

# TENANT AND LANDLORD RIGHTS AND RESPONSIBILITIES



*Provided by the Committee on University & Community Relations and the Office of Personal Safety & Off-Campus Affairs – Division of Student Success, University at Albany, SUNY*

**SPECIAL THANKS TO THESE CONTRIBUTORS TO THIS PUBLICATION:**



The Pine Hills Neighborhood Association  
<http://www.pinehillsna.org/>



The Capital District Association of Rental Property Owners  
United Tenants of Albany  
New York Capital Region Apartment Association

# **TENANT RIGHTS**

- You are entitled to a livable, safe and sanitary apartment. All apartments in the city of Albany are **REQUIRED** to have a “Residential Occupancy Permit” meaning that it has been inspected by the City and that it meets the housing code. If your apartment doesn’t have an ROP or if you don’t know whether or not it has one, ask your landlord for a copy. If the landlord is unresponsive, call the Albany Department of Public Safety, Division of Building and Codes, 518-434-5995.
- If utilities are supplied by your landlord, heat (maintain a temperature of not less than 68 degrees during the period the unit is occupied) must be supplied from October 1 through May 31.
- If you have a written term lease, it must be written in clear and coherent language and must specify the duration of the lease, the rental amount and due dates, the conditions of occupancy and the rights and responsibilities of both parties. Month-to-Month rental agreements (if you do not have a lease, you are considered a month-to-month tenancy) and holdovers from Term Leases may be terminated by either party with one month’s written notice. A month’s notice is 30 days notice before the rent payment anniversary date, usually the first of the month.
- Landlords must give tenants a written receipt for rent paid in any form other than a personal check. You may request a receipt for rent paid with a personal check.
- Most leases require tenants to pay a security deposit that is usually equal to at least one month’s rent plus other applicable fees as allowed for in the lease. The security deposit must be returned within a reasonable time (within two weeks?) after the end of the lease **UNLESS** it is needed to pay for repairs beyond normal wear and tear or any other outstanding fees including, but not limited to payment of unpaid rent. Tenants are entitled to a statement itemizing any amounts withheld from their deposit.

- You may be able to sublet your apartment with your landlord's permission. If your lease only names one tenant, you may share the apartment with anyone in your immediate family or one unrelated person. You must notify the landlord within 30 days of any changes in occupancy, or within 30 days of the landlord's request for this information, and depending on your rental agreement, you may be charged additional rent.
- You may have a pet if your lease permits pets or is silent on the subject (however you are encouraged to check with your landlord anyway if your lease does not mention the issue of pets). Albany law requires that dogs must be licensed and must be kept on leashes in public, and you must clean up after your dog.

## **LANDLORD RIGHTS**

- A landlord may use the security deposit as reimbursement for the reasonable costs of repairs beyond normal wear and tear, cleaning, if the tenant damages the apartment, or as reimbursement for any unpaid rent.

## **TENANT RESPONSIBILITIES**

- Remember that you are living in a community with many different types of people – not on campus (if you are a college student). If you respect your neighbors, they will probably respect you. In general, make sure that you (and any guests you may have) don't disturb your neighbors. Loud parties or music, under age alcohol consumption or consuming alcohol in public can get you arrested.
- If you have a lease, read and make sure that you understand it. Even if you don't, make sure you have a discussion with the landlord about your responsibilities. If you violate your landlord's requirements, you may be evicted. If you have questions about what you can and cannot do, ASK
- You must notify (preferably in writing) the landlord immediately if there are problems with or damage to the apartment itself, appliances the landlord has provided, common areas in the building or any pest infestations.

- You must allow the landlord access to the apartment as needed to make inspections, repairs or show the apartment to prospective tenants. Reasonable notice is usually 24 hours, but in an emergency (i.e., a broken water pipe or collapsed ceiling) the landlord may enter the apartment without advance notice.
- Depending on your rental agreement, you may be required to keep common areas of the building, lawns and sidewalks clean and safe. Albany law requires that lawns must be cut when grass height exceeds 10 inches and snow must be shoveled within 24 hours after the snow stops falling. If you don't know whose responsibility it is to mow grass or shovel snow, talk to your landlord. In general, if no reference to this is made in the agreement, it is the landlord's responsibility.
- Albany law requires that barbecue grills be operated no less than 25 feet from any structure and NEVER on a porch or roof.
- Make sure that you know what night your trash is supposed to be put on the curb (no earlier than 7 PM) and what types of materials must be put into the city provided recycling containers. If it is the tenants' responsibility to bring the trash out to the curb and return the empty barrels to the rear of the property and they fail to do so, a fine may be levied against the tenant by the landlord. Other violations may result in fines to the landlord, which will come back to the tenant/s. If you have questions, call the Albany information number, 434-CITY.
- Most streets in the city have alternate parking rules. Read signs and watch out for designated Handicapped Parking spaces. Violations will earn you a ticket and/or a tow.
- Clean your apartment when vacating (and even perhaps take pictures before the new tenant/s move in for possible use later).
- Explore the possibility of purchasing renter's insurance by calling a local insurance agent. (or check with your parents/family about getting a "rider" on their homeowner's policy). The landlord's insurance does not typically cover the tenants' belongings.

## **LANDLORD RESPONSIBILITIES**

- The landlord must return the security deposit, less any lawful deduction, to the tenant at the end of the lease or within a reasonable time (within two weeks?) thereafter. A landlord may use the security deposit as reimbursement for the reasonable costs of repairs beyond normal wear and tear, if the tenant damages the apartment, or as reimbursement for any unpaid rent. The landlord must give the tenant a statement itemizing any deductions made from the security deposit.
- Landlords are responsible to maintain common areas unless otherwise specified in the lease such as a reduction in the rent in exchange for the tenant sweeping, shoveling, mowing, etc.
- Landlords of buildings with three or more apartments must keep the apartments and the buildings' public area in "good repair" and clean and free of vermin, garbage or other offensive material. Landlords are required to maintain electrical, plumbing, sanitary, heating and ventilating systems and appliances landlords install, such as refrigerators and stoves, in good and safe working order. Tenants should bring complaints to the attention of the landlord. If repairs are not done they should contact their local housing officials.
- United States Postal regulations require landlords of buildings containing more than four apartments to provide secure mailboxes for each apartment unless the management has arranged to distribute the mail to each apartment. Landlords must keep the mail boxes and locks in good repair unless provided by the United States Postal Service.
- Each apartment must be equipped by the landlord with smoke detector(s) inside each sleeping area, as well as outside within ten feet of any sleeping area. Carbon monoxide detectors are required in the City of Albany whenever there is any fossil fuel burning appliance in the apartment or heating system in the building using ventilation shafts or ductwork. On February 22, 2010 "Amanda's Law" went into effect in New York State and requires essentially all residences, both new and existing, to have carbon monoxide detectors installed. These detectors

are for the safety of the resident as well as other occupants in the building. Tenants should not tamper with or remove a detector or the landlord may have the right to impose a fine against the tenant.

- All apartments in the City of Albany must have a residential occupancy permit (ROP) before being rented out. The ROP states that the apartment has been inspected and found acceptable for occupancy as a residence and under what specific manner it may be occupied.
- Don't rent to anyone before checking his or her credit history, references and background. Haphazard screening and tenant selection often results in problems -- a tenant who pays the rent late or not at all, trashes your place or moves in undesirable friends -- or worse. Rental applications help to prevent problems.
- Get all the important terms of the tenancy in writing. Beginning with the rental application and lease or rental agreement, be sure to document important facts of your relationship with your tenants -- including when and how you handle tenant complaints and repair problems, notice you must give to enter a tenant's apartment and the like.
- Establish a clear, fair system of setting, collecting, holding and returning security deposits. Inspect and document the condition of the rental unit before the tenant moves in, to avoid disputes over security deposits when the tenant moves out.
- Stay on top of repair and maintenance needs and make repairs when requested. If the property is not kept in good repair, you'll alienate good tenants. They may have the right to withhold rent, repair the problem and deduct the cost from the rent, sue for any injuries caused by defective conditions or move out without needing to give notice.
- Don't let your tenants and property be easy marks for a criminal. Assess your property's security and take reasonable steps to protect it. Often the best measures, such as proper lights and trimmed landscaping, are not that expensive.

- Respect your tenants' privacy. Notify tenants whenever you plan to enter their rental unit and provide as much notice as possible, at least 24 hours or the minimum amount required by state law.
- Disclose environmental hazards such as lead. Landlords are increasingly being held liable for tenant health problems resulting from exposure to environmental toxins in the rental premises.
- Choose and supervise your manager carefully. If a manager commits a crime or is incompetent, you may be held financially responsible. Do a thorough background check and clearly spell out the manager's duties to help prevent problems down the road.
- Purchase enough liability and other property insurance. A well-designed insurance program can protect your rental property from losses caused by everything from fire and storms to burglary, vandalism, and personal injury and discrimination lawsuits. However, the landlord's insurance does not typically cover the tenants' belongings. Tenants should purchase their own renter's insurance.
- Try to resolve disputes with tenants without lawyers and lawsuits. If you have a conflict with a tenant over rent, repairs, your access to the rental unit, noise or some other issue that doesn't immediately warrant an eviction, meet with the tenant to see if the problem can be resolved informally. If that doesn't work, consider mediation by a neutral third party, often available at little or no cost from a publicly-funded program. If your dispute involves money, and all attempts to reach agreement fail, try small claims court where you can represent yourself. Use it to collect unpaid rent or to seek money for property damage after a tenant moves out and the deposit is exhausted.
- Before new tenants move into your apartment, it is suggested that you inventory and photograph the apartment for possible use later.

# **JOINT RESPONSIBILITIES**

- Get involved in your neighborhood. Join your local neighborhood association and go to some meetings. Many of them offer e-newsletters -- get your email listed with them and keep apprised of what is going on around you. Let them know about occurrences in your neighborhood, good and bad.
- Report all crimes to the local police department even if you think they won't be able to do anything. Having accurate crime statistics will help allocate more police resources to your neighborhood if needed.
- Take pride in where you live or own property. Pick up litter you come across. Do some of the small stuff even though it isn't really your responsibility.

## **Additional Resources for Tenants and Landlords:**

The Council of Albany Neighborhood Associations (CANAA)  
<http://sites.google.com/site/canasite/Home>

United Tenants of Albany  
[www.unitedtenantsalbany.org](http://www.unitedtenantsalbany.org)

Capital District Association of Rental Property Owners (CDARPO)  
[www.cdarpo.org](http://www.cdarpo.org)

New York Capital Region Apartment Association (NYCRAA)  
[www.nycraa.com](http://www.nycraa.com)

City of Albany Code Enforcement Handbook  
[http://www.albanyny.org/\\_files/CodeEnforcementHandbook.pdf](http://www.albanyny.org/_files/CodeEnforcementHandbook.pdf)

City of Albany Code Reference  
<http://www.ecode360.com/?custId=AL0934>

City of Albany Recycling Information  
[http://www.albanyny.org/\\_files/Government/GeneralServices/Recycling%20Flyer-%20Final.pdf](http://www.albanyny.org/_files/Government/GeneralServices/Recycling%20Flyer-%20Final.pdf)

US EPA (for Lead information, regulations, and forms)  
<http://www.epa.gov/lead/pubs/leadbase.htm>

NYS Attorney General's "Tenants' Rights Guide"  
[http://www.oag.state.ny.us/bureaus/real\\_estate\\_finance/pdfs/tenants\\_rights\\_guide.pdf](http://www.oag.state.ny.us/bureaus/real_estate_finance/pdfs/tenants_rights_guide.pdf)