

We have represented hundreds of matters on behalf of both landlords and tenants. The landlord tenant courts present unique challenges for attorneys and litigants because a small mistake in the preparation or service of the legal paperwork can result in a dismissal of a case.

The landlord tenant process requires: the preparation and service of the proper notices; the preparation and service of litigation papers; the litigation of the case on the merits; and the preparation and service on all paperwork to the Sheriff to effectuate an eviction. Each stage of these proceedings presents pitfalls and provides opportunities for the parties.

Our offices have more than 15 years experience in handling landlord tenant cases and we know our way around a landlord tenant case.



CENTRAL ISLIP LAW CENTER

100 Carleton Avenue, Suite 7
Central Islip, New York 1172

phone 631. 348. 1702

fax 631. 348. 3628

web www.mcguirepelaez.com

email mcguirelaw@mcguirepelaez.com

Our office is open during normal business hours and we are available in an emergency, 24 hours a day, seven days a week. In addition, we are available for early morning, evening and weekend office appointments for your convenience.

Landlord-Tenant Matters

Attorney Advertising. Prior results do not guarantee a similar outcome.
This guidebook is for informational purposes.
Since individual situations and legal issues vary, it is important to
contact an attorney to discuss your specific legal situation.



Landlord-Tenant Matters

If you are a Landlord:

If you are a landlord, you have a right to expect that your tenant will pay the rent on time, take care of your premises, and honor the terms and conditions of your lease agreement.

- **Non Payment Proceedings:** If your tenant is behind on rent, it is essential that you commence a non-payment proceeding right away. Sometimes tenants make promises to pay the rent at a future date as a means to “buy” additional time. Often times, when these promises are later broken, it costs you additional time and money. Remember: the longer you wait to get started, the longer the eviction will take and the more money it will cost in lost rent.
- **Holdover Proceedings:** If your written lease has expired, you have an oral lease, or your tenant is violating the terms of the lease, you will need to serve your tenant with the proper notice before you commence a summary proceeding to evict your tenant. An improperly prepared or served notice can serve as grounds for dismissal of your petition for eviction, requiring that you start over, costing you additional lost rent.

Make sure you use a lawyer with experience to avoid the common mistakes people make when evicting a tenant. We have more than 15 years experience in handling landlord tenant cases. We know the pitfalls of the landlord-tenant practice, and we take care in drafting the appropriate legal documents and are diligent in the timely filing of those documents.

If you are a Tenant:

If you are a tenant, you have a right to expect that your landlord will provide you with a safe and healthy environment to live in, will honor the terms and conditions of your lease agreement, and will provide you with a written receipt when you pay your rent.

- **Warranty of Habitability:** You have a right to demand that your living conditions are healthy and safe. Housing violations, insect or rodent infestation, failure to supply heat, electricity, or water, all can serve to provide a defense to an eviction and grounds for an abatement (offset) of rent.
- **Improper Notice or defective petition:** If your landlord fails to: properly prepare and serve a legally sufficient notice to vacate; to properly prepare and serve you with a legally sufficient notice of petition and petition, you may have grounds for dismissal of the petition.
- **Constructive Eviction and Self Help:** If your landlord tries to physically evict you, changes the locks on your premises, or turns off a utility to force you to leave, call the police immediately and then call our offices. These actions are illegal and you may be entitled to money damages.

If your landlord is trying to evict you, call our offices. We have more than 15 years experience in handling landlord tenant cases. We will fight hard to protect your rights and to ensure that your landlord is held accountable for violations of law.



Call our offices immediately at 631-348-1702 and inform us that it is an emergency. We can be reached 24 hours a day 7 days a week. All consultations are free and confidential.