leased premises, or the property used in common of which the leased premises form a part, a condition which constitutes, or if not promptly corrected, will constitute, a fire hazard or a serious threat to the life, health or safety of occupants thereof, including but not limited to, a lack of heat or of running water or of light or of electricity or adequate sewage disposal facilities or an infestation of rodents.

(b) *Same; conditions.* The assertion of the defense provided for in subsection (a) shall be conditioned upon the following:

(1) Prior to the commencement of the action of distress for rent or the complaint, the landlord or his agent was notified in writing by certified mail of the aforesaid condition or conditions by the tenant or was notified by a violation or condemnation notice from an appropriate State or municipal agency, but that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same.

(2) Payment of the tenant into court of the amount of rent found by the Court to be due and unpaid, to be held by the Court pending the issuance of an order under subsection (d) of this section.

(c) *Answer to defenses.* It shall be a sufficient answer to such a defense if the landlord or his agent establishes that:

(1) The condition or conditions alleged in the defense does not in fact exist or that such condition or conditions have been removed or remedied; or

(2) Such condition or conditions have been caused by the tenant or members of the family of such tenant or of their guests; or

(3) The tenant has unreasonably refused entry to the owner or his agent to the premises for the purpose of correcting such condition or conditions.

(d) *Order of Court.* The Court shall make findings of fact upon any defense raised under this section or the answer to any defense and, thereafter, shall pass such order as the justice of the case shall require, including any one or more of the following:

(1) An order to set-off to the tenant as determined by the Court in such amount as may be equitable to represent the existence of any condition set forth in subsection (a) of this section which is found by the Court to exist.

(2) Terminate the lease or order surrender of the premises to the landlord.

(3) Refer any matter before the Court to the proper State, or municipal agency for investigation and report and grant a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the Court any rents which will become due during the period of continuance, to be held by the Court pending its further order or in its discretion the Court may use such funds to pay a mortgage on the property in order to stay a foreclosure.