

Get Your Agreements in Writing

by Nolo.com

Not many years ago, small landlords frequently rented their properties on the basis of a handshake--reaching oral agreement with their tenants on key terms such as the amount of rent and when it was due. Landlords who did provide a written rental agreement or lease often used a jargon-laden form bought at a local office supply store. It might as well have been written in Sanskrit for all the practical guidance it provided to tenants.

This casual approach frequently led to problems, and it is even less likely to work now. The landlord-tenant relationship has grown more complicated, for several reasons: Today, laws and regulations govern all aspects of renting residential property. There is greater turnover in tenants. Landlords have more responsibilities, tenants have more rights, and small claims court makes it easy to take disputes to a judge.

Heading Off Trouble

A landlord who provides no written lease--or one full of legal gobbledegook--often finds that the result is chaos. What happens if the fine print in the lease (which neither the landlord nor the tenant actually reads) says no pets, but the landlord turned a blind eye to the cat when the tenant moved in? With no clear agreement written down, every small disagreement--whether it's over repairs, the fee for a late rent check or deductions made from a departing tenant's security deposit--has the potential to escalate into a nasty legal battle.

There's really no excuse for not putting a clear agreement in plain English. In addition to heading off disputes, a good lease nudges the landlord to deal with key issues that might otherwise be overlooked. The result? Happier tenants and happier landlords.

Solving Disputes

A solid, complete paper trail is invaluable if disputes do develop--for example, regarding the landlord's right to enter a tenant's unit to make repairs, or the time it took for the landlord to fix a problem. Landlords can even run into trouble with someone they didn't choose as a tenant.