

## When a Tenant Dies...

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As a landlord, you're really in the business of people, even though your "product" is essentially real estate. Due to your human interaction, you're subject to encounter absolutely any and every human event possible. From divorce to marriage, from loss of employment to lottery winners--accept the possibility that it may cross your desk someday.

Take death, for example, a very common occurrence in the business of people. What do you do if one of your tenants passes away? What are your rights and duties as a landlord? How do you reclaim your property? What do you do with theirs?

Let's look at three different settings: a natural death with survivors, a natural death without survivors, and a criminal death. (Note: If you physically find the person unresponsive on your premises, you should call law enforcement and emergency services. Normally, they will take care of the legal matter of removing the body and notifying next of kin.)

--A natural death with survivors means simply someone who passes away due to natural causes (or perhaps injuries from an accident), who leaves behind heirs. In this scenario, you as the landlord should be aware of your responsibilities for personal property and access to the property by relatives.

In most cases, you are responsible for the safety and well-being of the deceased person's personal property. It does not become yours just because the person died. It becomes the property of their estate and comes under the jurisdiction of the will's executor. However, this does not mean you can let all relatives into the property if asked. In fact, you're probably safer to restrict all access to the rental until you can find out who the legal representative is.

--A natural death without survivors means someone who dies leaving no will and no heirs. This situation is a little more complicated because there is no one to confer with regarding disposal of the personal property and no one to sign paperwork to terminate the lease. The best solution is to consult your local or state office regarding wills and estates. They're often called probate courts, but it can vary by state or municipality.

--A criminal death means your rental property has become the scene of a crime. This infringes on your rights as landlord because, based on law enforcement procedures, even you cannot enter the premises until they release the scene. After the property is released, however, you would refer above to decide how to proceed based on the existence of heirs.

It's a best practice to check with the agency that regulates landlord and tenant rights in your state to know what exact actions you must take regarding the death of one of your tenants. You may even want to consult a lawyer to make sure you're in compliance. Each state has rules as to how to terminate the lease or even to allow it to continue with a relative who assumes the lease. In some states, you must also disclose that a death has occurred on the property even it wasn't a murder scene.

Your business is people and people die, so don't be surprised. Just be prepared for it and know your rights and responsibilities under the law.

