

Renter Education for  
Neighborhoods & Tenants

## Presentation - Part 1

A Program of Step Up to Justice



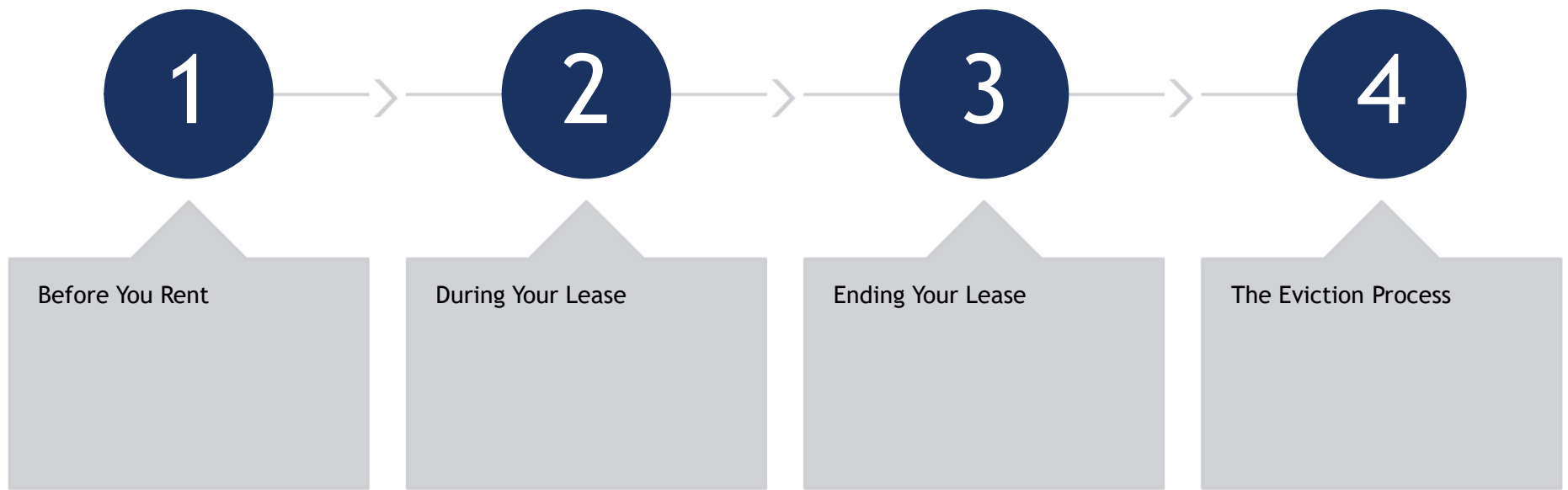
# In this presentation, we will cover the AZ Residential Landlord & Tenant Act

# Does the Residential Landlord and Tenant Act apply to you?

- ▶ Are you renting an apartment, house, condo, or room?
- ▶ Are you living in a mobile home and rent both the home **AND** the land underneath the home?
- ▶ If you answered YES to either question, this presentation is for you!

# Does the Residential Landlord and Tenant Act apply to you?

- ▶ If you own your mobile home but rent the land underneath it, visit SU2J's Mobile Home Asset & Property Protection (MAPP) Project online resource page. There, you can receive more information about the Arizona Mobile Home Parks Residential Landlord and Tenant Act.
- ▶ <http://www.stepuptojustice.org/mapp-project>
- ▶ <http://www.stepuptojustice.org/mapp-project-spanish>




# Core Concepts of the Program

# Before You Rent

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# Your lease is a contract between you and your landlord.

- ▶ A lease does not have to be in writing. But it is strongly recommended that you have a written lease. That way, you and your landlord are clear about your agreement.
- ▶ Before you sign your lease, READ your lease.
- ▶ If you have any questions about your lease or if you don't understand what it says, contact Step Up to Justice or an attorney.

# Read your lease before you sign it and look for this important information

- ▶ Names of the parties (you and your landlord)
- ▶ Correct address of the rental unit
- ▶ The length of the lease with start and end dates
- ▶ Rent amount
- ▶ Security Deposit
- ▶ Utilities - are they included in rent or charged separately?



# A potential landlord cannot discriminate against you for certain reasons

- ▶ The Federal Fair Housing Act protects you from being discriminated against based on your
  - ▶ Color
  - ▶ Disability
  - ▶ Familial Status
  - ▶ National Origin
  - ▶ Race
  - ▶ Religion
  - ▶ Sex

# During Your Lease

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# Tips for Moving In & Moving Out

## Moving In

- ▶ Complete a walk-through with your landlord.
- ▶ Document any damage you see in the rental unit.
- ▶ Take pictures of any damage. Timestamp the pictures if possible.

# Tips for Moving In & Moving Out

## Moving Out

- ▶ Complete a walkthrough with your landlord if possible.
- ▶ Take pictures of the unit right before you leave. Timestamp the pictures if possible.
- ▶ Take a witness with you to deliver your keys and any final payments.
- ▶ If you are returning your keys or final payment by mail, make sure to use certified mail.
- ▶ The landlord is required to return your security deposit, or an itemized list of how the deposit was spent, within 14 days.

# Landlord Responsibilities

- ▶ Landlords must provide clean and safe rental units.
- ▶ Landlords have a duty to maintain the rental property and keep shared areas clean and safe. This is known as habitability.

# Tenant Responsibilities

- ▶ You have a responsibility to keep your rental unit clean and safe.
- ▶ You should try your best to avoid problems with neighbors and to not disturb other tenants.
- ▶ You are responsible for the actions of your guests.

# What to do if there is something wrong with your rental

- ▶ If your rental needs repairs that do not affect your health or safety, you must give your landlord written notice that explains what repairs are needed. Once you give notice, your landlord has 10 days to start repairs.
- ▶ If your rental needs more serious repairs that affect your health and safety, you must give your landlord written notice that explains what repairs are needed. Once you give notice, your landlord has 5 days to start repairs.

# What to do if there is something wrong with your rental

- ▶ DO NOT WITHHOLD RENT
- ▶ There are certain procedures you must follow if you want to complete the repairs yourself.
- ▶ If you withhold rent, even if there is something wrong with your rental unit, you could be evicted for nonpayment of rent.



# You are responsible for all rent payments during your entire lease term.

## ▶ Exceptions

- ▶ You are a victim of domestic violence or sexual assault;
- ▶ You are starting active military duty;
- ▶ The landlord violates the lease agreement in a way that allows you to terminate the lease;
- ▶ You and your landlord have a written agreement to end your lease early.

## Victims of domestic violence and sexual assault may end their rental agreement early

- ▶ You must provide written notice to your landlord and include
  - ▶ Copy of the police report related to the incident, or
  - ▶ Copy of the order of protection related to the incident.
- ▶ The incident must have happened within 30 days of you giving notice.

## Victims of domestic violence and sexual assault may end their rental agreement early

- ▶ After providing notice, your rights and obligations under the lease are terminated. You do not owe future rent under the lease, but you must pay past-due rent.
- ▶ If you do not want to move out, your landlord can put a new lock on your rental at your expense. The landlord should refuse to give the new key or give access to the person named in a police report or order of protection.

# If you cannot pay rent, remember the acronym R.E.N.T.

- ▶ **Reach** out to your landlord as soon as possible and keep track of all communications in writing.
- ▶ **Explain** the situation, including why you are not able to pay and your desire to stay in your rental.
- ▶ **Negotiate** if possible! Ask for a payment plan.
- ▶ **Track** your payments. Keep a written record.

# If your landlord is not willing to work with you.

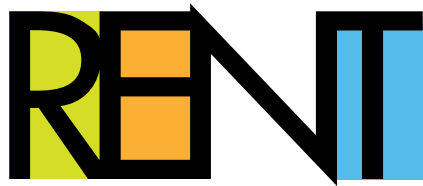
- ▶ Your landlord does not have to accept partial payments. If the landlord does take a partial payment, they cannot evict you for nonpayment of rent unless you agree in writing to the conditions of the partial payment.
- ▶ If you do not pay rent, the landlord can give you a 5-day notice to “pay or quit.” If you do not pay all your past-due rent and late fees within 5 days, the landlord can file an eviction action in court against you.

# SU2J's Services and How To Access Them

- ▶ All services are provided free of charge
- ▶ Anyone in need of legal assistance can apply to see if they qualify to receive SU2J's services. Please apply at <https://www.stepuptojustice.org/apply-for-help>
- ▶ Supplemental guides and handouts are available for download at <https://www.stepuptojustice.org/rent-project>

Thank you!





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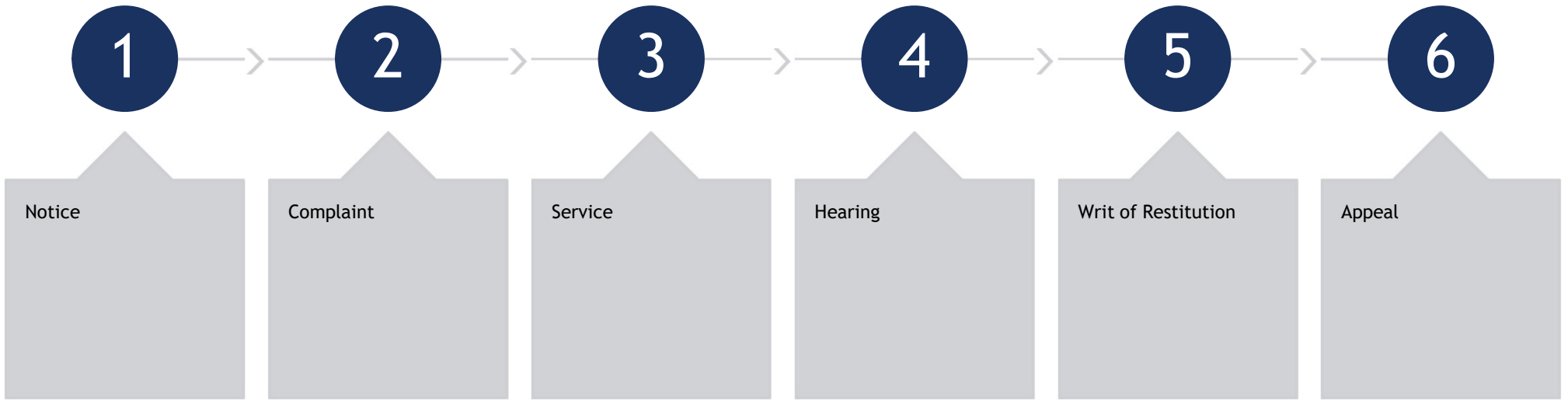


# The Eviction Process

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# Eviction Timeline

# Eviction Notice

- ▶ Notice can be hand delivered or sent by certified mail.
- ▶ Certified mail is considered delivered when actually received or five days after mailing, whichever is first.
  
- ▶ **One Day Notice:** irreparable and immediate breach of lease
- ▶ **Five Days Notice:** non-payment of rent; health & safety violations
- ▶ **Ten Days Notice:** regular breach of lease
- ▶ **30 Days Notice:** notice of non-renewal of month-to-month lease

# Eviction Complaint

- ▶ The “eviction complaint” is the document that the landlord files with the court. It must include
  - ▶ Property address
  - ▶ Statement that the rental property is in the court’s jurisdiction
  - ▶ Date when the tenant (defendant) was served with the eviction notice and a copy of the notice
  - ▶ Specific reason for filing the eviction complaint
  - ▶ Total amounts owed, due dates, and how late fees are calculated
  - ▶ For a full list of requirements, review the Arizona Rules of Procedure for Eviction Actions.

# Service

- ▶ The complaint must be served on the tenant. Service may happen in the following ways
  - ▶ Complaint and summons can be served personally.
  - ▶ Complaint and summons can be served by certified mail. If sent by certified mail, service is complete three days after mailing.
- ▶ Service must be completed two days before the hearing.

# Eviction Hearing

- ▶ At the first hearing, the court will determine
  - ▶ If the eviction notices and service of the eviction complaint were completed according to the law.
  - ▶ If there are any factual or legal issues that are being disputed between the landlord and tenant.
  - ▶ If the tenant (the defendant) disagrees with the eviction and the reasons that the landlord gives for the eviction.

# Eviction Hearing

- ▶ Tenants can either file a written answer before the eviction hearing, or they can enter an oral answer during this hearing.
- ▶ If there are any factual or legal disagreements, the court will set the eviction case for a trial. Otherwise, the court will enter a final judgment.
- ▶ **IT IS VERY IMPORTANT THAT YOU ATTEND YOUR EVICTION HEARING.** If you do not attend your hearing, the court will likely enter a judgment against you.

# Writ of Restitution

- ▶ A “writ of restitution” is a court order that allows a constable or sheriff to remove the tenant from the rental unit and give physical possession back to the landlord.
- ▶ The reason for your eviction will determine how much time you have before a writ of restitution is issued by the court.
  - ▶ Nonpayment and noncompliance evictions: the court will issue the writ 5 or more days after the eviction judgment.
  - ▶ Material and irreparable breach evictions: the court may issue the writ within 24 hours of the eviction judgment.



# Appeal

- ▶ If you disagree with the judgment, you can file an appeal.
- ▶ You only have 5 calendar days from the date the judgment was entered to file your Notice of Appeal with Justice Court.
- ▶ However, you have 60 days to file your appeal memorandum.
- ▶ Appeals are complicated. Speak with Step Up To Justice or another attorney for help!

# SU2J's Services and How To Access Them

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Thank you!

