



“Stale Rent” and How It Can Impact Landlords’ Rights To Evict Residential Tenants

Has your tenant been promising to pay his or her rental arrears for months now?

Landlords of all residential units, fair market and rent stabilized units, should be aware of the legal concept of “stale rent.”

“Stale Rent” is a legal doctrine that Courts apply in residential nonpayment eviction proceedings where there is a presumption that the landlord “inexcusably” waited too long to enforce his or her rights by failing to commence an eviction proceeding against a tenant for arrears that are older than six (6) months.

This means that although you may be awarded a money judgment from Court for rent that is older than six (6) months you may not receive a warrant of eviction nor be able to evict a tenant for his or her failure to pay rental arrears and/or a money judgment for rent that is older than six (6) months.

This is why we always urge our clients to take immediate steps to protect their interests when tenants fail to pay their rent.

If it has been several months since your tenant paid his or her rent and you are concerned whether the rent due and owing is “stale,” and whether your delay in pursuing an eviction proceeding is “inexcusable” please contact our office to discuss your rights.

James G. Dibbini & Associates, P.C. has extensive experience in real estate law and can assist you with navigating through the landlord-tenant litigation process. Call 914-240-8270 or email us at jdibbini@dibbinilaw.com today for more information.

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