

Critical Information for Renters

Student Legal Services at Virginia Tech

(Not an agent of Virginia Polytechnic Institute and State University. A service of student government.)

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Save yourself hundreds of dollars and countless legal headaches by taking the following steps before you rent

- 1. See if there have been complaints about your landlord.** Check any files kept by the local Tenant's Association to see what may lie ahead. If there are no complaint files, speak with current residents (where you want to live) and ask them if they've had problems. You may be surprised by what you find out!
- 2. Ask for a copy of the written lease so you can schedule a time to review it with the Student Legal Services attorney.** Even if you think you understand what your lease contains, it's always a good idea to find out from a legal professional if you've missed anything. A lease is nearly impossible to break once you've signed it, and if you fail to understand what you sign, you might regret the consequences. If your landlord won't let you take a copy of the lease to review before signing it, ask yourself what your landlord might be hiding
- 3. Get renter's insurance.** If your personal property is damaged by loss, theft, or fire, your landlord might not be responsible for replacing it. A good insurance policy will protect your property, and is well worth the cost. (Most policies will cost less than \$200.00 a year.) You may be covered by your parents' homeowner's insurance policy, but make sure before you decide not to get renter's insurance. Compare prices from insurance companies before you get a policy, and (of course) review the policy with your attorney.
- 4. Sign a roommate agreement.** Even if you are best friends with your future roommate, there is always the potential for honest misunderstanding. By signing an agreement BEFORE you sign the lease together, you can cover all of the terms not covered by your lease (such as the split for payment of rent and utilities, cleaning duties, guest policies, quiet hours, etc.). Your landlord may not be able to help you resolve disputes against your roommates, which means that you may be stuck in a bad situation if things don't go as you planned. EVERYONE WHO HAS ROOMMATE PROBLEMS WISHES THEY SIGNED ONE OF THESE. Download a copy of a sample agreement from the Student Legal Services website, or the Virginia Tech Off Campus Housing website. Taking half an hour to construct and sign an agreement with your roommates could prevent countless problems in the future.
- 5. Before you move in, inspect the property, take lots of photos (or videotape!), and fill out an exhaustive damage report checklist.** If you fail to document the initial condition of your apartment before moving in, and you fail to get your landlord to acknowledge the existing damages (by signing your move-in checklist of pre-existing damages), then you WILL be billed for all damages when you move out. In fact, a landlord may be able to use your failure to submit a thorough damage checklist to renovate the entire apartment – including the replacement of all major appliances (refrigerator, stove and oven, microwave oven, toilet, etc.). They will also re-carpet and re-paint the entire unit at your expense if you can't prove that it was already damaged when you moved in. THIS HAPPENS OFTEN, AND IT COULD COST YOU THOUSANDS OF DOLLARS! Protect yourself by taking photos or a videotape of the interior of your apartment, and submitting a thorough damage report checklist within 24 hours after you take possession of the property (i.e.: you receive keys from the landlord to access the apartment). Make sure you get the landlord to sign the copy of the report that you'll be keeping, and put the date on it. Save this document to protect yourself!
- 6. After you move out, take photos (or a videotape), again, and get the landlord to sign an exiting condition report verifying the damages for which you will be billed.** Again, if you fail to do this, and damages occur AFTER you move out (from maintenance crews or anyone else), YOU WILL BE BILLED FOR DAMAGES! Protect yourself by requesting a walk-through inspection with your landlord. At the inspection, have your initial condition report, and an "exiting condition report" that specifically states the landlord inspected the property, that it exhibited no damages beyond reasonable wear and tear, and that the landlord personally

verified that you have cleaned and repaired everything that you needed to clean or repair to get a refund of your full deposit. GET THE LANDLORD TO SIGN AND DATE THE EXITING CONDITION REPORT, AND SAVE THAT COPY FOR YOUR RECORDS! If you don't, plan on losing your deposit, even if your landlord verbally states that your residence "looks good." If your landlord refuses to sign the condition report, photographic or videotape evidence is crucially important. See the Student Legal Services attorney if your landlord refuses to provide you with a signed copy of the exiting condition report.

7. Written contract terms may destroy any oral promises made by the landlord. If your landlord promises to fix something, or to provide you with a benefit or service, but s/he doesn't put it IN WRITING in your lease contract, you may never be able to enforce that promise. Often, written leases contain terms that say no other agreement or promise, other than any promise or term included in your signed lease contract, is valid. IF THEY WON'T PUT IT IN WRITING AND SIGN IT, YOU SHOULDN'T EXPECT TO HAVE THAT PROMISE HONORED. What's more, if there is no penalty clause (i.e.: if your landlord doesn't say what you can do if they refuse to honor the contract), you may not be able to ask for damages. See the Student Legal Services attorney for assistance with your contract.

8. Always put requests for maintenance, or any other remedy, in writing, and send them by certified mail. Keep a copy for your records. Even if you call the landlord to ask him or her to fix something, if you do not put your request in writing (in a manner that will provide you with a receipt, such as certified mail), it may never get fixed. Follow up every phone request or work order with a certified letter, summarizing the contact you've had with the landlord, already, and what they said in response (naming the specific agent you spoke to, and the date and time). Additionally, tell the landlord that s/he needs to respond to you IN WRITING within seven days if s/he disagrees with anything you've said, or that you will assume that they agree with everything you said in your letter. If the Virginia Residential Landlord Tenant Act applies to your lease, tell the landlord that s/he has 21 days to fix the problem, or that you'll take further action in 30 days to avail yourself of all legal remedies. You may wish to review your letter with the Student Legal Services attorney before sending it.

9. Always get a receipt when you pay rent. Even if you pay by check, your landlord may lose your check, and bill you for late charges. Get a receipt from the landlord every time you pay, or you may have to pay for someone else's mistake.

10. Insist that the Virginia Residential Landlord Tenant Act apply to your lease, in writing. You and your landlord can agree to have this law apply to your lease. Make sure it is included, by name, in your lease, and get the landlord to sign the change to make it effective. If this law doesn't apply to your lease, you may not be able to compel the landlord to fix anything, or to have them pay your costs if they breach your contract. Your lease may not be governed by this law if you live in a townhome, a condominium, or a single-family residence. See the Student Legal Services attorney for more information.

11. Utilize the Tenant's Association of Blacksburg. Register your compliments and your criticisms of your rental experience with the Tenant's Association. Help the next generation of fellow Hokies to exercise their consumer rights by letting them know what you thought of your landlord. Contact your student government representative for more information about this program.