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Residential Evictions

Get Your Legal Fees and Court Costs Paid by Tenant.

A landlord must serve a non-paying tenant with a 3-day notice to pay rent before the landlord can legally commence a non-payment proceeding.

As you may know, local courts refuse to evict residential tenants in summary proceedings for nonpayment of legal fees and court costs.

Neglected apartment repairs are usually a valid defense for a tenant's non-payment. Judges typically order the landlord to have repairs done prior to proceeding with the eviction action. Make sure your tenants have no legitimate complaints about their apartments before commencing non-payment proceedings. This will save the landlord time with court adjournments and money, including possible rent abatement charges awarded to the tenant by the Court.

A landlord may enforce collection of court awarded legal fees and court costs by adding a clause to all new or renewing residential leases. For example:

Any court awarded legal fees and court costs rendered against the tenant, if not immediately paid, will be billed to the tenant as "added rent" in accordance with your lease and made payable with the next monthly rent. If the tenant fails to pay the added rent on time, the landlord shall have the same rights against the tenant as if the tenant failed to pay any rent.

The above clause allows the landlord to commence a new non-payment summary proceeding against a tenant and possibly have the legal right to evict the tenant for prior uncollected legal fees now classified as rent.

Contact our office for a free consultation regarding any specific questions you may have.

Disclaimer: The information provided is not intended to be legal advice, but merely conveys general information related to legal issues commonly encountered.

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