

## Tenant Rights Guide

This information is a guide to some of the state-protected rights of residential tenants as stated in the Tenant Rights Guide. For more information, contact the NYS Attorney General's Office or the Housing Council at (585)546-3700.

**LEASE** is a contract between landlord and tenant containing terms and conditions of the rental. It cannot be changed unless both parties agree. At a minimum, leases should be written and should specify the names and addresses of the parties, amount and due dates of rent, duration of the rental, conditions of occupancy and rights and obligations of both parties.

**RENT** A landlord must provide tenants with a written receipt when rent is paid in any form other than a personal check. The receipt must state the payment date, amount paid, period for which the rent was paid and apartment number. The receipt must be signed by the one receiving payment and state his/her title.

**SECURITY DEPOSIT** Regardless of the number of units in the building, landlords must treat deposits as trust funds belonging to the tenants and may not mix deposits with other monies. Owners of six or more apartments must also put deposits in a New York bank account earning interest. All interest earned belongs to the tenant. A landlord may use the security deposit as a reimbursement for the reasonable cost of repairs beyond normal wear and tear or as reimbursement for any unpaid rent.

**EVICITION** Following appropriate notice, a landlord may bring a summary nonpayment proceeding against a tenant who significantly violates substantial obligations under the lease. To evict, a landlord must sue in court and win. Only a sheriff or constable can carry out the warrant to evict a tenant.

**HABITABILITY/REPAIRS** Tenants are entitled to a livable, safe, sanitary unit. Any uninhabitable condition caused by the tenant or those under his direction/control is not a breach of the habitability warranty and must be remedied by the tenant. If a landlord breaches the warranty, the tenant may sue for rent reduction or withhold rent, but then the landlord may sue for nonpayment. The tenant may then countersue for breach of warranty.

Landlords must keep apartments and public areas clean and in good repair and free from vermin, garbage, etc. Landlords must maintain electrical, plumbing, sanitary, heating/ventilating systems and appliances in safe working order. Landlords of apartments where a child 6 years or younger lives must protect against possible lead paint poisoning. For apartments built before 1960, a landlord must provide all tenants with an EPA pamphlet warning tenants of lead based paint hazards and a disclosure form advising what is known about lead paint in the apartment.

**SAFETY** Landlords must take minimal precautions to protect against foreseeable criminal harm. Multiple dwellings built or converted after 1968 must have self-closing self-locking entrance doors. With eight or more apartments, there must be a two-way intercom for each apartment, and buildings with three or more units shall have a secure mailbox for each apartment.

**HEATING** Must be supplied September 15 through May 31 and be able to maintain a temperature of not less than 68 degrees.



**Have you checked your  
smoke detectors  
this month?**



### Village of Brockport

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### Village of Brockport

## Multiple Residency Habitability Inspections

This brochure summarizes the requirements for residential rental property inspections.

Your responsibility as a residential rental property owner is to ensure your tenants have a safe environment in which to live. This brochure lists the most common deficiencies found during inspection. Failing to make necessary repairs can cost more in time and money than the actual repairs would have cost in the first place. It pays to do it right the first time.

Use this brochure to familiarize yourself with our code requirements. The most common deficiencies are addressed in Village of Brockport Code Chapters 36 and 58, and the NYS Building and Fire Prevention Codes.

**Village Staff:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Date of Inspection:** \_\_\_\_\_

## Exterior

Provide proper parking – a suitable hard surface with no standing water or potholes; parking location to be a minimum of five feet from buildings; assure tenants/guests park in approved areas. **Parking or driving on lawns**, either temporarily or permanently, is **NOT** permitted and is strictly enforced by the Village.

Buildings and premises must be free from accumulation of trash and debris. Provide and maintain a sufficient number of garbage receptacles with watertight, vermin-proof fitted lids. Receptacles must be screened from public view between pickup days.

Trees, shrubs and bushes should be trimmed below first floor windows to increase security and emergency personnel access.

House number should be visible from the street, at least 5" high, and must contrast with the color of the building.

Exterior lighting shall be provided for exit paths and site security.

Roofs, siding, foundations, gutters, downspouts, utility equipment, chimneys, vents and electrical service fixtures should have no deficiencies. They shall be secured and in proper working condition. Exterior outlets shall be GFCI (ground fault protected).



Steps or stairs four risers high or greater and porches elevated more than 30" from grade require secure handrails on all open sides. Sidewalks shall be in safe condition.

Maintain windows and screens in good condition; emergency escapes and required ventilation windows must be in good working order.

Fire escapes and exits should be free from any physical impairments and maintained in good working order at all times.

Porches shall be free of trash, debris, combustible materials and open flame cooking devices. Village law prohibits upholstered furniture such as sofas and chairs to be used or stored on open porches, balconies or fire escapes.

## Interior General

Stairs and handrails are solid with no missing/loose balusters or component parts. Stairs shall have proper illumination at all times.

Common corridors shall be free from trash and obstructions and well lit. Apartment doors to fire-rated hallways are self-closing/self-latching and are to have unit numbers attached to them.

Access to fire escapes and exit paths shall be unobstructed at all times. Exit doors shall operate freely and be devoid of snow, ice and all other impediments prohibiting safe egress.

Floors, walls and ceilings shall be maintained in good repair with no holes or structural deficiencies; required interior doors shall be in place; all windows are operational with all glass and frames intact.

Heating equipment is serviced annually; all fuel burning appliances, vents, vent connectors and flues are free from defects and in good operating condition. All gas heating appliances must have sufficient fresh air for combustion and ventilation.

No accumulation of combustible materials shall be near heat producing equipment/appliances. Assure there is no abnormal accumulation of trash, furniture or combustible materials in the basement, attached garages or the attic.

Maintain sewer drains from blockage; assure line openings are properly capped/sealed.

No exposed wiring allowed; electrical equipment (service panels, sub-panels, conduits, wiring, switches, outlets, fixtures) shall be in good repair and securely mounted.

Maintain all electrical equipment including panels and boxes. Ensure panels are properly sealed with no opening where circuit breakers should be installed. The electrical distribution service shall provide adequate power needs for users and the electrical equipment used in the dwelling/building.

Install and maintain smoke detectors in all common corridors/stairways adjacent to bedrooms, within all bedrooms, and in basements. If electrical multi-station smoke detectors are required or used, alarms should be wired in series so that activation of one alarm will set off all alarms in the building.

Smoke alarm recordkeeping is required of multi-family properties and must include installation and replacement of batteries upon the vacating of each dwelling unit.

## Habitable Units

Maintain/install required fire separations between individual dwelling units, attached garages, corridors and from interior storage rooms.

Maintain the building free from rodent, vermin and insect infestation.

Maintain walls, floors, ceilings, windows, sashes, storms and screens in good repair. Replace broken/missing windowpanes, screens and frames as needed.

Each dwelling unit must have a securely mounted carbon monoxide detector near sleeping rooms.

Provide potable hot water for bathing/washing in bathrooms/kitchens; provide approved comfort heat in all occupied spaces (from Sept 15 to May 31.)

Assure sinks, showers, tubs and toilets drain properly. Maintain plumbing lines free from defects. Bathrooms shall have either an operable window or a ventilating fan. Maintain walls/floor adjacent to wet surface areas, and tub/shower enclosures waterproof and in good repair.

Provide GFCI ground fault electrical outlets anywhere within 6' (six feet) of a water source.

Assure electrical outlets, switches, fixtures and junction boxes are secure, grounded and have protective plates and fasteners. Provide sufficient electrical outlets, avoid the use of extension cords and plug strips. Multi-outlet plug strips, if used, shall be firmly fastened to a hard surface.

May provide fire extinguishers that are mounted in a conspicuous location and inspected annually.

All clothes washing and drying appliances shall be properly vented and shall drain appropriately.

Cooking appliances will not be used in rooms or spaces not deemed as being a kitchen.

Non-approved spaces within basements, attics, porches, etc. shall not be inhabited as living space.

