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Navigating the End of a Tenancy: Legal Best Practices for Landlords

Whether a lease is ending naturally, through non-renewal, or by mutual agreement, the termination of a tenancy requires careful attention to legal compliance, property condition documentation, and clear communication. Missteps at this stage can lead to costly disputes, especially surrounding security deposits, damage claims, and early terminations.

At James G. Dibbini & Associates, P.C., we help landlords handle the legal and logistical aspects of both residential and commercial tenant move-outs with precision and professionalism. Below are essential steps every landlord should take when preparing for the end of a tenancy.

1. Conduct a Thorough Pre-Move-Out Inspection

New York law requires landlords of residential properties to offer the tenant a walk-through inspection no more than two weeks before the end of the lease. This allows the tenant the opportunity to fix any damage before vacating.

- Provide the tenant with written notice offering a walk-through.
- During the inspection, note any damage beyond ordinary wear and tear.
- Give the tenant a written itemized list of needed repairs.

This documentation not only helps protect your right to retain part of the security deposit if appropriate, but also helps avoid future disputes.

2. Handle Security Deposits According to HSTPA

The Housing Stability and Tenant Protection Act (HSTPA) mandates strict rules around security deposit handling:

- **Return Deadline:** You must return the security deposit (or a portion thereof) within 14 days after the tenant vacates.
- **Itemized Statement:** If deductions are made, you must include a written itemized statement detailing damages and associated costs.
- **Deposit Storage:** Deposits must be held in a separate interest-bearing account for buildings with six or more units.

Important Note on Interest:

Landlords may retain an annual administrative fee of 1% for maintaining the security deposit account. The tenant is entitled to the remaining interest, either paid annually or credited against rent, net of that 1% fee.

Failure to comply can expose landlords to legal liability, including potential damages and attorney's fees.

3. Document the Condition of the Premises

- Take time-stamped photographs or videos of the unit both before and

after the tenant vacates.

- Maintain a checklist comparing the move-in and move-out condition.
- This evidence is invaluable should a tenant dispute deductions or make false claims about property condition.

4. Use a Surrender Agreement for Early Terminations

When a tenant vacates before the lease expires, it's essential to memorialize the early termination through a Surrender Agreement. This document clearly outlines:

- The agreed-upon move-out date.
- Responsibility for rent or damages beyond the surrender.
- Any terms regarding waiver of claims or return of keys.
- Confirmation that the tenant has vacated and relinquished possession.

Without this agreement, a landlord could face legal uncertainty regarding abandonment, back rent, or unauthorized re-rental of the unit.

How Our Office Can Help

At James G. Dibbini & Associates, P.C., we offer comprehensive legal services to guide you through every step of a tenancy termination:

- Drafting and reviewing Surrender Agreements.
- Advising on security deposit compliance and itemization.
- Providing representation for post-tenancy disputes or litigation.

Call us today to schedule a consultation and protect your property rights at the end of a tenancy.

Email James Dibbini now at jdibbini@dibbinilaw.com or call at 914-240-8270.

The attorneys at James G. Dibbini & Associates, P.C. collectively have over 60 years of experience providing legal services in the areas of:

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