

IS YOUR LANDLORD HARASSING YOU?

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Discover an overview of landlord-tenant laws and tenant protections against landlord harassment so you can defend your rights. Article updated January 2019.

Despite laws and guidance that promote positive landlord-tenant relationships, sometimes personalities get in the way of smart business practices (and common human decency) that create situations where a tenant feels threatened or harassed by their landlord.

WHAT IS LANDLORD HARASSMENT?

Landlord harassment is when a landlord or property manager willingly creates a situation where a tenant

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feels uncomfortable, so uncomfortable that they wish to move or terminate a lease agreement. Landlord harassment and tenant harassment are sometimes used interchangeably to refer to a tenant feeling harassed by their landlord.

Harassing a tenant with the intention of making their living situation so uncomfortable they want to move or terminate a lease agreement is illegal.

Unfortunately, some landlords have turned to harassment in order to get tenants to move out of rent-controlled units, as seen in New York and California. Landlord harassment is considered such an issue in major cities of these states that specific laws and protections were created to protect renters and punish violators. See San Francisco, Santa Monica, CA, and NYC for examples of tenant protections against landlord harassment.

Getting accused of harassment is a serious issue that a landlord should not take lightly. If you find yourself butting heads with your tenant, as long as your tenant is not violating any lease terms, you have to let them live in the property throughout the duration of the lease. Both renters and landlords need to be aware of what constitutes true harassment.

HERE IS AN OVERVIEW OF WHAT IS NOT ACCEPTABLE BEHAVIOR AND WHAT COULD BE CONSIDERED HARASSMENT:

- Taking away services provided in the lease (such as parking or laundry)
- Shutting of utilities for the purpose of harassment or eviction

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- Entering an apartment without proper notice
- Changing the locks while a tenant is away
- Offering to buyout a tenant if they move and threatening an eviction if the tenant says no
- Performing unnecessary inspections, too often or at extremely inconvenient times for the tenant, like the middle of the night
- Lying or intimidating a tenant
- Giving a “three-day notice” or other eviction notice that is based on false charges
- Using fighting words or threatening bodily harm
- Refusing to do repairs that are required by law
- Intentionally disturbing a tenant’s peace and quiet
- Interfering with a tenant’s right to privacy
- Refusing to acknowledge receipt of a lawful rent payment

WHAT TO DO IF YOU FEEL HARASSED BY YOUR LANDLORD:

You should always try and resolve an issue directly with the owner. If you rent from a property manager, talk to their manager or the owner of the management company. Clear and active communication can effectively solve a lot of problems and may settle a simple misunderstanding. If you have tried to work out a disagreement civilly and still feel harassed by a landlord, you should talk to an attorney about filing an official complaint and possibly seek damages.

A HARASSED TENANT SHOULD ALSO TAKE THE FOLLOWING STEPS TO PROTECT THEMSELVES:

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1. Keep a log of every encounter you have with your landlord. Make sure to take note of the time, date, and what was said.
2. Write a letter to your landlord asking for the harassment to stop. Send the letter with proof of mailing and keep a copy of the letter.
3. Ask a witness to be there for landlord interactions. Witness accounts and video recordings of your interactions can be used in court as long as they were done legally.
4. Keep copies of all rental agreements, letters, notices, photos, names of witnesses, notes, and any other evidence used to support your claim.
5. Call the police if you feel like you are in danger or your safety is threatened

Pro tip for landlords: If your tenants are accusing you of harassment, you will benefit from following these same tips. Take detailed notes of all your interactions. Use software designed for landlords to keep excellent records. Ask for a witness to join you and even record tenant interactions. Understand the law and know what qualifies as a legal eviction. Work with an attorney familiar with landlord-tenant laws in your state and city.

Some uninformed renters will be quick to assume they are being harassed when a landlord is actually performing normal rental management business.

HERE ARE SOME EXAMPLES OF WHAT IS NOT CONSIDERED HARASSMENT:

- Routine Inspections with proper notice
- Entering your property in the case of an emergency, like a gas leak or flood

- Routine Drive-By Inspections
- Installing outdoor security cameras for tenant and property safety
- Calling you regularly to collect past due rent
- Sending you notices to rectify a lease violation
- Giving you an eviction notice for failure to pay rent or for other lease violations
- Raising the rent to match market rates and providing proper notice
- Raising rent every year, even if the property has not been updated in a while
- Collecting money for property damage caused by the tenant beyond normal wear and tear
- Not repairing a washing machine that is owned by the tenant

LANDLORD RETALIATION

There are additional protections for tenants against landlord retaliation. If a renter has asserted his rights to stand up against harassment or filed a complaint against a landlord who isn't making repairs, most states consider any retaliation from a landlord in response to these actions as illegal.

Nolo provides a good explanation of State Laws Against Landlord Retaliation :

In almost all states, it is illegal for a landlord to retaliate against you for acting within your legal rights—for example, if you have:

- complained to a building inspector, fire department, health inspector, or other governmental agency about unsafe or illegal living conditions^{[P]_{SEP}}

- exercised your First Amendment rights to assemble and present your views collectively, as in joining or organizing a tenant union, or
- availed yourself of self-help strategies allowed by your state or local law, such as deducting money from the rent and using it to fix defects in the rental unit, or even withholding the rent entirely for an uninhabitable unit.

It's important to understand that the antiretaliation laws will shield you only for those activities that are mentioned in your state's statute. Not all states protect tenants for all three types of actions mentioned above. To see what's covered, see your State Laws Prohibiting Landlord Retaliation. For example, in Washington, DC, a tenant who circulates a petition demanding better services cannot be retaliated against; but that same activity would not be protected in Florida, since "exercise of a legal right" isn't included in Florida's statute.

Also, keep in mind that eight states—Georgia, Idaho, Indiana, Louisiana, Missouri, North Dakota, Oklahoma, and Wyoming—do not have statutes or court decisions protecting tenants against retaliation. –

<https://www.nolo.com/legal-encyclopedia/free-books/renters-rights-book/chapter11-1.html>

Landlords and property managers are required to provide a safe and secure living situation for their renters. Refusing to make repairs, intimidating your tenants, or retaliating against a tenant complaint is against rental housing regulations and will negatively affect a renter's experience living on your property. If a renter feels threatened while living on your property or feels like you are treating them unfairly, they may be within their rights to file a

complaint and work with an attorney to take you to court for damages. Housing providers need to be familiar with all landlord-tenant laws and any tenant protections in your area in order to best protect yourself from unintentionally harassing a tenant.

Want to learn more? Discover some examples of landlord harassment cases where a tenant was awarded damages for Outrageous Landlord Conduct, as reported by Tobener Law Center of San Francisco.

FEEL LIKE YOU ARE BEING HARASSED BY YOUR HOUSING PROVIDER?

Rentec Direct provides this content for educational purposes only. We cannot offer advice or tips on how to deal with your harassment case. If you feel like you are being harassed, please contact your local housing authority and speak with a lawyer. If you feel like you are in danger, contact the police.

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