

Sardar Law Firm

My landlord refuses to make repairs to my apartment. What can I do?

There are several things you can do to get their landlord to make repairs; however, you may want to take the following steps in order to establish a record:

- Contact the building superintendent regarding the repairs.
- If the superintendent or management company does not respond, write a letter to the owner of the building that describes the problems in your apartment and asks for the repairs to be made by a certain date. You should send the letter to the owner and management company by certified mail and keep a copy for your records.
- If you do not receive a response to the letter, you should try to contact the owner in person or by phone. Let him or her know that if the repairs are not completed, that the tenant will have to file a complaint. Keep a record of all of your attempts to get the landlord to make repairs, as this will be useful in court.

For more information, please visit www.sardarlawfirm.com or call us at 631.838.0178.

Contact us with any questions:

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TENANT RIGHTS

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Know Your Rights.

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Can my landlord enter my apartment at any time?

NO. Landlords CAN enter:

- 1) At a reasonable time after providing reasonable notice if the entry is either :
 - To provide necessary or agreed upon repairs/services, or
 - In accordance with the lease, or
 - To show the apartment to prospective tenants or purchasers; and
- 2) In an emergency, at any time and without notice.

Is the landlord allowed to change my locks?

This MAY violate the Unlawful Eviction Law if:

- 1) The resident is a:
 - Tenant or subtenant with a lease,
 - Occupant who has lawfully lived in the apartment for more than thirty days (with or without the lease),
 - Subtenant, roommate or relative who has lived in the apartment for at least thirty days (even if the person is not on the lease and has not made any direct payments to the landlord),
 - Resident of a rent stabilized hotel room who has made a request for a lease;

and

- 2) The landlord does not have a warrant of eviction.

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Types of Notices from a Landlord

Notice to Cure: What should I do?

The Notice to Cure generally provides you with notice that the landlord considers certain actions to be in violation of your obligations as a tenant. If the Notice correctly describes conditions in violation of your obligations and you can fix them within the time provided, cure the condition. If not, try to get some advice from an attorney or a tenant advocacy group. **The Notice to Cure is not an eviction or a court paper.**

Notice of Termination: What should I do?

- This is not a court document.
- This notifies the tenant that the tenancy is terminated and that, if the tenant does not give up the apartment and move out, the landlord will go to court to seek eviction.
- The length of the notice depends upon the nature of your tenancy and/or lease terms.
- At the end of the period the landlord may **not** simply put you out of your apartment. *The landlord must start an eviction proceeding and obtain a warrant of eviction from the Court before you can be evicted.*
- If you do not move out of your apartment by the end of the notice period, you should receive a Notice of Petition and Petition seeking an order evicting you from your apartment (Holdover Proceeding).
- **DO NOT IGNORE THESE PAPERS.**
- As soon as you receive those papers, **consult with an attorney** or go to Housing Court on the date that the Notice of Petition advises you to appear.

I owe my Landlord rent and the landlord has demanded that I pay the rent. What should I do?

This depends on whether or not you have a lease and upon your reasons for not paying.

- Remember that the landlord must go to court and get permission to evict you.
- ***You cannot be evicted without the court's permission.***
- This is not a court paper and is not an eviction case. Generally, the landlord must make a demand for rent before going to court.
- If you do not pay the rent, you should receive a Notice of Petition and Petition seeking an order evicting you from your apartment for non-payment of rent (Non-Payment Proceeding).
- If you are not withholding rent to get repairs, you should pay the rent in order to avoid being sued.

I received a Notice of Petition and Petition, what should I do?

Do not ignore it. A Notice of Petition and Petition are court papers for an eviction case. If you do not respond to the papers, you can be evicted from your apartment.

If the Notice of Petition and Petition are in a Holdover Proceeding, what should I do?

You must go to court on the date stated in the Notice of Petition.

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