

PENDER LANDLORD LINK

Information for Landlords Working with the Housing Choice Voucher Program



Compliance Corner: Notice to Vacate vs. Eviction No, they are not the same thing

We often hear the term “eviction” used for any situation in which a landlord is choosing not to renew a lease. However, not every termination of lease is an eviction. The distinction is important.

Evictions are legal actions that occur as a result of lease violations when a landlord wants to remove a non-compliant tenant. They cost time and money because one must go to court. An eviction gives the landlord a legal right to remove a tenant if that tenant does not comply with a court order requiring him/her to vacate a property.

Evictions can only be ordered by a Judge or Magistrate. You cannot lock-out or force out a tenant unless you have a court order allowing you to do it. Even then, upon being granted possession, landlords must engage Law Enforcement to do a lock-out.

With non-compliant tenants, remember, the Housing Authority cannot act until you do. Your choice of action dictates our response.

When a landlord or tenant simply wishes to end a lease, either may give the other a *Notice to Vacate (NTV)* as long as the initial lease terms are met. Both parties have equal rights to enforce the lease. NTVs must be given in writing.

It is not necessary to give a reason for a NTV. It is a “no harm/no foul” notice. The parties should schedule a move-out/exit inspection, set a date to turn over keys and otherwise follow the lease terms for ending the relationship. The tenant should provide a forwarding address to receive their reconciled deposit. The landlord must reconcile the deposit within 30 days of move-out.

If a tenant refuses to vacate after receiving an NTV, then it may be necessary to evict the tenant in order to get possession of the unit. But, as long as the tenant complies, the move-out should be completed timely and the relationship ended in a equitable manner.

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Did you know?

- We can send rent notices and other correspondence by e-mail. Would you like to receive information by e-mail? If so, please contact us at: housinginfo@pendercountync.gov and give us the e-mail address that you regularly use.
- Is there a topic you would like to see covered in this newsletter? Would you like more information about a certain topic? Tell us at: housinginfo@pendercountync.gov
- You can always call us with compliance questions at 910.259.1370

Maintenance IS the landlord’s Responsibility

Always use good business practices when communicating with tenants. A landlord/tenant relationship is a business relationship. Communicate with tenants in a business-like manner.

In verbal communication, refrain from using foul or vulgar language, making threats or becoming overly personal. This undermines your relationship with a tenant. Telephone calls are ok for some things, but a phone call does not replace a written notice in most cases. Good documentation is the key to success.

Use good judgment. Don’t rely on a phone call when a written notice is needed.

Late notices, lease violations and other notices should always be done in writing. Find a standard form or letter to use. Be consistent. When its an assisted tenant, send a copy of all such notices to us.

E-mail communication is okay if the tenant is accepting. Never say anything in an e-mail that you would not say in a business letter. E-mail communication has advantages of a letter, but immediacy as well.

But, use good judgment before e-mailing negative or personal information.

“Texting” is the new communication tool, but there are not enough characters in a text to give important information. What you say, or don’t say, in a text could cause trouble. We advise: NEVER text a tenant.

What if you have to take a tenant to court? Your choices could help or hurt you. Avoid Fair Housing and other complications by maintaining good records and good business-like communications.

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The Pender County Housing Authority provides rental assistance to low-income families based on household income. The program assists eligible families renting in the private rental market from private owners who have available units and who are willing to work with the program.

The goal of any rental assistance program is not to pay all of the families rent, but rather to help eligible families afford better quality housing than the family could afford without assistance.

PCHA is not a property management company and does not manage property for private landlords.

***Do you have a question about
the program rules?
Please call 910.259.1370 for
help***

Move-in Inspections: Fails Could be Final

What is the goal for a Housing Quality Standards (HQS) Inspection? Why a "Pass", of course!

So why are so many units failing inspection? In a nutshell, landlords are not doing their job.

