Chapter 5 - Landlord and Tenant Law

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State Specific Books:


LANDLORD AND TENANT LAW

Landlord-tenant law governs the rental of both commercial and residential property. It is composed primarily of state statutes and the common law of contracts and real property. The tenant has property interest in the land (a non-freehold estate) for a given period of time before the property interest transfers back to the landlord. The tenancy may be a term of years tenancy, a periodic tenancy, a tenancy at will, or a tenancy at sufferance. The landlord-tenant relationship is based on duties proscribed by either statutory law, the common law, or the individual lease. These include the implied covenant of quiet enjoyment. The law also governs the act of transferring the tenant’s interest (i.e. subletting), privity of contract, commercial reasonability, eviction, abandonment, the implied warranty of habitability, and discrimination.

Landlord and tenant law is largely governed by state statutes, municipal ordinances, and state appellate case law (common law), and the terms of the individual lease. Many states have based their statutory law on either the Uniform Residential Landlord And Tenant Act (URLTA) or the Model Residential Landlord-Tenant Code. Federal statutory law and regulations are also implicated in cases of housing discrimination.

For further information, see:

www.law.cornell.edu/wex/landlord-tenant_law
https://realestate.findlaw.com/landlord-tenant-law.html

Research guides:

www.law.cornell.edu/wex/landlord-tenant_law
www.jud.ct.gov/lawlib/law/landlord.htm
www.atg.wa.gov/landlord-tenant

Secondary Works and Self-Help Books:

Cost: $47; $35.25 (eBook); from $46.95 (print); or $35.25 (Kindle) on amazon.com.

A succinct overview of the law and rules governing relationship between landlords and their tenants written for law students, but also useful to laypersons. The author discusses the creation, duration and termination of several types of tenancies, termination of the lease other than by expiration of its term, possession and use of the demised premises, repairs and improvements, transfers by the landlord and tenant, extensions, renewals and options to purchase, rent and security, rent control, and insurance and taxes. The author is professor of law at the University of Colorado where he teaches property, corporate and oil and gas law.

Cost: $24.99; from $11.69 (print) and $13.25 (Kindle) on amazon.com.

As a landlord, one of your greatest nightmares is being stuck with poor tenants. Poor tenants may fail to pay their rent on time, or at all, trash the home or apartment, engage in illegal activities, create disturbances, and other problems. High turnover is also costly, amounting to three times the average rent every time tenants change. The proper screening of tenants is, therefore, essential if you are going to avoid these issues and protect the value of your investment and preserve a steady cash flow. This volume addresses the full range of issues regarding the selection of good tenants, from compliance with antidiscrimination laws, to how to deal with current tenants, how to advertise effectively, showing your rental, preparation of the rental application and screening materials, fielding initial questions and phone screening, preparing your rental for an open house or showing, showing the rental and negotiating with prospective tenants, evaluating the rental application, checking the applicant’s credit report, checking landlord, employer and personal references, checking applicants’ criminal backgrounds, working with a tenant screening agency, choosing your new tenant, and how to reject a potential tenant. The appendices include a guide to editing RTF forms on the Nolo website and a list of forms. Janet Portman is Nolo’s managing editor who oversees editorial work on all Nolo books. She specializes in residential and commercial landlord/tenant law, legal issues related to courts, landlords and tenants, and neighbor disputes.