



OVERVIEW OF TENANT'S RIGHTS

All Occupants are Entitled Judicial Proceedings Before Evictions

In New York State, anyone who legally resides in a dwelling for 30 days, even without a written lease, is entitled to proper notice and a court hearing before an eviction.

Even if a court issues a warrant of eviction, ONLY a marshal, sheriff, constable, or other official (NOT a landlord!) can lock a person out of a residence.

Landlords cannot avoid judicial proceedings by harassing tenants, shutting off essential services, or refusing to repair essential conditions. Any means of forcing an occupant out of a legal residence without a judicial proceeding is illegal.

See Our Flyer on Illegal Evictions for More Information

Timely notice prior to terminations and rent increases

Landlords must notify tenants before terminating their tenancies, and before increasing their rent more than 5%. The Length of the notice varies with the length of the tenancy: tenants of less than one year are entitled to 30 days' notice, tenants between one and two years are entitled to 60 days' notice, and tenants of more than two years are entitled to 90 days' notice.

Tenants are also entitled to:

Rent receipts. Landlords must provide tenants with receipts if they pay rent in any form other than personal check. (Real Property Law § 235-e)

Timely return of security deposits. Tenants are entitled to a "walk through" with a landlord or agent of the landlord before vacating their rental. Landlords can only charge tenants for damage beyond "reasonable wear and tear," and landlords must notify tenants of any such damage in writing. If landlords do not discover damage beyond reasonable wear and tear, they must return tenants' security deposits within 14 days after they leave. Tenants may sue landlords for improperly withheld security deposits in small claims court. (NY Gen Oblig L § 7-103)

Safe and sanitary home conditions. Landlords must maintain rental units free of dangerous and unsanitary conditions such as leaks, pests/rodents, damages etc. (Landlords are not responsible for conditions under the *tenant's* control.)

Freedom from retaliation for good faith complaints. Landlords cannot evict, penalize, or otherwise retaliate against tenants or occupants for reporting, in good faith, dangerous or unsanitary conditions to a code enforcement or other office.

Freedom from harassment and discrimination. Landlords cannot harass tenants, nor discriminate

against them. Tenants can report harassment and discrimination to the police, or to the local Human Rights Commission.

Need Help? Call HVJC to Complete an Intake: (914) 308-3490 ext. 4

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