



HUDSON VALLEY JUSTICE CENTER

WARRANTY OF HABITABILITY

By law, all residential leases in New York, written or oral, include an implied warranty of habitability. This means landlords MUST ensure that their rental units meet certain standards of safety and cleanliness, including public areas.

This Includes:

- Providing Adequate Heat and Hot Water on a Regular Basis
- Eliminating and Take Steps To Prevent Vermin Infestations
- Remediating Mold and Other Safety Issues
- Ensuring Appliances They Provide are in Good Working Order
- Keeping Public Areas Clean, Free of Garbage and Safety Hazards



What to Do if Your Home is Not Safe, Sanitary, or Livable:

You Should First:

- Notify Your Landlord in Writing, Giving them Some Time to Address the Existing Conditions
- If the Repairs are not complete after a Reasonable Amount of Time You Can:
- Call your local Department of Building and file a report (understand that code enforcement officers can immediately condemn unsafe buildings)

Withhold rent payments, forcing the landlord to sue you in the local city or town court.

Nonpayment of rent based on outstanding repairs may be a defense in eviction

proceedings. Keep in mind, that you should not spend any of the withheld rent money.

In extenuating circumstances, tenants MAY make necessary repairs and DEDUCT reasonable repairs costs from the rent. You should keep all invoices and receipts.



Tenants Living in rent stabilized properties Can Also File a Complaint With the Division of Housing & Community Renewal (DHCR). DHCR Will Inspect the Home and Direct the Landlord to Complete all Found Conditions. Landlord's Failure to Comply May Result In Penalties Issued by DHCR.

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

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