

# The New York Times

## Q & A; Following the Rules for Subletting

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**Q.** *Can a landlord stop a tenant from subletting a rent-stabilized apartment? I've heard that a landlord can require a credit check and use this information to reject a subtenant. Is this true?*

**A.** **Adam Leitman Bailey**, a Manhattan real estate lawyer, said that under state law, a rent-stabilized tenant can sublet a unit for as long as two years during any four-year period, subject to a landlord's consent, which cannot be "unreasonably withheld."

But a landlord can withhold consent for cause.

"The law provides a precise ritual that the tenant must follow to apply for permission to sublet," Mr. Bailey said, "and even a minor deviation from that ritual will allow the landlord to deny the request."

The request must include, among other things, the term of the sublease; the name and address of the proposed subtenant; the reason for the sublease; and a copy of the proposed sublease.

Once a request is received, a landlord can demand additional information. "Many landlords have a fairly detailed questionnaire they use for that purpose," Mr. Bailey said.

A landlord has 30 days after receiving the completed questionnaire to make a decision. One of the acceptable reasons for withholding consent is the financial condition of the subtenant, based on a credit check.