



Steps Landlords Should Take Before Proceeding with a Nonpayment Proceeding

At James G. Dibbini & Associates, P.C., we understand that as landlords, addressing tenant nonpayment can be a complex and time-consuming process. However, before pursuing legal action, there are several important steps that landlords should take to protect their interests and ensure compliance with New York State laws. Below is a checklist to follow before deciding to proceed with a nonpayment proceeding:

1. Verify Payment History

Ensure that you have accurate records of all rent payments, including dates and amounts paid. It is important to confirm the amount due and account for any partial payments or agreed-upon payment plans.

2. Check Lease Terms

Review the lease agreement to confirm the rent amount, due date, and any grace period. You should also verify that you are entitled to pursue legal action under the lease terms, especially if there are provisions for notices or grace periods.

3. Ensure Apartment Registrations Are Up to Date (Rent Stabilized Properties)

If the property is rent-stabilized, it is crucial to verify that the annual apartment registrations with the New York State Division of Housing and Community Renewal (DHCR) are up to date. Tenants in rent-stabilized apartments may raise defenses based on registration discrepancies, so having complete and accurate registrations helps strengthen your case.

4. Document All Communication

Keep a record of all communications with the tenant, including phone calls, emails, and written notices. Having a paper trail is essential in case you need to show the court that you attempted to resolve the issue before seeking legal action.

5. Verify Door Markings for Process Service

If the defaulting tenant resides in an apartment building, ensure that the apartment door is clearly marked with the appropriate unit number or letter. This ensures that the process server can accurately serve legal papers to the correct door, avoiding any complications that could arise from improper service.

6. Inspect the Property

Before starting any legal proceedings, inspect the property to ensure there are no repair issues that could be used as a defense by the tenant. Claims of

uninhabitable conditions are common defenses to nonpayment cases, so addressing any repair issues beforehand can help protect your case.

7. Consult with an Attorney

While these steps should be taken prior to beginning legal proceedings, it is always beneficial to consult with an attorney early on. A lawyer can help ensure you are in full compliance with the law and can provide guidance on how to move forward should you need to proceed with a nonpayment action.

By following these steps, landlords can ensure they are in the best possible position to proceed if nonpayment issues persist. If you are ready to move forward or need further assistance, our team at James G. Dibbini & Associates, P.C. is here to help. Contact us today at (914) 240-8270 or jdibbini@dibbinilaw.com. We look forward to helping you with your landlord-tenant matter.

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