



PAYING THE RENT

KNOW YOUR RIGHTS

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This article doesn't tell you how to come up with your rent money (we wish we knew an easy answer for that!). However, it does suggest some very practical ways for you to make sure that the right person receives your money and that your rent payments are accounted for properly. Your landlord, or landlord's agent if that is who collects the rent, is required to give you a **written rent receipt**. It could look something like this:

Received from: (your name, address & apartment number) on (Date and Year)

In the amount of: (Write out amount ex. Eight hundred and fifty dollars) \$(850.00 or numerical amount)

For the rent for the month of: (Month), (Year)

Signatures: (Landlord/landlady Signature)

(Tenant's Signature)

****Save ALL of your receipts. Receipts are the best proof you have that you paid your rent properly, especially if you pay in cash. ****

- **Be careful paying in cash.** It is much better to pay by check or money order when possible. A cancelled rent check is your receipt and an official proof of payment. You should buy a money order at a bank, not a post office or check cashing place. The teller will give you an exact copy of the amount you paid for the money order and the date you purchased it. If your landlord/landlady loses your payment, you can put a stop payment order on both bank money orders and checks. You also have official records of your payments since banks keep records of money orders and checks. Post offices or check cashing places do not. If you buy a money order, fill it out completely before you leave the bank. Ask the teller to help you if you have any questions.

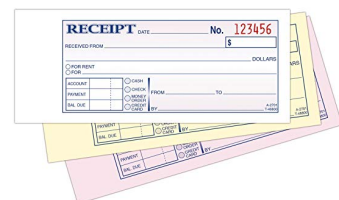
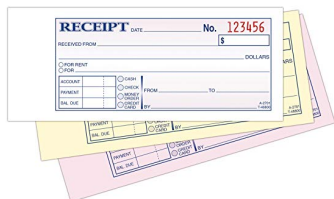
By following these suggestions you can help make sure that you have proof that you paid your rent and that it was given to the correct person.

Don't forget your rent receipt. There is a law in New York State protecting tenants against dishonest landlords. The law says that when a tenant pays cash for rent, the landlord must give the tenant a written receipt. **Always ask for a receipt and tell your landlord that the law requires it. (NY RPL 235-E)**

****Effective June 2019, the landlord is required to maintain a record of all cash receipts for rent for at least three years.**

--Rent payments made in person must result in an immediately issued receipt.

--Rent payments made indirectly (online, by mail) must result in a receipt within 15 days of the landlord receiving the payment



****SEE BACK****

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Did you know?

-A new change to NYS law gives a grace period for when rent payments can be considered "late". Only when the landlord fails to receive rent within **five days** of the date specified in a lease agreement, or by the 1st in the absence of a lease agreement, can a late fee be assessed.

-If the rent is not received by the landlord within those five days, the landlord **MUST SEND TO THE TENANT BY CERTIFIED MAIL A WRITTEN NOTICE INDICATING THEIR FAILURE TO RECEIVE THE PAYMENT OR A DEMAND FOR PAYMENT.**

****THE LANDLORD'S FAILURE TO SEND THIS NOTICE CAN BE A DEFENSE TO A NONPAYMENT OF RENT EVICTION PROCEEDING. IF YOU DO NOT GET THIS NOTICE AND ARE PETITIONED TO COURT FOR OWED RENT, LET THE JUDGE KNOW.****

IMPORTANT

****NYS law now defines the dollar amount of late fees that are allowed. It would not matter what a lease agreement says, this law applies to all tenants in NYS.****

The maximum allowable late fee for unpaid rent is now 5% of the monthly rent or \$50, whichever is lower. For example, if the rent is \$750, the maximum monthly late fee that can be charged is 5% of \$750, equaling \$37.50. Note that \$37.50 would be the fee because it is less than \$50.

Communication is key - remember to let your landlord know if you are going to be late on the rent & to communicate with the landlord about when payments will be made/what your situation is. This, and paying the rent on time, are the best ways to avoid late fees.

-Returned check fees are allowable by law but must not be more than \$20 and must be specified in a signed lease agreement (NY GOL 5-328).

-Any lease provision requiring tenants to "pledge" or guarantee their household furniture or belongings as collateral/security for any unpaid rents is prohibited and void in New York State.

-If there is a change in ownership of your apartment, your landlord must provide the tenants with the name and address of the new owner by registered or certified mail within 5 days of the property transfer. At that point you would begin paying your rent to the new owner of the property.

-While electronic rent payments are becoming increasingly common and are often more convenient for tenants and landlords alike, landlords shall not require a tenant to use an electronic billing system as **the only method for paying rent** (NY RPL 235-G)