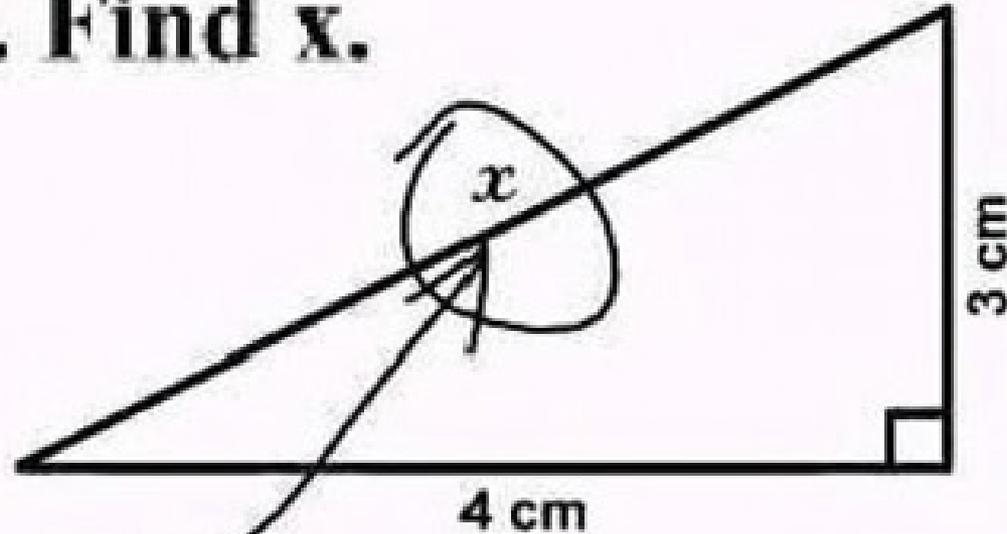


How to Be A Successful Landlord and Tenant



**PRESENTED BY THE
CLIENT SERVICES DIVISION
OFFICE OF THE STAFF JUDGE ADVOCATE
ABERDEEN PROVING GROUND**

3. Find x .



Here it is

SIMPLICITY

The simplest solutions are often the cleverest
They are also usually wrong

Forming The Lease



- Get it in writing!
- Check it out first –
 - The property
 - The tenant
- Leasing company vs. landlord
- Written security deposit receipt
 - Can't be for more than two months rent
 - Pet deposits are a security deposit!
- Military provision?
- Pay attention to the notice provisions
 - Who and where do you send notices?
 - How much notice is required to renew/terminate?



Moving In



- Move in/Move out checklist
- Take photographs of pre-existing damages
- Notify landlord/property manager of problems immediately



Being the Landlord



- Be prompt in dealing with issues
- Be clear in expectations
- Get it in writing!!
- It's your property, but it is their residence.



Being the Tenant



- Be prompt in reporting issues
- Be clear in expectations
- Get it in writing!!
- It's your residence, but it's their property.



When Things Go Wrong



WHEN LANDLORDS AND TENANTS GO BAD



Landlord Remedies



- **Written notice of breach of lease**
- **Refusal to renew lease**
- **Eviction**



Tenant Remedies



- Written notice to landlord of problems
- Written notice of intention to use self-help
- Rent escrow
- Complaint of non-habitability
- Option to not renew lease



Eviction



WHEN THINGS GO REALLY REALLY BAD



Eviction Process



Landlord

- Complaint Filed
- Parties go to court
- If rent still not paid, landlord may obtain eviction
- Right to redeem may be denied if three prior evictions entered

Tenant

- Tenant served with complaint
- Parties go to court
- Tenant may pay rent at any point prior to eviction being executed

Early Termination



Soldiers

- SCRA – if orders for PCS or TDY over 90 days, may terminate lease by giving copy of orders and written notice
- Effective 30 days after beginning of next rental period
- Maryland law – 30 days after notice

Civilians

- Not covered by SCRA
- However...
- May be entitled to reimbursement for unexpired lease expenses

Terminating the Lease



- **Must be in writing**
- **The following are NOT acceptable:**
 - On a post-it note attached to the rent check
 - I told that lady who used to work in the office
 - I asked the person who answered the phone and they said ok
- **Must send notice as specified in lease:**
 - to person specified in lease
 - within time specified in lease
 - to address specified in lease

Moving Out



- **Move in/Move out checklist!!**
- **Clarify expectations**
- **Schedule final walk through at mutually agreeable time for both landlord and tenant**
 - Should sent written notice 15 days prior to move out date
- **Take pictures of any disputed damages**

The Security Deposit



- **Must be returned within 45 days - with interest**
- **Or must send list of damages justifying why deposit was NOT returned**
- **May only be used for unpaid rent and damage to the property caused by the tenant beyond ordinary wear and tear**
- **The landlord may be liable for up to three times the amount of the deposit for failing to comply**

What is Ordinary Wear and Tear?



Ordinary Wear and Tear

- Minor scuffing on wood floor
- Minor marks or nicks on wall
- Closet door off track
- Stains on old porcelain fixtures
- Vinyl flooring worn thin

Damage

- Large gouges or scratches on wood
- Holes in wall (larger than nail size)
- Missing door knobs, damaged door
- Grimed coated bathtub or toilet
- Vinyl flooring with tears, burns or holes

What is Ordinary Wear and Tear?



Ordinary Wear and Tear

No, You aren't getting your Security Deposit back



Tenant Rights in Foreclosure



**WHEN THE LANDLORD STOPS PAYING THE
MORTGAGE**



Foreclosure Timeline



- Owner falls behind on mortgage (usually at least 90 days)
- Foreclosure action is filed
- Foreclosure sale may take place no soon than 45 days after filing
- After sale, court must ratify purchase (usually within 30 days)
- After purchase is ratified, title is transferred to new owner
- Title is transferred **WITH LEASE**

Protections for Tenants



- **Must receive notice of foreclosure filing**
 - Should I still pay rent??
- **Must receive notice prior to foreclosure sale**
- **After sale, new owner takes property with lease**
- **If new owner intends on occupying property, must give Tenant at least 90 days notice to vacate**
- **If new owner if not occupier, must allow Tenant to stay for 90 days, or until term of lease is over, whichever is longer.**
- **New owner is responsible for return of security deposit under original lease!!**



PICERNE

MILITARY HOUSING

Any Questions?



**ELIGIBLE CLIENTS PLEASE CALL 278-1583
FOR AN APPOINTMENT**

