

Exorcising the Tenant From Hell

By Mark Fitzwater

Experts in the field of landlord-tenant law consider education the most important step a landlord or prospective landlord can take before renting out property.

These days there are numerous books, periodicals, audio tapes and brochures packed with useful tips for successful property management.

There are also seminars and classes offered by local colleges, educational exchanges, adult schools and rental housing associations, to name a few.

Here are some tips from authorities in the field:

-- No matter how desperately you may need a tenant, thoroughly screen prospective tenants, then confirm all the information yourself.

Your rental application should gather as much information as possible from a tenant.

The application should include:

- Driver's license number
- Social Security number
- Bank account numbers and balances
- Their place of employment, job title and salary
- The names and phone numbers of former landlords
- The names and phone numbers of personal references
- **Run a credit check.**

Don't feel embarrassed about asking for the information. It provides greater protection against a tenant from hell intent on getting free rent and it can be helpful in

collecting any future judgments that may be awarded to you.

-- If you suspect a tenant from hell or one who has no intention to pay:

-- Don't let the rent fall months behind before you take action. When the rent is late, give proper notice then start the eviction action, which can always be called off.

--Evicting a tenant from hell:

If you hire an attorney, make sure he or she is familiar with the eviction laws.

Proceed with caution. No matter how tempting, don't take any kind of retaliatory action against the tenant. Turning off electricity, changing locks or doing anything that can be construed as threatening, humiliating, or abusive can pave the way for a tenant lawsuit against you and fine of up to \$100 a day.

Avoid all unnecessary one-on-one contact with the tenant. Keep written communication as neutral and businesslike as possible, no matter how angry you feel.

While you must accept rent from a tenant responding to a "Notice to Pay Rent or Quit," (the precursor to eviction action) within the time frame specified in the notice, accept no rent after that unless the tenant agrees to pay all your filing expenses and the entire back rent.

Any rent you accept after the notice may erase the progress in the eviction proceeding and require that you start back at square one.

Try to keep emotions out of it and view the situation as you would a soured business deal that needs to be solved.

Small-claims judgments give you the right to collect, if you can. Some tips in finding an errant tenant who owes you money:

--Contact all the references the tenant included on the rental application.

--Hire a collection agency, but realize that most charge 50% of what they collect and a landlord can't add such fees onto the tenant's judgment.

--Hire a private investigator who will charge a flat fee to find the tenant and locate his or her assets.

--Use the Freedom of Information Act (FOI) form to get any forwarding address left by the tenant.

--Consult Voter Registration records for the tenant's new address.

--File an "Abstract of Judgment" with the County Recorder's office. This will put a lien on any real estate the tenant owns or may in the future own. To get a loan or to clear his or her credit, the tenant may be forced at some point to contact you and offer payment with interest.

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