

Top Ten Things Every Property Manager Should Know

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Here are ten things I believe every property manager should know. These ten things will help you make your job easier and ensure that you are in compliance with the applicable laws.

1. **Keep Complete and Accurate Records.** I cannot stress the importance of this enough. Keeping complete and accurate records is not only good business practices but it is necessary for evidentiary purposes. Property managers and staff should document conversations and other interactions they may have with tenants, complete incident reports, when necessary, keep track of invoices and work tickets or maintenance requests. Doing these things can help you defend and defeat potential claims that may arise throughout the course of litigation and at trial.
2. This one goes hand in hand with keeping complete and accurate records. It is important that management and staff have regularly scheduled meetings to keep everyone apprised of what is going on in the apartment community and address any outstanding issues. This is important to ensure that everyone is on the same page. Keeping complete and accurate records aids in ensuring that everyone is on the same page, and nothing is overlooked or missing.
3. **Be familiar with the terms of the lease.** It is important to familiarize yourself with the terms of the lease. Although North Carolina General Statutes (NCGS) Chapter 42, the Residential Rental Agreements Act, governs residential agreements such as leases, some of the provisions in it are default provisions that are only applicable in the absence of an express lease provision. For example, NCGS §42-3 outlines the notice requirements for issuing a notice for nonpayment of rent; however, leases may contain forfeiture clauses that waive this notice requirement. So, if there is ever a question about notice or whether something is permissible, the first thing you should look at is the lease. Does the lease waive notice? Is this conduct prohibited by the lease?
4. **Nail down the facts.** Generally, cases in which a complaint in summary ejectment are filed are fact specific. Did the tenant tender rent according to the terms of the lease? Did the tenant engage in activity which is prohibited by the lease? What evidence do you have to support what is being alleged in the complaint? Cases like these, specifically summary ejectment actions, turn on the occurrence of specific events. It is important that you are aware of everything that happened and any communication with the tenant (another reason why keeping complete and accurate record is important). For example, was some time of agreement entered given the tenant additional time to pay, are there any pending maintenance requests, did the tenant make any formal complaints, etc. You want to ensure that in the event you go to court, there are no surprises.
5. **Be organized.** I recommend having a system in place to eliminate any confusion about who should be doing what and what course of action should be taken if certain events occur. Having a clear plan in place, outlining the steps management should take when looking to file a complaint, in summary, ejectment makes the process a lot smoother. You should always have a signed copy of each tenant's lease on file and a current ledger so you and your attorney can easily

determine what type of notice should be issued, if any, and the amount of past due rent owed. These two things should always be readily accessible.

6. **Always Follow Up and Follow Through.** You should always follow any phone conversation or conversation you have in person with a tenant with an email summarizing what you discussed and what action will be taken if any is necessary. Always ensure that tenants execute all the necessary documents, such as signing the lease, completing a move-out receipt, and signing a release if applicable.
7. **Pay Attention to Detail.** Because summary ejectment actions are fact specific, it is important that you pay close attention to the details. Please ensure that any notice you issued complies with the terms outlined in your lease, list the correct address, and names all leaseholders. For example, does your lease require that all notices be signed? Does it require that all notices are sent via email, US mail, or some other carrier? Does the lease require that any notices to be sent to address other than the address of the leased premises? For summary ejectment actions, sometimes, the devil can be in the details.
8. **If in doubt, ask questions and seek advice.** There may come a time when a tenant asks you a question or a situation arise where you don't have the answer or don't know what you should do. That's ok! If you are unsure, tell the tenant that you will have to get back to them and reach out to someone in a supervisory role or to an attorney to get some guidance.
9. **Be consistent.** Be consistent in enforcing the rules and regulations. This will make your job a lot easier and help curb any discrimination claims and fair housing issues. Are you prepared to offer what you offered one tenant to every tenant who asks?
10. **Stay informed.** Things are constantly changing; legislation is being passed, new case law is being introduced. It is important that you stay informed of any changes and how they can affect the processes if you have in place.