

Officials of University at Albany & Pine Hills N'hood Association are developing a "Tenant & Landlord Rights & Responsibilities Brochure" to distribute in the local neighborhoods where many college students reside.

CDARPO members and friends are invited to review the draft below and send your comments and suggestions for improvements to CDARPO@yahoo.com. Please also send your ideas to our forum cdarpo@yahoogroups.com for member discussion.

DRAFT "TENANT AND LANDOWNER RIGHTS AND RESPONSIBILITIES"

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

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, call the Albany Department of Public Safety, Division of Building and Codes, 518-434-5995.
- If utilities are supplied by your landlord, heat must be supplied from October 1 through May 31.
- If you have a 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. If you don't have a lease, tenancy may be terminated by either party with one month's notice.
- 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 one month's rent. The security deposit must be returned at the end of the lease UNLESS it is needed to pay for repairs beyond normal wear and tear or as payment of unpaid rent.
- You may be able to sublet your apartment with your landlord's permission and if your lease only names one tenant, you may share the apartment with anyone in your immediate family or one unrelated person.
- You may have a pet if your lease permits pets or is silent on the subject. Albany law requires that dogs must be licensed and must be kept on leashes in public, and you must clean up after your dog.

Landowner Rights:

- 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 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. 1

1. "Tenant's Rights Guide," Eliot Spitzer, Attorney General, State of New York.

Tenant Responsibilities:

- Remember that you are living in a community with many different types of people – not on campus. 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 homeless. If you have questions about what you can and cannot do, ASK.
- You must notify the landlord immediately if there are problems with or damage to the apartment itself, appliances the landlord has provided or common areas in the building.
- You must allow the landlord access to the apartment as needed to make repairs or show the apartment to prospective tenants. Usually, 24 hour notice is required, but in an emergency (i.e., a broken water pipe or collapsed ceiling) the landlord may enter the apartment without advance notice.
- You must 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.
- Albany law says that barbecue grills must be operated no less than 25 feet from any structure – not 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 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.

Landowner 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 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. 1
- 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 their local housing officials. 1
- United States Postal regulations require landlords of buildings containing three or more 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. 1
- Outside New York City and in Buffalo, each apartment must be equipped by the landlord with at least one smoke detector that is clearly audible in any sleeping area. 1
- All apartments in the City of Albany must have a certificate of occupancy before being rented out. The certificate states that the apartment is free of violations. 2

1. "Tenant's Rights Guide," Eliot Spitzer, Attorney General, State of New York.

2. "Is Your Landlord Breaking the Law? You Pay Good Rent to Live in Your Apartment," United Tenants of Albany.

- Don't rent to anyone before checking his or her credit history, references and background. Haphazard screening and [tenant selection](#) too 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.
- 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. And 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.
- 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.

Additional Resources for Tenants and Landowners:

Lownertenant6:u:ocho