

SAIL THROUGH EVICTIONS

By Michael Monteiro, Building LLC

HOW TO SAIL THROUGH YOUR NEXT EVICTION

For obvious reasons, most landlords dread evicting tenants. But for as stressful as evictions can be, there are a number of things you can do to increase your chances of a positive outcome.

Following are some tips to keep in mind should you find yourself in a position where evicting a tenant becomes necessary.

1. Have Sufficient Reason

First and foremost, it's absolutely imperative to ensure that the law recognizes your reasons for eviction as valid (be sure to check your specific state and local laws before beginning any eviction).

Despite the fact that it's your property, tenants have rights too and any deviation from what is required by law may ultimately result in a lot of legal grief.

Generally, valid reasons for eviction include continuous lack of payment (eviction does not usually result from a single month's missed rent), the end of a lease term, or a broken lease clause.

2. Know Your Eviction Time Lines

Although you may be tempted, it's never okay to move a tenant's belongings out of his apartment without serving the eviction through proper channels, all of which require a certain time frame that will be dictated by state or local law. Also, make sure that the grace period included in your rental agreement (the time the tenant is given to pay you in full) has passed.

But once you've carefully ensured that you are following the proper procedures, do make sure that you stick to the time lines imposed on the tenant in question. Mike Brewer of the M Brewer Group explains that in the course of overseeing thousands of multi-family units in various parts of the country over the past 15 years, he has seen many landlords trip up by "not following through with the consequences put in place. For example, you agree to accept a promise to pay from a resident and when they fail to follow through, you make another arrangement ... or worse, you do nothing. Given the length of time it takes to get through the eviction process, it is best to apply consequences in a timely fashion."

3. Be Prepared for Court Proceedings

Many eviction cases end up in court, so be sure that you are prepared. It's important that you have all the background documentation necessary to prove the validity of your case. Remember, although your

property is under question, the eviction process involves the removal of someone from their home so courts are sometimes sympathetic with the tenant.

4. Record Keeping Pays Off

Unfortunately, it's often impossible to predict when things are going to go sour with a tenant – if it were, evictions wouldn't be necessary in the first place. Keeping meticulous records for all of your tenants by using property management software or a similar organizational tool is the best way to guarantee that if you do find yourself in a legal battle, your case will stand up in court. Recording payments, complaints, and maintenance and repairs made to all units ensures that you will be able to make your case. Brewer says, "The biggest hurdle I have seen time and time again is failure on the manager's part to have the necessary paperwork in place. It sounds cliché but it's true: dotting your I's and crossing your T's during the move-in process is paramount when it comes to evicting a resident."

5. Keep Your Cool

This may sound like a peripheral point, but remaining calm and rational during the eviction process is critical. This is a legal matter and any emotional outbursts or actions may come back to haunt you down the line. If you feel that you are unable to do this, communicate with your tenant only through writing or through a third party. Brewer advises, "Many times our innate sense is to treat people we are evicting with a tinge of selfish satisfaction. I think the main thing to keep in mind is that you are dealing with an emotionally-loaded situation and to the extent that you can preserve one's dignity, you come out ahead."

Of course, the best way to deal with evictions is to do everything in your power to make sure they never happen in the first place. Says Brewer, "education at move-in is everything. I hesitate to overuse the term emotionally loaded but, at the same time, move-in day is laced with just that. We disclose a lot of information to our new residents and eviction is usually not one of the topics. What I would suggest is to include some dialog along the lines of, 'If you find yourself having a tough time paying rent, come and talk to us early about your options.'"

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