

Legal Notes: December 2013

Landlord and tenant laws changed again. Long time readers of this column may remember that the Legislature made a number of changes to these laws a couple of years ago. They're at it again.

It is difficult to characterize the changes but they generally tilt the laws in favor of landlords by making it easier for landlords to do many different things. If you are a landlord, you should check with legal counsel before taking any steps against current tenants.

One area of change is with the tenant's possessions after the tenant leaves. Now, if the landlord gives the tenant notice, the landlord may summarily dispose of the tenants personal property that is left behind. As a general matter, this "personal property" is just junk, so the old storage rules were difficult for landlords and most often not observed anyways.

Check-in sheets must now be provided by landlords when a new tenant leases the property. Check-in sheets have been available informally for years, and are always a good way to protect both landlords and tenants from unfair or untrue claims of damage. Under the new law, the landlord must give a check-in sheet to the tenant. This change will help new tenants who aren't savvy about being tenants.

Most people are aware that a landlord has 21 days to either return a security deposit or provide a written itemization of damages. What has been difficult to determine in the past is when the 21 days begins running. Under the new law, the 21 days begins at the end of the rental term, not when the tenant vacates the apartment.

Finally, the rules for evictions have been sped up. Service of an eviction notice can now be made by regular mail instead of in person. The timelines for the eviction proceeding have been shortened.

Landlord/tenant law continues to be an area that many people dabble in to their risk. I often see someone have a rental or two make serious mistakes with their leases and general rental procedures. The management companies are often up on these changes, but if you are a small timer it would be worthwhile to check in with your attorney regarding these changes.