

Disputing Unfair Landlord Charges

by Jason Ostendorf

A good landlord is a blessing, but a bad one can really cause you financial damage and a lower quality of life. Landlords have used ambiguous leases and a lack of knowledge of tenant rights to extort a lot of money from their tenants for repairs. They may even threaten to report you to collections if you don't pay up, which will affect your next tenant screening negatively. Here's what you can do to effectively prevent or dispute an unfair charge from your landlord.

Know Your Rights

First, you need to know your rights as a tenant. These rights vary from state to state, and few tenants ever do the necessary research to learn about them. The Department of Housing and Urban Development has a website where you can learn about the tenant rights of your state. It will instruct you on what your rights and responsibilities are as a tenant.

Once you're familiar with these, next you'll want to examine your lease carefully for loopholes that violate these laws. If you can conclusively prove that a portion of your lease is invalid, you may be able to get out of paying the fees your landlord is demanding. Consult with your lawyer to get a sure answer if you're unclear about any portion of your lease or tenant laws. Many states have a hotline that you can call for free legal advice about landlord-tenant disputes.

Keep a Paper Trail

Since you may end up in a court of law if you dispute your charges, it's very important for you document everything as thoroughly as possible. Take photos of the damage from multiple angles, with date and time stamps if possible. It's good to do this when you first move into a new home or apartment. Keep records of all correspondence, and don't agree to anything verbally with your landlord. Also, keep your tone professional and polite, even if your landlord is being a demon. If you go to court, the tone of your letters will be taken into consideration by the judge.

Remember that the landlord owns your property because he or she wants to make a profit from it. By staying aware of the appropriate laws, and sending polite, yet firm, letters stating your rights and the laws that back them up, you may be able to get them to drop their charges. If you can show that litigation is going to cost them more than the cost of the repairs, they may back off.

Also, landlords are required to keep detailed records of all repairs and cleaning costs. If you're charged a generic "cleaning" fee when you move out, request an itemized list detailing what they did and how much it cost. If they refuse to do that, then you've got a pretty good case. Your state may also require them to keep the invoices of the people they hired to clean your apartment. Ask for those as well if that's applicable. If they can legitimately show that you owe something, but are trying to take advantage of repairs that are normal wear and tear, own up to the stuff you owe and dispute the rest. Showing that you're reasonable will go a long way before a small-claims judge.

Seek Legal Advice

If you do all the above, and your landlord still won't back down, get some legal advice and don't be afraid to sue. It's a last resort, but if you have a strong case then it may be worth it. Make sure that you're suing the right person though! Many property owners hire out property management firms to take care of a property. If an individual manager isn't doing what they're told, you may want to talk with the company they work for first. If a lawsuit is necessary, you'll need to sue the firm and the actual owner to recover any damages. You'll likely have to go through arbitration or mediation first. Also, ask your lawyer if there are any organizations that might pay your court fees.

Most landlords want to have a good relationship with their tenants. A tenant that stays in a home means money is coming in for the landlord. Still, there are plenty of greedy landlords out there who will try to take every last bit of cash they can from you. Learn your rights and make sure your landlord knows you're familiar with the law. Keep calm and polite no matter how much they make you angry or frustrated, and you'll be well on your way to saving yourself a lot of cash.