Imagine a college student’s first year at a university away from his hometown. The first thing he does is look for an apartment. This is an exciting time in his life—his very first apartment. To save time, he decides to use the Internet. He starts looking at pictures and finds the perfect apartment. Price, quality, size, everything seems to fit his needs. He calls the landlord. What a nice person! The landlord seems to be available, is courteous, and has all the necessary information. After going through the application process, the student receives a call from the landlord. He gets the place! The landlord tells the student that due to extenuating circumstances, he will be unable to meet the student at the apartment complex to sign the lease and take the security deposit. The student understands; these things happen. On the day in question, the student meets the landlord at a nearby Starbucks. The student meets with the landlord, and finally, he hands him the keys!

Once the student gets to the apartment, he realizes that it may not have been the perfect apartment after all. … The furnace is malfunctioning, the apartment needs repainting, there is rotten food in the fridge, and the student notices what looks like animal feces on the floor. He tries to call the landlord. No answer. Again and again, the student calls. No answer. The student thinks to himself, “The landlord was originally so available to me. Where is he now?”

Being a good landlord can make the world of a difference. Having good tenants starts with being a good landlord. This job entails a lot of work. It is a managerial position that comes with all the responsibilities that any business owner has. The landlord should be dedicated, calm, patient, and even has a sense of humor! Landlords should preferably have organizational skills. They need to manage and prioritize their time under sometimes very stressful circumstances. Furthermore, landlords should have business skills. When you own a piece of rental property, you own a business. You must have good business practices and rely on your sound judgment. Moreover, it does not hurt to have “handyman” skills. A landlord will occasionally need to perform reasonable maintenance and repairs on the premises. By competently handling minor repairs yourself, you are keeping your expenses at a minimum. Finally, with all the legal documents you will be handling, a landlord should have a certain level of legal knowledge. For example, you may have to explain certain landlord-tenant laws to tenants or your own employees.

Know your responsibilities.

• First and foremost, have a written lease. This may be one of the most important documents you use. This lease will protect you both and your tenant. Many free sample lease agreements are available to you. (See https://www.law.msu.edu/clinics/rhc/publications.html.) Utilize available resources but avoid statutorily prohibited provisions in your lease agreement.

• A landlord is required to provide the tenant with a copy of the lease and a full inventory checklist stating the condition of all fixtures and furnishings.

• Make sure you follow statutory guidelines as to the retention of a security deposit and you will avoid liability for conversion of funds! Non-compliance can expose you to serious liabilities.

• Avoid unpleasant confrontations with your tenants and collect rent consistently, on a fixed schedule.

• Be sure to preserve your tenant’s privacy. Landlords should always give at least 24-hours notice to tenants before entering the premises, and only then for reasonable grounds described by statute.

• Provide a safe environment. As a landlord, you have a statutory duty to keep the property in a habitable state. Make sure the property is safe for habitation, is sanitary, and complies with the local housing code. By taking care of your property, you will attract tenants who will also want to keep the property in a good condition.

Choose your tenants. Every landlord occasionally runs into bad tenants. However, you can mitigate damages by performing a thorough, fair, and reasonable background check. All applicants should be properly screened by running a reliable credit report, criminal background check, and by calling references. Nevertheless, do not discriminate. Avoid any wording in your advertisements, words, or actions that may indicate a certain preference, e.g., based on a preferred race or familial status.

How to be a good landlord
by Sophia Souffront, 2010 Graduate souffre@msu.edu

MSU College of Law Rental Housing Clinic Series

EDITOR’S NOTE: This is part of a series of articles by MSU College of Law students who are involved with the MSU Rental Housing Clinic. The series began in January 2010.

Lease do’s and don’ts
by Chad W. Garropy, 3L garropcy@msu.edu

To parody Forrest Gump’s mother, “[A lease] is like a box of chocolates, you never know what you’re going to get.” This is especially true when a landlord drafts a lease agreement without legal assistance. Unfortunately, many leases are littered with provisions that are strictly prohibited by Michigan law, and many leases lack provisions required by Michigan law. While many of these violations are curable, it is more worrisome that these violations are committed in the first place. It lends credence to the notion that the average landlord neither understands the relevant landlord-tenant laws nor takes the steps to ensure that a drafted lease agreement is in accordance with Michigan law. This is exacerbated by the naive tenant who signs a lease agreement without reading and understanding the legal terms.

To enable landlords and tenants to avoid legal complications, preemptive education is helpful. This would benefit landlords and tenants as well as the overburdened court system.

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