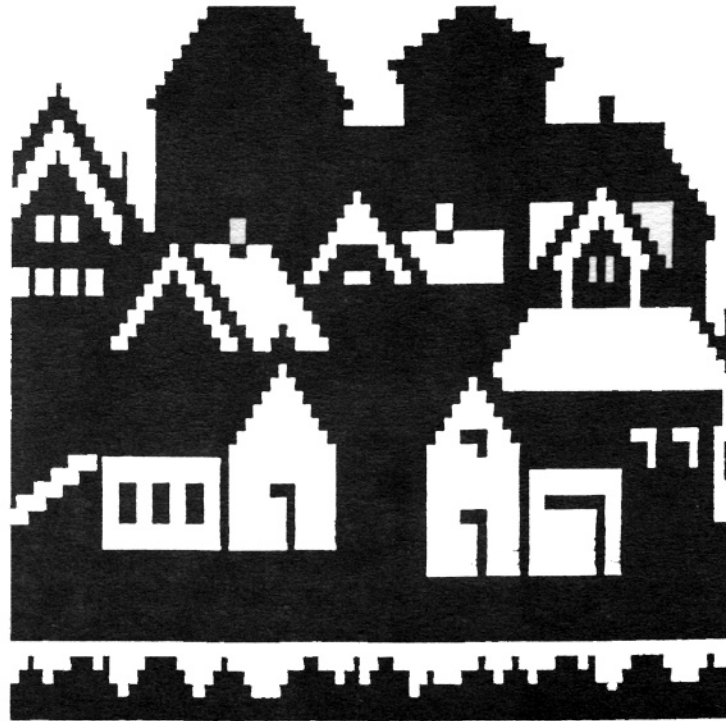


Landlords and Tenants



An ARGUE Project of the Community Literacy Center

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Community Writers:

Kevin McCartan

Lynn Monroe

Dan Reitz

La Vonne Walker

Project Leader:

Lorraine Higgins

INTRODUCTION

In the Fall of 1991, a group of four people met at the Community Literacy Center to begin a conversation about landlord/tenant disputes in the city of Pittsburgh. The group included LaVonne Walker, a single mother who had moved “ten times in ten years” because of problems with absentee landlords and poorly maintained apartments. Also participating were Lynn Monroe, who had earned a local reputation as a landlord/tenant mediator and” Dan Reitz, a grassroots, community organizer who had witnessed the damaging effects of rental disputes while working to develop urban neighborhoods on the North Side. Kevin McCartan, a community developer, played devil’s advocate and shared his experiences and insights as a landlord.

Working in a five week ARGUE project at the Literacy Center, the group produced the following document - four scenarios that illustrate common conflicts between landlords and tenants, a list of alternative strategies that might prevent these conflicts, and a list of resources. Lynn, Dan, Kevin, and LaVonne invite you to extend this conversation by responding and contributing to their ideas.

In bringing your experiences to these materials, you may want to consider:

- What conflicts have not been represented by the scenarios in this document? What are some useful strategies that you can recommend”?
- How would you interpret each of these scenarios from a landlord’s perspective? From a tenant’s? From the perspective of an outsider who happens to live in the neighborhood? Can you rival or challenge the ideas presented here?
- Can you recommend other useful resources that landlords and tenants should know about?

We want to hear how your organization uses and responds to this document. Please join this important conversation by contacting Lorraine Higgins at the Literacy Center. Our annual newsletter and related publications will be sent to you upon request.

The following excerpts reflect the ARGUE process and document two of the four Scenarios developed by the team to represent common conflicts and lead to What If responses. This document was then used by a 2nd group to create the Landlord/Tenant Handbook - a readable guide to dealing with these problems. For a study of this collaborative, problem-solving process see “Conflict in Community Collaboration,” Flower and Deems. See Community Literacy Bibliography.

SCENARIO ONE

ORIGINAL CONDITION OF PROPERTY

It is a beautiful Spring day, but even the bright sunshine can not brighten Sally's spirits. Her spirits are low because she has not been able to find an acceptable apartment for herself and her three children. Every apartment she has seen so far has been dirty and not fit to inhabit. Perhaps the next apartment will be the right one. Mr. Jones was very nice on the phone and his building seemed to be in a nice location.

Sally is greeted at the door by a clean-cut, middle-class-looking man. "Welcome Sally, come in," he says. Sally's spirits begin to lift as she walks around the apartment. The walls are clean and, generally, the place is in good condition. But there are a few things that could be better. Sally pushes this thought out of her mind, though, because she is tired of looking and desperately wants to have a place to live. Besides, she might make the landlord mad, acting as if his apartment isn't perfect. Perhaps she should ask if he intends to repair some of that damaged tile in the kitchen or when the broken pane of glass will be fixed. Maybe she should ask him now to repair the torn vinyl in the bathroom.

"Why sure the place needs some fixing up, but I'll fix those things," he reports as he continues to point out the best features of the apartment. His word is good enough for her. She signs the lease.

A few months after Sally moves in, she calls the landlord to ask why he has not yet repaired the kitchen tile. He agrees to come over that afternoon and have a look at it. When he arrives to inspect the kitchen, he leans over and runs his finger across the deep scratches in the kitchen cabinet. The cabinet is splintered and pulling away from one of its hinges. Sally had noticed the broken cabinet herself the day she had first looked at the apartment, and had hoped he would fix it sooner.

"What is this?" he says. "What's happened here? Why should I fix the place up if you are just going to tear it up?" He looks over at her son's tricycle, which is parked near the kitchen door. "If you are going to let your kid crash his bike around in here, then you'll have to pay for it." Angered, Sally starts to defend her son. She tells the landlord that the scratch was there when she moved in, but he quickly denies it.

"No, no, absolutely not. YOU are responsible for this problem, and YOU will pay for a new cabinet door by next month's rent. Otherwise, I'll deduct it from your security deposit. You decide." He continues to grumble as he walks out the door, too angry to discuss the kitchen tile.

Two months later, Sally stands her ground. She not only refuses to pay for the cabinet, but she is withholding her rent until the landlord agrees to fix the tile and the cabinet at his expense. The landlord grows angrier by the day and plans to take legal action against Sally.

WHAT IF...

What if the tenant had spoken up about her expectations during her first visit to the apartment?

Many tenants feel that saying bad things about an apartment is risky. They might be seen as a picky tenant and be turned down. But honest communication is a must in good landlord tenant relationships. If you have concerns, express them. If you notice damages, point them out.

What if the landlord had provided the tenant with a renter's checklist?

The checklist (a list of damages and problems) provides protection for both the tenant and landlord. The tenant can use it to record the original condition of the property when she first sees it. The landlord can also be sure about which damages are new and which existed prior to rental. It is a good idea for both parties to review the list together and sign it.

What if the landlord did not have a checklist?

Sally could have taken it upon herself to write a list of damages and a set of reasonable deadlines for fixing them. Her list might have been signed by both parties and the repairs might have been treated as a condition for moving in or paying the first month's rent. In negotiating the repair deadlines, she and the landlord would have developed a clear set of expectations and responsibilities.

What if the tenant or the landlord had taken pictures of the apartment between rentals?

Dated photographs might be an even better record of the original condition of an apartment, and might be used in conjunction with a checklist.

What if the landlord had fixed what he said he would, even after finding out about the new damage?

The landlord should not shirk his responsibility by using the "new" damage as a reason. Since he promised to do the repairs, he should have done so in a timely manner, preferably in a time frame both parties had agreed to in writing.

What if...

SCENARIO FOUR

COMMUNITY CONFLICT

What happens when a landlord gives no thought to the character of his tenants, so long as he gets the rent?

St. Luke's Square is a neighborhood in transition. Over the past several years, roughly 65% of the fine, roomy houses there have remained owner-occupied. These homes are beginning to change hands as the population ages, however. Many have been converted to duplexes over the past eight years and are now showing signs of wear. Rents are declining in value.

Enter David Martin, a delivery person for UPS. His income has allowed him to purchase two vacant duplexes on Lafayette Avenue. He is using his savings to refurbish all four units. Upon completion of all four units, he is able to find three tenants after two months of advertising. This will cover his debt service, all the taxes, the water and sewerage and a portion of garbage removal. He has set aside \$1400 for maintenance problems that might arise.

After a couple months, David encounters a problem with the heating system in two units. This problem completely wipes out the \$1400 left in his savings account. In response to his cash flow situation, he places a sign on the building looking for a fourth tenant. He expects to receive \$300 a month plus utilities. This will cover the waste disposal bill and give him a cushion to rebuild his savings account for any future emergencies.

Three more months go by and he has also had to dip in his pockets to fix a plumbing problem (\$230), and the other furnace needed a new motor which took an additional \$285 to fix. In April, six months after he rented the first three units, he has a prospective tenant for the fourth unit. With the heating season nearly over, he feels that he will have enough breathing room over the summer to build up a reserve for the fourth unit he is sure will fail in the fall.

The new tenant, Reba Wynn is willing to pay the \$300 per month from her SSI and child support. She has three children, a son who is six years old and twin daughters who are 14 years of age. Reba is a single parent who is dating Malcolm who occasionally stays at her place. Reba met Malcolm in December at a New Year's party. David likes the Wynns and is overlooking Malcolm in the equation because he needs to rent the apartment. He does the background on the Wynns and everything checks out fine.

On the first of May, the Wynns and Malcolm move into the apartment. They pay David the first month's rent and give him a security deposit. The next few months, Reba is late only once, but the heating unit gives out on the last cold day at which time she calls David. He hedges his bets and doesn't actually need to fix the problem until fall. In September, Reba is extremely late with the rent, because she used most of the money to buy school clothes for Sherri, Carrie, and Woodruff. She does finally pay on the 20th of the month. The problem arose because Malcolm lost his job due to a slow down in the construction industry. He did look for a while, but now spends most of his days hanging out with his buddies. Sometimes at the apartment.

With a change in the weather, Malcolm has more friends in, and they are starting to get louder with each party. Reba has taken a part time job that will enable her to make up for a small portion of the money lost with Malcolm's job. By November, the three other units in the building have started to complain about the noise and the public urination in the late afternoons. This occurs when Reba is working. The homeowners around the building have also started to call city complaint centers and the health department about the problem. David talks to Reba about the situation and she assures him that it will change. Reba likes the apartment and doesn't want to move in the winter. David is concerned about keeping the building full.

When Reba talks to Malcolm he assures her that the tenants of the building will not hear anything else. He moves the party out to the sun porch which has no common wall with anyone else in the building. The problem does arise that the Monroe's sun porch is at an angle that looks into the yard of Reba's sun porch where the guests of Malcolm's little soirees relieve themselves between kegs. Mrs. Monroe's crocus and daffodil bulbs are being watered by the plethora of guests in and out. She also develops a distinct repulsion for CC Music Company that plays loud and long (Everybody Dance Now). The neighbors become prisoners in their own homes. Eventually, they contact David with a petition, which is duly ignored. Mrs. Monroe can't figure out why some of the guests would want to suck sugar into their noses, either.

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Community Conflict, continued

Finally Mrs. Monroe calls a local neighborhood group. During this time several FOR SALE signs have gone up around the problem property, the police are called infrequently and there is a steady string of visitors that stay for very short periods of time. She relays this to the community worker, and a letter is drafted to the owner of the building. This letter is duly ignored. The street suffers. The only alternative left is to get the landlord's attention. The City Police are informed about the parties with the possibility of drug activity. The Health Department, Building Department and Children and Youth Services are called about the situation.

The police come, the noise dies down, and then it escalates again after they leave. This is to keep from cutting into Malcolm's new cash business. The Building Department does take David to Housing Court about the repairs necessary from parties and drunken guests. He fixes the broken banisters. The Health Department doesn't find any health code violations. CYS calls before each visit, and the best they can do is monitor the situation. Finally, most of the owner occupied homes on the street end up on the market and selling prices fall in response to the glut, not to mention prospective buyers hearing and seeing the party atmosphere that prevails every afternoon.

Eventually, David's other tenants begin to leave due to parking and noise problems. They are replaced with less desirable tenants to keep the rent coming in. The new tenants start to fall behind in their rent and the building is no longer close to breaking even. In April, David loses the building to the bank.

The neighborhood is left with vacant duplexes for sale and many of the owner occupied homes are for sale or have been vacated. David loses his investment. The good tenants start to steer clear of the area. The homeowners practically give their homes away. Ultimately the neighborhood loses.

WHAT IF...

What if there were a way to inform neighbors about this problem on a broader basis?

A local community group could have publicized the events in their newsletter or concerned residents might have sent out a mailing in the targeted area to increase pressure on the landlord and police.

What if there were a process in the community to handle the situation before it got out of hand?

- The neighbors could have called the police.
- Silent complaint forms sent in by several neighbors could have moved the problem up on the police priority list while protecting the identity of the persons filing the complaints.
- A block watch committee could have created a plan of action.
- The neighbors could have agreed to testify in court in support of the landlord, which might have encouraged him to take action.

What if the landlord had taken action sooner?

- He could have worked with a community group that helps locate quality tenants or could give advice about good screening procedures (for example, the PHASE Organization on the North Side of Pittsburgh).
- He could have responded early to the neighbors' letter, before things got out of hand completely.

What if new landlords were better educated about the real costs of managing a building?

- David's unexpected desperation for cash put him in a situation where he had to keep renting. If he had saved more in advance, knowing what could happen, then things might not have turned out as they did.
- It would be great if housing groups could mentor new or prospective landlords about strategies they can take when problems occur.

What if...