

RENTING and LEASING – How to evaluate a rental unit *(before signing a lease)*

Renting or Leasing a unit can be a frustrating and often confusing process. With the current rental market as it is Choosing the “**RIGHT**” unit to rent/lease is critical — and **choosing the wrong unit** – can be **potentially costly** *(in money, aggravation, or “pulled out hair”)*.

Besides the visual “look” of the unit, How can anyone determine the true conditions of the unit (and building)?

Here are the most common Pre-Rental/Lease investigation techniques I’ve seen used by clients over the past 42+ years of building and unit inspections:

(Note: ALWAYS consult your attorney – this is NOT intended to be legal advice.)

SOME STEPS YOU CAN TAKE TO INVESTIGATE FURTHER:

Research the Property and Landlord:

Online Research:

- **Search the property address online** to find past reviews from tenants. Look for mentions of the property or landlord on social media or tenant forums. You can also search for any legal history or violations associated with the property address.
- **Landlord Reviews:** See if you can find reviews of the landlord online, especially if they manage multiple properties. This can give you insights into their responsiveness to maintenance requests and overall management style.

Schedule a Showing:

- **Daylight Viewing:** If possible, try to schedule a viewing during daylight hours to get a clear picture of the property's condition.
- **Bring a Checklist:** Prepare a checklist of things to inspect, such as appliances, plumbing, electrical fixtures, doors, windows, flooring, and walls. Look for signs of water damage, leaks, or potential pest problems.
- **Test Everything:** Turn on faucets, flush toilets, test light switches and outlets, and open and close doors and windows to ensure everything functions properly.
- **Ask Questions:** Don't hesitate to ask the landlord or property manager questions about the property, such as age of appliances, maintenance procedures, and noise levels.

Inspect the Neighborhood:

- **Take a Walk Around:** Explore the surrounding area during the day *and* evening to get a sense of the neighborhood's safety and noise levels.
- **Amenities:** Check if amenities advertised are readily accessible and in good condition (e.g., laundry facilities, parking, gyms).
- **Transportation:** Evaluate commute options to work, school, or frequently visited places.
- **Review the Lease Agreement:** This should be done with an Attorney – bring a copy of the agreement to them.
- **Read Carefully:** Before signing anything, thoroughly read and understand the lease agreement. Be clear on rent amount, due dates, late fees, pet policies, guest restrictions, and termination clauses.
- **Ask for Clarifications:** Don't be afraid to ask the landlord for clarification on any clauses you find unclear or don't agree with.

Additional Considerations:

- **Security Deposit:** Inquire about the security deposit amount and the conditions for getting it back in full.
- **Utilities:** Find out which utilities are included in the rent and what your responsibility will be.
- **Parking:** Determine parking options and any associated fees.
- **Move-in Costs:** Clarify any move-in costs beyond the first month's rent and security deposit (e.g., prorated rent, application fees).

By following these steps, you'll be well-equipped to investigate and evaluate a rental property before committing to a lease. Remember, it's always better to be thorough upfront than face unexpected surprises later.

Research the Property with the Fire and Building Departments:

While visiting the fire department and building department likely won't be necessary for every rental property inspection, it can provide valuable peace of mind, especially for older buildings or those in areas with stricter regulations.

Here's what you can potentially find at each department:

Fire Department:

- **Fire Inspection History:** You might be able to obtain records of past fire inspections at the property. This can reveal any fire code violations that may have existed and identify areas of potential concern.
- **Fire Alarm and Suppression Systems:** Inquire if the building has a fire alarm system and sprinkler system. If so, you can ask if they are up-to-date on inspections and maintenance.

Building Department:

- **Building Permits:** Look for records of any recent renovations or alterations done to the property. Permits should be obtained for major construction work, and their presence indicates the work followed proper safety guidelines. Get a copy of all the past permits and sign-offs.
- **Occupancy Records:** Verify the legal occupancy limit for the unit you're considering. This ensures there aren't potential safety hazards due to overcrowding.
- **Code Violations:** The department might have records of any past code violations for the property, such as electrical or plumbing issues. Keep in mind:
- **Contacting the Departments:** Call the respective departments beforehand to inquire about their procedures for accessing such information. Some may require a formal request or might have limitations on what they can share publicly.
- **Alternatives:** If visiting the departments proves inconvenient, you can ask the landlord for copies of these documents (fire inspection reports, permits).
- **Focus on Landlord Responsibilities:** Remember, the onus of ensuring the unit is up to code and fire safety regulations lies with the landlord.

Additional Tips:

- **Smoke Detectors and Carbon Monoxide Detectors:** While not a substitute for department checks, always verify that smoke detectors and carbon monoxide detectors are present, functional, and properly located within the unit.
- **Fire Escape Routes:** Familiarize yourself with the fire escape plan for the building during your showing. By combining these steps with your own inspection and inquiries with the landlord, you can get a comprehensive picture of the property's safety compliance.
- **Check on Fire Escape Inspection Records:** Unfortunately, there isn't a centralized online database in Massachusetts where you can freely access fire escape inspection and record information. Fire escape inspections and certifications are typically handled at the local municipal level. Here are some options for finding the information you need:
 - **Contact your local building department:** They should have records of fire escape inspections for buildings in their jurisdiction. You can find the contact information for your local building department online or through your municipality's website.
 - **Ask your building owner or manager:** If you're a tenant in a building with a fire escape, the building owner or manager should have a copy of the most recent fire escape inspection report on file.
 - **Fire Escape Inspection Companies:** Some companies that perform fire escape inspections may offer online portals for their clients to access inspection reports. However, this would depend on the specific company used for the inspection.

See our Pre-Lease/Rental Inspection page online: <https://www.trivalueconsultants.com/pre-lease-and-apartment-unit-inspections>

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Massachusetts has several key regulations that cover rental units, agreements, and rights for both landlords and tenants. Here's a breakdown of some of the most important ones:

Landlord-Tenant Law:

- **Massachusetts General Laws Chapter 186:** This chapter is *the foundation of landlord-tenant law in Massachusetts*. It outlines the rights and responsibilities of both parties, including rent regulations, security deposits, repairs and maintenance, habitability standards, and eviction procedures.

Key Regulations *(of Chapter 186).*

- **Security Deposits:** Landlords can only charge a maximum of one month's rent as a security deposit. The deposit must be deposited in a separate, interest-bearing account within the first month of tenancy. Landlords are required to return the security deposit (minus deductions for any damages beyond normal wear and tear) within 30 days of the tenant's move-out. (<https://www.mass.gov/security-deposits>)
- **Rent Increase Notice:** Landlords must provide tenants with a written notice of at least 30 days before increasing the rent. (<https://www.mass.gov/info-details/tenant-rights>)
- **Habitability Standards:** Landlords are responsible for ensuring their rental units meet basic standards of habitability. This includes providing functioning plumbing, heating, electrical systems, and hot water. Landlords must also address any repairs that affect the health and safety of the tenants within a reasonable timeframe. (<https://www.mass.gov/guides/the-attorney-generals-guide-to-landlord-and-tenant-rights>)
- **Eviction:** Landlords can only evict tenants for specific reasons outlined in the law, such as non-payment of rent, lease violations, or causing damage to the property. Eviction procedures must be followed correctly, which typically involves providing tenants with a written notice to quit. (<https://masslandlords.net/terms-use/>)

Additional Resources:

- **The Attorney General's Guide to Landlord and Tenant Rights:** This comprehensive guide by the Massachusetts Attorney General's office provides a detailed explanation of landlord-tenant law in the state. (<https://www.mass.gov/guides/the-attorney-generals-guide-to-landlord-and-tenant-rights>)
- **MassLandlords.net:** This website is a resource for landlords in Massachusetts and offers information on landlord-tenant laws, legal forms, and other relevant topics. (Be aware this is a landlord-focused resource, so it's wise to consult other sources for a balanced perspective)

Remember, these are just some of the key regulations. It's always best to consult the official resources or seek legal advice if you have any specific questions or concerns regarding your situation as a tenant in Massachusetts.

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RED FLAGS WHEN VIEWING A RENTAL UNIT

Here are some red flags to watch out for during a walk-through of a potential rental unit:

Condition of the Unit:

- **Visible Damage:** Look for signs of water damage (stains, peeling paint, mold), cracks in walls or ceilings, damaged flooring, or malfunctioning appliances. Extensive pre-existing damage suggests the landlord might be neglectful of repairs.
- **Cleanliness:** An unclean unit, especially if coupled with a lack of explanation from the landlord, might indicate a general disregard for maintenance.
- **Unpleasant Odors:** Musty smells, mildew, or lingering pet odors could signify underlying moisture issues or problems with ventilation.

Unresponsive Landlord:

- **Difficulty Scheduling a Showing:** If the landlord is difficult to reach or reschedule a showing, it might be a sign of potential unresponsiveness when it comes to maintenance requests in the future.
- **Dismissive Attitude Regarding Issues:** If the landlord brushes off your concerns about pre-existing damage or avoids answering questions about repairs, it raises a red flag about their commitment to maintaining the property.

Lease Agreement Concerns:

- **Unwillingness to Provide Lease:** A landlord hesitant to provide a copy of the lease agreement for review before signing is a red flag. You should have ample time to carefully read and understand the terms before committing.
- **Unreasonable Clauses:** Look out for clauses that heavily favor the landlord, restrict your rights unreasonably, or seem unclear or ambiguous. Don't hesitate to ask for clarification or negotiate terms that seem unfair.
- **Unusual Payment Methods:** If the landlord insists on cash or money order payments for rent or security deposits, it's a red flag. Secure and traceable methods like checks or online payments are standard practice.

General Issues:

- **Unrealistic Rent:** If the rent seems significantly lower than comparable units in the area, it might be a sign of hidden problems with the property or the neighborhood.
- **Security Concerns:** Poor lighting in common areas, broken locks on doors, or a general lack of security measures in the building can raise safety concerns.
- **High Turnover Rate:** If the landlord mentions frequent tenant turnover, it might suggest underlying issues with the unit or the management style.
- **Gut Feeling:** Ultimately, trust your instincts. If something feels off about the unit, the landlord, or the overall vibe, it's best to walk away and keep searching.

By being aware of these red flags, you can make informed decisions and avoid potentially problematic rental situations. Remember, *it's always better to be safe than sorry!*

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POSITIVE SIGNS WHEN VIEWING A RENTAL UNIT

Here are some positive signs you might encounter during a walk-through of a potential rental unit and building, indicating a well-maintained property and potentially a good landlord:

General Condition:

- **Move-in Ready:** The unit appears clean, well-maintained, and free of any major damage (cracks, leaks, malfunctioning appliances).
- **Modern Amenities:** While not essential, features like updated appliances, energy-efficient fixtures, or in-unit laundry can enhance your living experience.
- **Proper Maintenance:** Fresh paint, new carpets (if applicable), and overall upkeep throughout the unit suggest the landlord prioritizes maintaining the property.

Responsiveness and Communication:

- **Accommodating Landlord:** The landlord is easy to reach, schedules the showing promptly, and is open to answering your questions during the walk-through.
- **Transparency and Clear Communication:** The landlord readily provides information about the unit, building policies, and upcoming maintenance schedules.

Lease Agreement:

- **Fair and Standard Lease Terms:** The lease agreement is well-written, uses clear language, and outlines terms that are fair to both tenant and landlord.
- **Openness to Negotiation:** The landlord is willing to discuss and potentially negotiate some lease terms within reason.

Building Management:

- **Professional Management Company:** If a professional management company oversees the building, it often indicates a focus on tenant relations and maintaining the property's value.
- **Security Features:** Security measures like well-lit common areas, secure entryways, and security cameras (if permitted) contribute to a sense of safety.
- **Positive Online Reviews:** Finding positive reviews from past or current tenants online can be a good sign, though be sure to consider the overall sentiment across multiple platforms.

Overall Vibe:

- **Well-Maintained Building:** Common areas appear clean and well-kept, with functioning amenities and evidence of regular maintenance.
- **Sense of Community:** A welcoming atmosphere in the building, with friendly interactions between tenants or a community notice board, can indicate a positive living environment.
- **Your Comfort Level:** Ultimately, pay attention to your own comfort level during the walk-through. Does the space feel bright and inviting? Does the building seem quiet and secure?

Remember, not every rental unit will have all these positive signs, but the presence of several can indicate a well-managed property with a responsive landlord. When considering these factors alongside the red flags mentioned previously, you'll be well-equipped to make an informed decision about your next rental unit.

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What Should I Do / Look For During a Walk-Through of a Rental Unit?

Here's a detailed breakdown of what to look for when meticulously examining a rental unit during a walk-through:

General Condition:

- **Cleanliness:** Assess the overall cleanliness of the unit, including floors, walls, ceilings, cabinets, closets, appliances, and bathrooms. A dirty unit might indicate a lack of maintenance by the previous tenant or landlord.
- **Lighting:** Check for sufficient natural light and ensure all light fixtures and switches function properly.

Floors and Walls:

- **Flooring:** Look for signs of damage like rips, tears, cracks, or excessive wear and tear on carpets, tiles, or hardwood floors.
- **Walls and Ceilings:** Inspect for cracks, water damage (stains, peeling paint), mold growth, or uneven surfaces.

Kitchen and Bathrooms:

- **Appliances:** Test all appliances (refrigerator, stove, oven, dishwasher, garbage disposal) to ensure they function properly. Check for any rust, leaks, or excessive noise. Try to copy/photograph the data plate to look up the model/serial number online – this can help determine the age. Be sure to obtain/download manuals for EVERY appliance (if possible).
- **Cabinets and Drawers:** Open and close cabinets and drawers to assess their functionality and look for any damage or missing hardware.
- **Plumbing:** Turn on faucets in the kitchen sink and bathroom to check for water pressure and leaks. Look for any signs of rust or corrosion around pipes.
- **Sink and Bathtub/Shower:** Ensure the sink drains properly and there are no cracks or chips. Check for proper caulking around the bathtub/shower and signs of mildew growth.

Doors and Windows:

- **Doors:** Verify all doors open and close smoothly without sticking or scraping. Check if all locks function properly.
- **Windows:** Open and close all windows to ensure they operate easily and lock securely. Look for signs of drafts or broken seals around the windows.

Electrical:

- **Outlets and Switches:** Test all outlets and switches in the unit to confirm they work. Look for any exposed wiring or damaged outlets.
- **Smoke Detectors and Carbon Monoxide Detectors:** Verify that smoke detectors and carbon monoxide detectors are present, functional, and not expired.

Heating and Cooling (if applicable):

- **Thermostat:** Test the thermostat to ensure it regulates the temperature properly.
- **Air Vents:** Check if air vents are clean and unobstructed.

Safety Features:

- **Fire Escape:** If applicable, inquire about the building's fire escape plan and familiarize yourself with the exits during your walk-through.

Additional Tips:

- **Take Pictures and Videos:** Document any pre-existing damage you observe during the showing with pictures and videos. This will serve as proof of the condition when you moved in and can be helpful if there are disputes later.
- **Ask Questions:** Don't hesitate to ask the landlord or property manager about anything you're unsure of or any concerns you have regarding the condition of the unit.

By thoroughly examining the unit with this checklist in mind, you'll gain valuable insights into its overall condition and livability before signing a lease.