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## **5 Things Your Landlord Won't Tell You**

By Kelli B. Grant , SmartMoney.com  
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### **1) "This building is in foreclosure."**

In late 2009, Melody Thompson called her landlords to ask about the well-dressed picture-takers outside her four-bedroom [Portland](#) rental home. "Oh, we're [refinancing](#)," she remembers them telling her. Then in late April, a formal bank notification arrived in the mail, stating that the home was in [foreclosure](#) and would be put [up for sale](#) in late August. "I was immediately angry," says Thompson, the executive director of Financial Beginnings, a financial literacy nonprofit. "They lied." The sale has been postponed twice as the landlords apply for a [mortgage](#) adjustment, but Thompson is still hunting for a new place.

Renters accounted for 40% of families facing eviction from foreclosure in 2009, according to the National Low Income Housing Coalition. And unfortunately, they often hear about it as Thompson did -- from the bank, just weeks before the sale, says Janet Portman, an attorney and the managing editor of legal book publisher Nolo. "The landlord wants the tenant in there, paying rent," she says. The lack of notice was so pervasive that last year Congress passed the Protecting Tenants at Foreclosure Act, which gives tenants at least 90 days from the foreclosure sale to move out. (Previously, they had as few as 30 days, Portman says.) Provided the new owner doesn't want to live there, the law also lets legitimate tenants -- those who signed a lease before the sale and pay a market value rent, among other qualifications -- stay through the end of their lease.

### **2) "You should complain more."**

When a steady drip, drip, drip of water from the ceiling led a third-floor tenant to complain, Adam Jernow, a principal at property management firm OGI Management in [New York City](#), assumed they were dealing with a leaky pipe. It wasn't until a week later, when the tenants on the top floor two flights above that apartment finally called, that he realized they were dealing with a big roof leak from heavy summer rains. Had upper-floor tenants complained sooner, Jernow says, they could have limited the damage, and that third-floor tenant might not have had a problem at all. So while renters often assume quirks like hot-then-not showers or moisture on the walls is just part of big-city living - or that complaining to the landlord will just open up a can of worms - keeping a property

owner informed can actually help a problem get fixed faster. Besides, most states require landlords to keep the property in good repair, with home systems and appliances in working order.

### **3) "There's more to negotiate than the rent."**

Rental markets in many cities around the country have improved this year, which means landlords have less incentive to cut you a break. Just 31% of landlords lowered rent in 2010, versus 69% in 2009, according to property marketplace Rent.com. All the major real estate investment groups are asking for higher rent on new leases, and about half are doing so on renewals, says Peggy Abkemeier, the president of Rent.com.

But the market hasn't improved so much that landlords don't have incentive to keep good tenants, she says. The survey found that 44% of landlords are willing to lower security deposits, and 22% will offer an upgrade to a fancier unit (think better views, quieter neighbors, newer kitchen) without raising rent. And there's still that 31% of landlords who will offer a price break. "It never hurts to ask," Abkemeier says. In markets where vacancy rates are still high, such as [Atlanta](#), [Las Vegas](#), [Orlando](#) and [Phoenix](#), tenants have a better chance.

### **4) "Your neighbor is not my problem."**

Loud music. Late-night parties. More foot traffic than a mall on Sunday mornings. Kevin Amolsch, the owner of real estate investment company Advantage Homes in [Denver, Colo.](#), has heard all of these complaints and more from the tenants in the buildings he manages. Trouble is, there's not much he can do. States' tenant rights laws make it tough for landlords to intervene when there isn't a clear violation of the lease. Even when a "right of quiet enjoyment" is in the lease, those noisy neighbors usually have time to mend their ways. "Two weeks later [when they are free and clear], it's going to start up all over again," Amolsch says. And so does the clock on their grace period to pipe down.

The best bet is to reach out to the other tenant and try to smooth things over directly, Amolsch says. If that doesn't work, report problems to the police as well as the landlord, so the situation is well-documented. That makes it easier to initiate eviction proceedings, he says.

### **5) "You may have more rights than I do."**

Brianne Vorse, a longtime renter, knows the number to her local tenant rights group by heart. Vorse first sought help four years ago to force her landlord to fix windows that wouldn't shut all the way, letting in cold air and the [San Francisco](#) fog. She called again after a sub-letter offered a higher rent if the landlord would break Vorse's lease and let him take over. "I found that [the landlord] couldn't legally do this," says Vorse, who sent the landlord an official tenant petition she found on the web site of the [San Francisco](#) Rent Board. "In the end, I got the apartment and kept the original lease."

Tenant rights vary widely by state, says attorney Portman. [Arkansas](#) doesn't even require landlords to provide "fit and habitable housing," but that's extreme. In the most renter-friendly states, including [California](#), [New York](#), [Illinois](#) and [New Jersey](#), renters without say, hot water, can withhold rent until it is fixed (or pay to fix it and deduct that from the rent). "If the landlord tried to evict you for that, you would win that lawsuit," she says. Landlords aren't necessarily any better informed about what they can and cannot do, so it's up to the tenant to figure it out. The U.S. Department of Housing and Urban Development maintains a database of tenants' rights by state, including groups that offer assistance with disputes.