



# The FindLaw Guide to Renting an Apartment

KNOW YOUR RIGHTS AS A TENANT

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# The FindLaw Guide to Renting an Apartment: Know Your Rights as a Tenant

Landlord tenant disputes can be especially stressful because they affect what is most personal to you – where you live. Here is some information that can help.

## Table of Contents

- Introduction
- Reviewing Your Lease
- Security Deposit and Rent
- Repairs and Maintenance
- Evictions
- Should I Talk to an Attorney?

## Introduction

There may come a time during a tenancy when a landlord tenant dispute arises. These disputes can pop up over many different issues including leases, tenant rights, responsibility for repairs to the property, rent, and more. In most situations, you may be able to resolve the dispute on your own.

However, if faced with eviction, an improperly withheld security deposit, or if your unit has been rendered uninhabitable, you may need legal assistance.

## Reviewing Your Lease

A lease is a contract, so you will want to understand what it says and how it will affect you. Examine the lease carefully and don't just sign it. A typical lease will cover how long you will rent the apartment for, how much you have to pay in rent, who

may live in the unit, whether you may have pets, penalties for not paying rent, how to cancel the lease, and other provisions.

Leases written on a preprinted form should be reviewed very carefully, because its provisions will probably greatly favor the landlord. Some terms to be wary of include automatic rent increases, shared utility meters, and agreement to obey future rules implemented by the landlord.

If you find terms that any of the terms are unacceptable, you can discuss the terms with your landlord and suggest alternatives. If the landlord won't budge, you'll have to decide whether you can live with the rental terms, or if you should walk away.

Don't rely on the landlord's verbal promise to allow or not allow something. Get the lease in writing. If you are unsure of any provisions in your lease, [FindLaw can help you](#).

## Security Deposit and Rent

When you sign your lease, you will probably be asked to put down a security deposit. The amount of the deposit can vary, but most states have laws that restrict how much a landlord can charge. A security deposit generally covers the cost of any damage or unpaid rent. Most states prohibit a landlord from charging more than one to two times the amount of rent. Some states also require the landlord to place the security deposit in a bank account and to pay the tenant interest on the deposit. After a tenant vacates a unit, the landlord must return the unused amount of the security deposit within the time specified by law.

Along with your security deposit, you will be paying rent to your landlord. The amount of rent you pay and when rent is due should be written in your lease. Most states do not recognize a legal grace period for paying late rent and you may be required to pay a late fee.




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## Repairs and Maintenance

A tenant has the right to live in a habitable property. But this does not mean that a landlord has to fix everything that you may find wrong with the apartment.

A landlord generally must fix any condition that renders your unit uninhabitable. This means that your landlord must ensure that the building is structurally sound, provide hot and cold water, ensure that the roof is not leaking, and keep the plumbing, electrical and heating systems all in safe operating condition. Also, if a rental property has become infested with pests, landlords usually must pay for an exterminator.

A landlord generally does not have to fix minor problems like dripping faucets, running toilets, and small holes in carpet, unless your lease says so.

## Evictions

Landlords usually cannot simply kick you out of your apartment, even if you are behind on rent. In almost all situations, a landlord must obtain a court judgment before evicting a tenant.

Generally, your landlord must first give you adequate notice of an eviction that must conform to certain formalities like being in writing. You are usually given an opportunity to cure the defect like paying back your late rent. If you don't do anything and continue living in the apartment, your landlord will usually file a lawsuit against you.

Each state has a different standard when it comes to tenant eviction, and there are often many procedures that must be followed before a landlord can lawfully evict you.

**STOP**

### Should I Talk to an Attorney?

If you need advice about a lease, want your security deposit back, are involved in an eviction proceeding, or are involved in any other dispute with your landlord you may need to speak with a landlord-tenant attorney. An effective lawyer can help educate you on state requirements for landlords and can ensure that your rights are enforced.

You can locate an landlord tenant lawyer now by visiting [www.findlaw.com](http://www.findlaw.com) and choosing among several quality-assured lawyers in your area.

## For More Information

Regarding renting an apartment and other landlord tenant issues, please visit our website at <http://realestate.findlaw.com>

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