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Vacating a Tenant for Owner's Use

Pursuant to the Rent Stabilization Code, a landlord may initiate proceedings to recover possession of a rent-stabilized apartment on the ground that the landlord needs the apartment as a primary residence for himself or a member of his immediate family. Please note, business entities may not avail themselves of this privilege.

The landlord has the burden of establishing a genuine intention to occupy the apartment for personal use.

Caution: A Failure by the landlord to utilize the apartment for the purpose intended after the tenant vacates, or a failure to continue in occupancy for a period of three years, may result in a forfeiture of the right to any increases in the legal regulated rent in the building where the apartment is located.

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

Two Year Primary Residence Required for Family to Stay!

If or when a legal tenant permanently vacates an apartment, a member of such tenant's family may be entitled to be named as a tenant on the renewal lease. The tenant must have resided with the legal tenant as a primary residence in the apartment for a period of no less than two years. The time requirement is only one year for senior citizens and disabled persons.

If the legal tenant dies or vacates an apartment and a family member claims legal rights to a lease renewal in his/her name without actual evidence satisfying the above two-year requirement, the landlord is not required to renew the lease in the new family member's name and landlord may send notice of non-renewal of the lease.

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