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# MOVE-IN INSPECTIONS

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Within five days of the day a tenant moves in, Kansas law requires that you and your tenant go together through the property and jointly make a detailed written list describing the condition. This list is commonly known as move-in "inventory," "inspection," or "checklist."

You can use a printed form or just a plain piece of paper. What is important is that, when it is signed, it contains all the details of what condition the place was in and what was in it.

Either by writing two copies exactly the same, by using carbon paper, or by photocopying the list when you get done, both you and the tenant must, by law, have copies of the list signed by both of you.

If there are discussions at inspection time of repairs that you will take care of, or improvements or repairs that the tenant wants to take responsibility for, the inspection list can be used to make note of those agreements as well.

The move-in inspection list can be very useful both to the tenant and to the landlord. For the tenant, the list should show what items were wrong with the dwelling at move-in time so that at move-out the tenant is not charged for cleaning or repair of those items. For the landlord, the list should show clearly what was not damaged or what was in particularly good condition so that the list can be used as a foundation to charge the tenant for any things that happen above and beyond normal wear and tear during the person's tenancy.

Many times, if a dispute over a security deposit goes to Small Claims Court, the judge will inquire whether the move-in inspection was done or the tenant may raise that issue to the judge. You want to make sure you

have your copy of the list so that the judge will not question your intentions or consider you irresponsible. Some Kansas judges have even refused to consider landlord claims for damages where there was no list for proof, saying that landlords, as business people, should know the law and have their paperwork in order.

For your own protection, you should take the time to make the list as detailed and as accurate as possible. You may want to fill out a rough copy of the inventory before you do the inspection with the tenant. The law says that you and the tenant are supposed to go together to inspect the property, but it doesn't say that you have to do all of your writing at that time. If you have already prepared a rough copy of the list, you and the tenant can go through and simply make sure that the list is accurate, adding or deleting as necessary for your final copy. If the tenant is unavailable to do the inspection with you, make sure that you do the inspection yourself anyway. Then, with a cover letter explaining the circumstances, send a copy of the list to the tenant. Suggest in the cover letter that, if there is anything missing or inaccurate, the tenant should let you know. Keep a copy of both the cover letter and inspection list for your file; this should take care of your responsibility if there is some question about the list later.

Move-out inspections with the tenant present are not required by law in Kansas but they are a good idea. If it is possible for you to arrange a joint move-out inspection with your tenant, you can both go through together with the original move-in inventory and compare, discussing at the time whether there is cleaning or repair work that you feel is the tenant's responsibility. If the pressure of going through the dwelling with the tenant and making your decisions or observations instantly seems too much, go through yourself first, then meet the tenant to discuss what you observed.

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**References:** K.S.A. 58-2548; 1982 Kansas Court of Appeals case **Buettner v. Unruh**, re: when move-in inventory was not done; Model Move-In Inspection forms can be ordered from Housing and Credit Counseling, Inc.

## KEEP YOUR RELATIONSHIP BUSINESSLIKE

This handbook explains the legal relationship between landlords and their tenants, but you must also keep in mind that this is a business relationship. Many tenants have begun to realize this and are handling their affairs accordingly. In order to develop a good business relationship with your tenant, you must likewise develop good business practices.

- You should make certain that any agreement between you and your tenant is written and that each of you has a copy.
- You should always correspond with the tenant in writing, making a copy of each letter for yourself. If very important, send letters by certified mail (where you get a return receipt) or deliver in person with a witness. That way, the tenant cannot claim that he or she never received your letter.
- Keep a file on each tenant. In it you should have a copy of your rental agreement and your move-in checklist, further correspondence or agreements that you've had with that tenant, copies of any maintenance notes that you've made about work on that particular tenant's unit, and copies of any receipts that you have for work that you have done on that unit that was the tenant's responsibility.
- Whether your tenants have requested maintenance in writing or not, you should keep a log of each maintenance request when it comes in by date, problem, and address so that you can go back and check off maintenance as you have taken care of it. This log can also include, in some manner that is comfortable for you, a list of improvements or regular maintenance that you plan to do on each of your units.