

The Multi Minute: Love that Lease

The basis for a good tenant-landlord relationship starts with a good, well drafted lease. Unfortunately, we all have been in a situation where another party said, "... I thought you meant this..." even when an agreement was in writing. Why? Because the lease failed in the two most important elements of lease drafting according to Attorney Peter J. Van Hemel of Bernstein Shur Sawyer & Nelson.

Rule 1: The Lease should be clear, accurate and complete in setting forth the all of the terms of the lease arrangement. According to Attorney Van Hemel, you should use simple, clear English instead of "legalese jargon" and do not rely on form documents available on the internet or elsewhere for protection, since these often import legalese from other states which has no application or meaning in Maine, and may even contain language that plainly violates Maine law and/or inadvertently exposes landlords to sanctions.

Rule 2: It should be a 'dummy-proof' document according to Attorney Van Hemel. If there are specific procedures and processes that are important for both parties to understand, they should be clearly outlined in the Lease. For example, lack of clarity on dealing with the Security Deposit refund may put the intended use of this money (i.e. repair of damages caused by the tenant) in jeopardy for the landlord. Like so many things in life, getting off on the right foot for a landlord and tenant is really important, and a properly drafted lease is the best start for a great relationship. It is often best to have a local attorney draft a solid "form" lease for your use with all of your future tenants and to have your attorney review any lease you have drafted or altered prior to signing it.

Peter J. Van Hemel is a real estate attorney at Bernstein, Shur, Sawyer & Nelson, one of Portland's oldest and largest law firms. He specializes in leasing, acquisitions, sales and finance transactions for commercial and investment properties. Pete may be reached at 774-1200, or by email at pvanhemel@bssn.com.

The Multi Minutes sent to you from Bill Sullivan and Brit Vitalius, the '2-4 Unit Multis in Portland, That's All We Do' people. Bill and Brit are principals of Sullivan Multi Family Real Estate, LLC

