

Knowing Your Rights as a Tenant

by Brette Sember, Esq., April 2015

If you rent—be it an apartment, home, condo, or other unit—you have many rights you may not know about that govern your living space, your use of it, and your landlord's responsibilities. These renters' rights protect you legally and define a good working relationship with your landlord. Understanding them and how to enforce them if necessary, can help you be a better tenant, ensure that your living space is in fact liveable, and provide genuine peace of mind.

Getting in the Door

If you apply to rent a unit, you can't be rejected based on race, color, religion, age, sex, national origin, family status, or mental or physical disability under the federal Fair Housing Act. You likely have state and local laws in your area that further prohibit this as well as discrimination based on other categories. If you are rejected based on your credit check, the Fair Credit Reporting Act requires that your landlord must tell you and advise you that you can make a request in writing to find out what the negative information was.

Another factor in tenant landlord rights is that if you apply to rent and you have a disability, your landlord must make reasonable accommodations for you, such as installing ramps or leasing you a lower unit. Major remodeling is generally not required. If the building or unit contains lead paint, this information must be disclosed to you before you rent.

Habitation Rights at Home

One of your important tenant's rights is to a habitable residence. This means that the home must be safe to live in, without dangerous conditions and with usable heat, utilities, and water. Your landlord is required to make any necessary repairs to keep your unit in reasonable condition while you live there. An important component of tenants legal rights is the right to privacy. Your landlord cannot come into your home without notice and your state may have specific laws about how much notice you must be given if the landlord needs to enter for repairs or show the unit when you move.

Money Matters

There are specific landlord tenant rights about your security deposit. When you rent, you normally are asked for a security deposit to protect the landlord against damage you may cause. Some states set caps on these deposits, but even if they don't, your landlord must treat all renters the same and not impose a higher deposit without reason (a pet can be a reason for a higher deposit). State laws control how long the landlord has to return the deposit and if interest will be accrued. If some of your deposit is kept, you are entitled to written documentation of the damage it is being used for.

Eviction Issues

Landlord tenant law allows your landlord to evict you if you breach the lease (break a promise you made in the lease), including if you fail to pay your rent, have people or animals living with you that are not allowed under

your lease, or if you commit a crime on the premises. Your apartment renters rights entitle you to notice of a claim of eviction and time to pay the unpaid rent or fix whatever you have done to breach the lease. If you don't do so, then the landlord can file an eviction proceeding in court. You must receive notice of this and have a chance to appear in court. You will have the chance to file an answer with the court and present your side of the story. If your landlord is successful, you could be required to pay back rent and attorney's fees and a writ will be issued for your removal from the unit.

Be a Wise Tenant

To protect your apartment renters rights, be sure to read your lease carefully so you understand what you are agreeing to. Take photos before you move in to show the condition of the unit. Renter's insurance will help protect your personal belongings from theft and damage. Try to develop open communication with your landlord and report any repairs that are needed as quickly as possible. You might wish to join a tenants' association if there is one in your building or development. These organizations can help you understand your rights, provide access to legal assistance, and create better bargaining leverage with the landlord. Your landlord cannot retaliate against you for joining an organization like this.

Getting Help

Tenant rights disputes often focus on late or unpaid rent, security deposits, damage, or repairs that are needed. If you and your landlord are unable to resolve your differences yourself, using mediation through the local bar association or business association can be a low cost way to come to an agreement. If a landlord has violated the Fair Housing Act and has discriminated against you, file a claim with the Department of Housing and Urban Development (HUD).

You have renter rights that allow you to take legal action if your landlord breaches the lease, does not return your deposit (or deducts from it without reason), or does not keep your unit in reasonable condition. It is also illegal for your landlord to retaliate against you (raising your rent, evicting you, or refusing to care for the unit) for merely doing what is within your rights. You can file in small claims court for enforcement of your rights. If your landlord files a case against you, you must have notice, time to respond, time to fix what he or she is complaining about, and a chance to defend yourself in court. You always have the right to appeal any court decision.

As a renter, you have many rights and protections. Educating yourself allows you to make good decisions and be prepared for any potential problems that could occur.

If you are experiencing an issue with your landlord and would like to speak to resource for help, contact Housing Access for Washtenaw County (HAWC) at 734.961.1999,