

Compass Realty Management Group

"Pointing your investments in the right direction"



Next Month's Newsletter:
What IS a Rental Emergency?

Beware of Retaliation

Fair Housing law defines retaliation as an act of harm by the owner, manager, or agent against a resident or applicant because that resident or applicant has asserted their fair housing rights. This important legislation protects the right of the applicant, resident, prospective homebuyer, or loan seeker to file a discrimination case, or to participate in a discrimination investigation. Sufficient evidence can support a charge of retaliation even if it does not support the main discrimination charge.

A common retaliatory eviction often stems from landlords who do not want to provide reasonable maintenance. Here is a true instance of this action but the names used in this article are fictitious.

Compass Realty Management

Box 316
745 Chastain Rd STE-1140
Kennesaw, GA 30144
Phone: 404-312-6858
Fax: 404 393 3922
Email: Rent@compassrent.com

We are here for you!

We provide you with professional management services for residential properties throughout the metro Atlanta area. Our business focus is to care for each individual customer and cater to their individual needs in order to deliver the highest level of personalized service at a minimal cost. Our caring Attitude and commitment to the highest standards of integrity will keep us in the forefront of the industry and will always be the focus of our property management services. We are detail oriented and leave nothing to chance ensuring that we uphold your best interest well into the

Mrs. McElroy's tenant, Jane, usually put in a request for maintenance every time she paid her rent. She would always include a note in writing asking for some specific repair. Mrs. McElroy's answer was always, "the property never needed repair when I lived there," but she would reluctantly have the repair done in most instances. Jane's requests were reasonable and they were the owner's responsibility.

After a year, Jane's lease term expired and the rental agreement continued as a month-to-month agreement. After fourteen months of tenancy, Mrs. McElroy gave Jane a notice, stating, "I am not willing to do monthly repairs - you should find another landlord who will put up with your annoying requests." Obviously, Mrs. McElroy did not consult legal counsel or management advice. Jane quietly moved to another residence and then filed a lawsuit based on "retaliation," demanding payment for moving expenses and the emotional distress suffered by her family.

Mrs. McElroy consulted an attorney who, after reviewing the facts, advised negotiating an out-of-court settlement for the reimbursement of the moving expenses. However, Mrs. McElroy was enraged that she should have to pay anything and they subsequently went to trial. The court awarded Jane all moving costs, a settlement for unfair landlord/tenant practices, and all legal fees.

Here are more examples of a "retaliatory eviction."

- The property owner or manager gives a tenant notice because they have testified on behalf of another tenant in court.
- The property owner or manager gives a tenant notice because the tenant filed a complaint with a government agency, such as Fair Housing, rent control board, health department, etc.
- The property owner or manager gives a tenant notice because they have organized other tenants to file complaints against the owner or request repairs.
- The property owner or manager gives a tenant notice because they are associating with

people of a certain nationality that the landlord does not approve visiting his or her property.

Owners must also avoid "selective" retaliation, even though the tenant may be violating their lease; they should treat all tenants equally.

- The property owner or manager gives a tenant notice when they moved in a dog, but allowed other tenants in other units to have animals even though their lease also prohibited animals.
- The property owner or manager gives a tenant notice for paying late, but consistently allows other tenants in other units to pay late, without serving them notices to pay or quit.

There are tenants that make unreasonable demands, damage property, do not pay their rent, and who practice illegal activities endangering the investment. There are also times when owners want to move back into the property, sell the property, do major rehabilitative repairs that require vacating the property, or suffer damage from disasters that make the property uninhabitable.

There are many valid reasons that require landlords to vacate a tenant. However, it is important that a property owner and/or manager take the time to review the tenant history when contemplating giving a tenant notice to ensure that a court would NOT rule in favor of the tenant if they decide to file a lawsuit. Ignoring "any" warning signal that the action is "retaliatory" could be a costly matter.



Our Services

- Full-service residential property management
- Aggressive rent collection
- Technology driven company
- Extensive advertising/marketing of vacancies
- Competitive rental/leasing rents and rates
- Friendly, efficient full-time office staff
- Year end - tax ready summary statement
- Easy-to-read computerized monthly financial owner statements/reports
- Access to reliable, licensed and insured maintenance contractors
- Supervise/coordinate maintenance
- Thorough tenant screening
- Administer legal proceedings, if necessary
- Cooperate with Real Estate agents
- 24 hour/7 days a week availability for emergencies
- Digital photographs of available rentals on our website

Announcements

Check Your Insurance: Events can happen - flood, extreme heat, hurricanes, fire, and more! It is important to check your insurance to obtain the best coverage possible and ensure that it is current. Review now with your insurance agent before a disaster/emergency occurs.

If An Emergency Occurs: Our first priority during any emergency is to handle the situation, taking any necessary measures for the safety of your property and your tenants. Then, we will contact you as soon as we are able.

