

Best Practices for Getting Safe & Healthy Rental Housing

1. Have a written lease
2. Getting landlords to fix things/make repairs, escrow, and self-repair:
 - Put things in writing → esp. important when landlords have a habit of doing things wrong
 - Document problems, with dates
 - Send written notices to the landlord with dates, such as “Please make repair by October 1 when rent is due”
 - Purchase a return receipt for the mail you send, so that you have a receipt showing you sent the mail to the landlord and it was delivered
 - ESCROW: You can exercise your right to escrow, or “set aside” your rent/withhold it from your landlord until repairs are made. You can make repairs yourself and take the money out of your rent. If your landlord challenges you in court, you will need detailed written and photos of the problems. You can also seek legal assistance from the sources listed below.
 - In order to legally escrow rent, you must notify the landlord in writing that you wish for them to make a repair by a certain date or the rent will go into escrow
 - How to escrow: You (tenant) have the rent, but keep it “set aside” until the landlord fixes the problem. You can keep it in you bank account as long as you do not spend it and you can document that you have the money. If you spend it you are not escrowing. You are just delinquent on rent, and your landlord can evict you. If you do not have a bank account and are hesitant to open one, you can contact the Asset Independence Coalition at 517.256.1466 or aic.midmichigan@gmail.com
 - SELF-REPAIR: Another legal option/ legal right for tenants if landlords do not make necessary repairs: Tenants can make the repairs themselves and subtract costs from rent. It is important to keep receipts and take photos. It is also important for the tenant to inform the landlord in writing that they intend to make the repair, and to notify them in writing once the repair is made, with copies of receipts.
3. Legal Resources:
 - Legal Services of South Central Michigan / Legal Aid
 - If client is within 25% of poverty, they will get help
 - 1-888-783-8190
 - Intake hours are M-Th 9am-11am and Thurs 5pm-7pm
 - MSU College of Law:
 - Brian Gilmore, 5147-336-8088, Brian Gilmore, bgilmore@law.msu.edu
 - Rental Housing Law Clinic Brochure
 - Tenants and Landlords Guide: www.law.msu.edu/clinics/rhc/LLTGUIDE.pdf
 - Identifying Abusive Landlord Practices & Foreclosure and Tenants in Michigan: www.law.msu.edu/clinics/rhc/BRIEFSMay2011.pdf
 - 2010 law allowing victims of domestic abuse out of a lease: www.law.msu.edu/clinics/rhc/GilmoreFreepArticle2010.png
 - Lease Do's & Don't and Being a Good Landlords: www.law.msu.edu/clinics/rhc/BRIEFS-2010-09-RHC.pdf
 - City of Lansing Home Repair & Resource booklet: www.lansingmi.gov/uploads/ResourceBookletCOMPLETE.pdf
 - Fair Housing Center of Southeast Michigan (includes Ingham County)
 - www.fhcmichigan.org
 - 877-979-3247

4. Frequent Questions:

- Is it legal for a landlord to garnish employee wages, when the landlord employs the tenant?
 - If a tenant and landlord have an agreement about rent being paid out of wages, it must be via written agreement and follow wage & labor department requirements
 - Or, it must be detailed in a judgment, from a judge, providing a writ to garnish wages
- Land Contracts: sometimes property owner does a contract that is skewed toward the landlord, with the intention of taking money but never transferring property. Is this legal?
 - Contract validity – the contract has to be registered to be valid/legal
 - In general, buying a house on land contract is risky because many times the contracts are set up so that if the buyer misses one payment, all of their previous investment is gone
 - Another problem with people buying on land contract is that they are still essentially tenants, but the landlord is not subject to rental registration rules/procedures/inspections. It can be a way for landlords to skirt the rental registration and inspection process
- What about landlords who let tenants pay rent on a house that is in foreclosure?
 - It wasn't already in foreclosure when the lease was created/signed, it is not illegal
 - New federal law prohibits leasing out a property that is in foreclosure
 - If a tenant can prove that the original landlord failed to disclose that a foreclosure was imminent, amounting to fraud, the tenant can sue the landlord for monetary damages -- the cost to the tenant of moving and any increased rent.
 - At the time the lease is signed, the more certain it is that the bank or county will foreclose, the higher the landlord's duty is to disclose the possibility of foreclosure during the lease term.
 - The "Helping Families Save Their Homes Act" of 2009 says that leases survive foreclosure and tenants can't be evicted unless the new owner intends to occupy the home, in which case the lease can be terminated with 90 days' notice. Month-to-month tenants, who were always subject to termination upon proper notice, can now be terminated after a foreclosure with 90 days' notice.
 - Even if the lease or rental agreement can be terminated with the notice above, the new owner of the property must still follow state eviction procedures in order to remove a tenant from the rental unit.
- What about when landlords ask for extra money?
 - This is illegal. Tenants needing legal advice on this type of situation or others can call the MSU College of Law Rental Housing Clinic at 336-8088
- What can renters do about unregistered rentals when they don't want to directly put pressure on their landlord?
 - There is a penalty for leasing an unregistered/unlicensed rental. Landlords are not supposed to collect rent if their property is not registered. Renters can call City of Lansing at 483-4361 to report a landlords' failure to register.
- Lansing-area courtroom “climate” on tenant/landlord issues?
 - Many judges in our area favor landlords over tenants. Some simply say they are “sick of people not paying rent” and rule in favor of landlords more often than tenants. In order for this to change, tenants would need to get more involved in elections and demand fairer treatment in court; and need to follow the procedures described above in the event that they chose to escrow rent.
- Tenant's Rights and Smoking: <http://mismokefreeapartment.org/tenants.html>;
<http://mismokefreeapartment.org/t2tenants.html> . Non-smokers with serious breathing disabilities or smoke allergies have legal protection under the Americans with Disabilities Act and the Fair Housing Act. If secondhand smoke seriously affects your ability to breathe, consult a doctor to have your condition documented.