



TRELLIS

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## Navigating Landlord-Tenant Relationships

***DISCLAIMER: This outline is a general guide. Be sure to contact an attorney if you have questions or specific issues that need to be addressed.***

In one way or another, you've come into contact with a rental space – a space to live, to work, to do business, a place to own and rent out to others, or maybe all of the above. Every now and again, there's going to be a bump in the road or an issue that arises. After all, the very nature of the two parties can be complicated, from property issues, to all the bells and whistles that may come with them – appliances, plumbing, windows, neighbors, parking, etc., etc.

With all this in mind, there are certainly ways where you can help the relationship stay on track and be fruitful. It pays to be aware and communicative to make a relationship smoother. Below are a few tips and tricks to remember, prepare for, and understand for landlords and tenants alike. Generally, these work for both residential and commercial situations unless they are otherwise specified.

### **1. Take your time before you sign.**

Pay attention and be involved in the lease process. No matter how excited you are about a space, don't sign on the dotted line without reading your lease, or better yet, working with your attorney to get it right. [In most commercial leases](#), and even some residential ones, you are able to negotiate or at the very least discuss obligations outlined in a lease.

If you're a tenant, read everything carefully. Don't be afraid to ask questions of your landlord or get clarification. Don't be afraid to ask that the clarification be included in the actual text of the lease so that understanding is solidified. Similarly, make sure the lease doesn't simply use boilerplate or evergreen language that isn't applicable to your rental space or doesn't reflect the conversations you had around the space. For example, does the lease have a provision that says you're responsible for shoveling snow from the driveway but there isn't even a driveway on the premises? Or maybe the landlord said they'd take care of that.

We highly recommend landlords and tenants both [work with a lawyer](#) to help draft, negotiate, explain, and finalize the terms of your lease, especially in commercial leases. Lawyers will understand specific legal nuances like limitations of liability (and what's allowed), your rights to renew or terminate under certain situations, and so much more. We tell clients this all the time: parties show their true colors before a lease begins. If one person treats you rudely or isn't willing to compromise on anything *before* the lease even starts, chances are not much will change when the term has begun.

### **2. Understand your rights and obligations as outlined in your lease.**

Read your lease carefully! Know it well. Your lease will address the items you're responsible for – utilities/bills? Snow removal? Landscaping? [Who is in charge of repairs](#) and of what kind? When is rent

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due? When is rent late? When do you need to renew? Does it automatically renew or do you need to get the heck out of dodge when it ends? If you're opening a brick-and-mortar commercial space ([download our resource here](#)), will there be any build-out time before you start paying rent, and who is doing the build-out?

Leases will also explain what constitutes a breach (a violation of the lease terms) and what your remedies (options to fix another's breach) are in different situations. In many cases of misunderstanding between landlords and tenants, one or both parties don't fully understand what they're supposed to be doing through an obligation of them outlined in their lease. Don't be afraid to refer to the lease if you need to communicate an issue or resolve a problem. It's especially helpful to understand what you're responsible before asking the other party to take care of something.

### **3. Know your legal rights.**

Landlords and tenants both have various rights established by federal, state and local laws surrounding rental agreements, housing, and leasing. These include legal protections against discrimination, protections of residential deposits, consumer protection laws, utility service protections, among many others. Whether you're a landlord or a tenant, both commercial or residential, it's very important to understand the legal parameters and lines you can and cannot cross as required by laws that supersede (meaning they take priority over) any lease agreement. Also note in commercial leases-there are very few protections, so it's super important to have a clear lease agreement!

### **4. Put changes in writing.**

One common area of confusion and miscommunication in landlord-tenant relations is when parties aren't on the same page when it comes to a change in a lease term or a one-off situation. Whether it's an extension of a term or a change to an obligation, get those changes in writing and have both parties acknowledge such change, either through an addendum or amendment to the lease that clearly states this will attach to and modify that specific section in the lease.

### **5. Keep an eye on your calendar.**

Keep an eye on your calendar for any specific dates or deadlines outlined in the lease, such as renewal notification deadlines, when specific things are due (or what would make them late!), and what your obligations are under them. Keeping track of these will help you be able to keep open communication on how renewal, move-out, and changes will work. Once a term ends, it can be confusing what is supposed to happen, so be proactive, communicative, and pay attention to any deadlines outlined in the lease.

### **6. Communicate!**

Whether you're a landlord or a tenant (perhaps both) everyone at some point in time has had to navigate issues surrounding their rental space. Chances are, once that lease goes into effect, it is challenging to terminate it (and there may be protections (both in the law and the written lease) keeping you from terminating for tenants and landlords alike.) Try to work out issues because suing can be expensive and unpredictable, and often just soils the relationship that you might still have to stay in.

Most times you can't just terminate the lease for any reason, and many times you don't want to – either you've put significant expense into getting a space just right (tenants and landlords alike) or you don't want to restart the process of getting new tenants or finding a new rental space. You also likely don't want to sue a landlord that you have to still be the tenant of. So staying willing to work with your tenant or landlord and being open to compromises can help navigate what you need and how issues could be resolved.

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### **7. When things are too much to handle, talk to a lawyer.**

Sometimes there's something going on that just isn't being fixed or resolved in a fair, safe, or reasonable manner. That's where a lawyer will be able to help you figure out the best options for you to move forward and move on. Your specific situation will help determine what kind of lawyer will help you best. Legal aid centers may help residential tenants with eviction defense and legal counsel through tough situations. Other real estate or business lawyers can help commercial tenants and landlords understand their options and the processes for each.