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Know your rights: The latest laws on the books protecting tenants

Photo by Dave Kennedy

The place a person calls home should offer a sense of safety and security. For those renting an apartment, house or condo, that sense of safety and security relies heavily on the landlord or property owner doing their part. Industry experts say it's not just a matter of crossing your fingers' and hoping the landlord is a stand-up person. The best defense for renters is to familiarize themselves with the latest laws on the books that offer protection.

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Know your rights: The latest laws on the books protecting tenants

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"Tenants have more rights and securities here (in D.C.) than many other places," says Jonathan Addison, owner of RentJiffy.com, premier rental property preparation and filing service in the Washington, D.C. metropolitan area. "Every tenant should know plenty of resources are available in researching issues as well as reporting complaints."

In recent years, says Joel Cohn, legislative director, District of Columbia Office of the Tenant Advocate, additional laws that protect tenants have been updated to address current issues including property foreclosures and more.

During the peak of property foreclosures in 2009, the federal government took action through the Protecting Tenants at Foreclosure Act that in part states:

- All tenants must receive a 90-day notice before being evicted as the result of a foreclosure.
- With some exceptions, the law requires that in the event of foreclosure, existing leases for renters are honored to the end of the

term of their lease.

- The stated exceptions are for tenants without a lease, tenants with a lease terminable at will under state law, or where the owner acquiring the property will occupy it as a primary residence. In these cases, the tenants must receive a minimum of 90-days notice to vacate the property.
- This law does not affect the requirements of any state or local law that provides longer time periods or other additional protections for tenants.

(Source Federal Deposit Insurance Corporation: <http://www.fdic.gov/news/news/financial/2009/fil09056.html>)

"One of the main misconceptions out there presently is that a landlord by virtue of a foreclosure can evict the tenant immediately," says Evan Langert, ESQ., of Langer Law Group in Maryland. "I've had several inquiries from tenants that have no idea what their rights are in foreclosure. However, protections have been enacted for residential tenants in Maryland. Even month to month tenants cannot be evicted immediately on the residential side."

In D.C., a law has also been updated to give tenants an opportunity to purchase a rental building once it is put up for sale, explains Cohn. Ever since the law was enacted in 1980, tenants have had at least a full 30 days to consult with attorneys and organize themselves before submitting the "letter of interest."

In 2009, however, the D.C. Court of Appeals abruptly ruled to the contrary. As a result, a tenant lost his right of purchase, despite the undisputed fact that he had mailed the letter with two weeks to spare. Unfortunately, due to a delay in delivery, the housing provider didn't receive the letter until a few days after the statutory time-frame expired.

"The new law makes the important technical clarification that the 'mailbox rule' applies. Thus, the legislature made its intent explicit and unmistakable: The tenant or tenant group preserves its rights so long as the 'letter of interest' is mailed at any point within the statutory time period," says Cohn.

Jim Russell, managing director of The Collingwood Group, a D.C.-based business advisory firm, says that some changes to Virginia code in recent years give renters more guidelines on lease termination.

Year-to-year lease: Either party can terminate lease by giving three months' notice in writing prior to the end of the lease.

Month-to-month lease: Either party can terminate lease by giving 30 days notice in writing.

"However, 120 days' written notice is required if the termination is due to rehabilitation or a change in the use of all or any part of a building containing at least four residential units," explains Russell. "Changes shall include but not be limited to conversion to hotel, motel, apartment hotel or other commercial use, planned unit development,

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This article was written by Heather Kempie in conjunction with The Washington Post Custom Content department and did not involve the news or editorial departments of this newspaper.

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rehabilitation, demolition or sale to a contract purchaser requiring an empty building.”
New laws in Maryland mean residents in residential apartments cannot be charged an amount larger than two months’ rent as a security deposit, says Langer. “This is far different than the scenario in a commercial rental, where the landlord can charge whatever the market dictates. I’ve seen commercial security deposits of six months or longer upon several occasions although they are not the norm.”
In addition, Maryland’s Minimum Livability Code, updated in 2009, was enacted to provide certain minimum standards primarily for rental properties including standards for basic equipment and facilities used for light, ventilation and sanitation and establishing minimum requirements for means of egress, fire protection systems.
Many of the regions’ rental markets are favorable towards tenants, says Russell. Tenant responsibilities are to pay rent, respect the property and comply with lease terms. “Renters really need to read the terms of the lease and understand their responsibilities,” he says. “There is tremendous opportunity as a renter to be protected and make sure you are safe and secure.”

FOR MORE INFORMATION PLEASE CONTACT:

D.C. Office of the Tenant Advocate
ota.dc.gov

Rental Accommodations Division (RAD), D.C. Dept. of Housing and Community Development
dhcd.dc.gov

Virginia Fair Housing Office
fairhousing.vipnet.org

Maryland Attorney General’s Office:
Landlords and Tenants: Tips on Avoiding Disputes
oag.state.md.us/Consumer/landlordTenantPDF.pdf

Public Justice Center - a nonprofit legal advocacy organization founded in Maryland in 1985 offers a tenant advocacy program
<http://www.publicjustice.org/our-work/index.cfm?pageid=85>

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