

# TOP TEN THINGS RENTERS SHOULD KNOW



***RENTERS (TENANTS) HAVE RIGHTS AND RESPONSIBILITIES UNDER NEW YORK STATE LAW. HERE ARE SOME KEY THINGS TO KNOW.***

***IMPORTANT:*** Always pay your rent on time. Even if your landlord fails to make repairs, don't stop paying rent. See below "Resources" for legal help or to learn more about your rights.

## Your Rights...

### **1. Only a judge can evict you**

Your landlord has to ask a judge to remove you from your apartment and only a Sheriff or Marshall may remove you from the property. If your landlord tries to put you out without taking you to court, they are breaking the law. Contact free legal help (see "Resources" below) if this happens.

### **2. Health and safety**

Your landlord has to make sure your apartment is free of health and safety issues. Tell your landlord right away if there is a problem and keep a record (copy, photograph, or dated notes) of your request. If you ask for repairs and your landlord refuses, contact your local building inspector. This is known as the "Warranty of Habitability" law.

### **3. Retaliation is illegal**

Your landlord can't retaliate against you for asking that repairs be made or for contacting a building inspector. This protection lasts for six months. Resources listed below can give you more information.

### **4. Rent receipts**

Your landlord is required to write a receipt every time you pay rent (unless you use a check). Save these receipts (or check copies) somewhere safe so you can always prove that you paid rent.

### **5. Month-to-month rentals**

Your landlord is required to give one full month's notice to end or change a Month-to-Month lease. Notice must be given before the first of the month, or when rent is normally due. For example, if the landlord wants you to leave by September 30, they must inform you on or before August 31.

# Your Responsibilities...

## 6. Read your lease

Your lease explains what you and your landlord are responsible for. Ask your landlord questions if you don't understand something. Keep your lease somewhere safe in case you need to look at it later. Your lease may help if you have to appear in court or respond to an issue from your landlord.

## 7. Protect yourself and your property

Keeping your apartment clean helps protect your health and your belongings from pests, mold, fire, etc. Make sure batteries in smoke detectors work. The landlord's insurance does not cover your personal belongings – look into renters' insurance. Promptly report to your landlord any issues that could harm you or your property.

## 8. Give your landlord access

Your landlord needs access to your apartment to make repairs and do inspections. The landlord must give you 24 hours' notice for non-emergency access. You are required to let your landlord have access to your apartment if you were given proper notice. If you refuse access, your landlord might be able to evict you for breaking the lease. Your landlord does not have to give notice in an emergency.

## 9. Respond to any court summons for an eviction action

If your landlord asks you to go to court, you need to do so. If you do not go to court, you are more likely to be evicted. If you appear in court, the judge might offer alternatives to eviction.

## 10. Noise and nuisances

There are local rules about too much noise. Your landlord may have the right to end your lease if you don't follow these rules. Know and follow the rules about other nuisances like dogs, parking, trash, etc.

## RESOURCES FOR MORE INFORMATION AND HELP:

- The Housing Council ([www.thehousingcouncil.org](http://www.thehousingcouncil.org)) (585) 546-3700
- Legal Aid Society of Rochester, NY ([www.lasroc.org](http://www.lasroc.org)) (585) 232-4090
- Legal Assistance of Western New York ([www.lawny.org](http://www.lawny.org)) (585) 325-2520
- Monroe County Bar Association Lawyer Referral Service (585) 546-2130
- CALL "2-1-1" to ask for other resources or services ([www.211lifeline.org](http://www.211lifeline.org))