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Real Estate Q&A

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Elderly Tenants Breaking Leases

By JAY ROMANO

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Q. *I am 77 years old and rent an apartment. If I move before the lease expires, am I liable to pay the balance of rent for the entire lease period? Is there an exception for elderly tenants?*

A. Dov Treiman, a lawyer in Manhattan, says New York is one of the few states whose tenants are generally stuck for the entire rent to the end of the term if they move out before the lease expires. But, he said, there is an exception for elderly tenants in New York's Real Property Law that gives them the right to move without any further obligation to the landlord.

To qualify, the tenant or his or her spouse residing in the apartment must be or become 62 or older during the lease and either be moving to a licensed health care facility like a nursing home or have a doctor's note indicating he or she cannot live independently anymore and is moving in with family. The law requires 30 days' notice to the landlord, and a copy of the contract with the nursing home or an affidavit from the family member the tenant is moving in with.