

# Before looking for an apartment or house

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## What law applies to a Landlord Tenant agreement?

A landlord tenant agreement is a consumer contract between the property owner and renter. A landlord and tenant also have a relationship based on the property owner giving the tenant exclusive possession of the rental property. Landlord-Tenant law is governed by federal, state and local laws. There are also important court decisions and rules of court that govern Landlord-Tenant law.

The Pennsylvania Landlord-Tenant Act includes the process for Magisterial District Court evictions, limitations on the length of verbal leases (three years), and rules about security deposits. It includes a process for appeal to the Court of Common Pleas in that county.

You have to also look at court decisions. For example, the Pennsylvania Supreme Court said that there is an implied warranty of habitability in every residential lease. This implied warranty of habitability is a requirement that the property meet certain minimum standards. But it is still important that the tenant consider any new lease carefully, because there are many other agreements in the lease in addition to basic habitability.

This booklet is meant to give information and tools to help a tenant look for a new apartment and deal with problems that often come up with renting. A list of the major laws that apply is included at the end of the booklet.

## What is a lease?

A lease is an agreement, or a contract, between the owner and the tenant for the rental of property. The tenant receives exclusive possession of the rental unit and the owner receives money for rent. In the past, the lease was often written in complex legal terms. The lease must be written in plain language to make it easier to understand because Pennsylvania has a Plain Language Consumer Contract Law.

There are two types of leases: an oral lease and a written lease. An **oral lease** is a verbal agreement between the landlord and the tenant. In Pennsylvania, an oral lease is legal and binding for up to 3 years. The term of an oral lease is usually month-to-month but may be shorter depending on when you pay your rent. For example, if you live in a place where the rent is paid weekly, then the oral lease term would be a weekly one. The term of a lease is important because it determines what kind of notice a tenant or landlord must give to terminate the lease.

A **written lease** is a contract that defines the responsibilities of the landlord and tenant. A written lease is better for both the tenant and the landlord. Both can go back to the written lease to find out what was agreed upon. The written lease is the best defense if the tenant or the landlord challenges the other for breaking the lease. You should receive a copy of the signed lease from your landlord after you sign it. Keep this copy for your records.

The landlord should not include arbitrary or unfair clauses in the small print of the lease. A court should refuse to enforce a provision that seems unconscionable or has been ruled by the courts to be illegal. Read the lease carefully before you sign it and have both parties initial any changes made to the lease.

With both oral and written leases, if either party wants to end the lease, proper notice must be given to terminate the lease agreement. A written lease should state the amount of notice required, but usually, it is one or two months in advance. With an oral lease, the amount of notice is determined by how the rent is paid. So, if you pay monthly, then a month's notice would be required, but if you pay weekly, that may be the amount of notice that is required. Any notice you give the landlord about terminating the lease should be in writing. Keep a copy of the notice for your records.

*This handout contains a general statement of the law and should be used only as a guide.*

*It should not be considered legal advice because everyone's case is different.*

*The complete Self-Help Handbook for Tenants is available in electronic format*

*at <http://www.northpennlegal.org> in our Resources Section.*

*NPLS videos on rental housing are available on our website and at many area libraries.*