

“Your Legal Right to Complain!”

Prohibited Retaliatory Conduct by Landlord

Prohibited Conduct

Landlords may not retaliate against their tenants by increasing rent, decreasing services or by bringing or threatening to bring an action to evict the tenant if the tenant:

- 1) Complained to the landlord that the landlord failed to maintain fit premises;
- 2) Organized or became a member of a tenants' union or similar organization;
- 3) Complained to a governmental agency that enforces building or housing code violations that the landlord's premises are in violation and such violation materially affects health and safety; or
- 4) Complained to a governmental agency that enforces the wage price stabilization act.

Exceptions to the Landlord's Duty Not to Engage in Retaliatory Conduct

A landlord may bring an action to evict their tenant if either of the following occurs:

- 1) The violation of an applicable building or housing code was caused primarily by lack of reasonable care by the tenant or other person in their household or upon the premises with their consent; or
- 2) The tenant has not paid their rent.

Tenant's Rights if Landlord Engages in Retaliatory Conduct

If the landlord unlawfully removes or excludes the tenant from the premises or willfully diminishes services to the tenant by interrupting or causing the interruption of electric, gas, water or other essential service to the tenant, the tenant may recover possession or terminate the rental agreement and, in either case, recover an amount not to exceed the greater of two (2) months periodic rent or twice (2x) the actual damages suffered by the tenant. Further, if the rental agreement is terminated, the tenant is entitled to have the landlord return their legal portion of the security deposit.

About the Author

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Scott F. Burns, Esq. is an Arizona attorney whose clientele include professional athletes, business owners, and families desirous of protecting their personal and professional legacies through the use of asset protection strategies, estate planning and business consulting.

For Additional Information

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