

Landlord-Tenant Dispute Resolution

by Nolo.com

How can landlords and tenants avoid disputes?

Legal disputes--actual and potential--come in all shapes and sizes for landlords and tenants. Whether it's a disagreement over a rent increase, responsibility for repairs or return of a security deposit, rarely should lawyers and litigation be the first choice for resolving a landlord-tenant dispute.

Both landlords and tenants should follow these tips to avoid legal problems:

- Know your rights and responsibilities under federal, state and local law.
- Make sure the terms of your lease or rental agreement are clear and unambiguous.
- Keep communication open. If there's a problem--for example, a disagreement about the landlord's right to enter a tenant's apartment--see if you can resolve the issue by talking it over, without running to a lawyer.
- Keep copies of any correspondence and make notes of conversations about any problems. For example, a tenant should ask for repairs in writing and keep a copy of the letter. The landlord should keep a copy of the repair request and note when and how the problem was repaired.

We've talked about the problem and still don't agree. What should we do next?

If you can't work out an agreement on your own, but want to continue the rental relationship, consider mediation by a neutral, third party. Unlike a judge, the mediator has no power to impose a decision but will simply work to help find a mutually acceptable solution to the dispute. Mediation is often available at little or no cost from a publicly-funded program.

For information on local mediation programs, call your mayor's or city manager's office, and ask for the staff member who handles "landlord-tenant mediation matters" or "housing disputes." That person should refer you to the public office, business or community group that handles landlord-tenant mediations.

If mediation doesn't work, is there a last step before going to a lawyer?

If you decide not to mediate your dispute, or mediation fails, it's time to pursue other legal remedies. If the disagreement involves money, such as return of the security deposit, you can take the case to small claims court. A few states use different names for this type of court (such as "Landlord-Tenant Court"), but traditionally the purpose has been the same: to provide a speedy, inexpensive resolution of disputes that involve relatively small amounts of money. Keep in mind that your remedy in small claims court may be limited to an award of money damages.