

## **A Landlord's Right To Enter**

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### **I do not have a written lease agreement. Can my landlord enter my apartment at any time?**

No. Generally speaking, when you have rented an apartment, no one may enter without your permission. If your landlord enters the apartment without your permission, your landlord is trespassing.

### **Can my landlord ever enter my apartment without permission when I am not home?**

As a tenant you are generally entitled to prior notice before your landlord may enter the apartment. If there is an emergency situation that needs to be dealt with immediately (for example: bursting pipes, an electrical problem affecting other apartments or an extreme sanitation problem), your landlord may enter without your permission.

### **If my landlord wants to come in and make repairs, do I have the right to insist that no one enter unless I am at home?**

Generally, a landlord must ask permission before coming in to make repairs. An exception exists if emergency repairs are necessary. If you have a lease, you must read it to see whether it says that your landlord has the right to make repairs at anytime and without permission. Some leases specify when a landlord may enter the apartment; others do not.

### **I have a written lease agreement that says that my landlord can enter my apartment to make repairs and improvements. Does the landlord need my permission before entering?**

If your lease agreement says that your landlord can enter your apartment to make repairs and improvements, and it does not say that your landlord needs your permission or needs to give you notice before entering to make repairs, your landlord may have an absolute right to enter, even without permission, to make reasonable and necessary repairs.

### **My apartment was inspected by the Building Inspector and my landlord was put on notice that he has to make a list of repairs by the end of the month. Can my landlord enter my apartment without permission to make the repairs?**

In certain circumstances a landlord may have a duty to make repairs and alterations as ordered by a court or public agency and may enter to make repairs without permission. Your landlord should, however, make reasonable efforts to get your permission to enter before doing so.

### **I am temporarily staying somewhere else but I have made all of my rent payments. Can my landlord retake possession, or enter my apartment while I am not there?**

Even if you are temporarily staying with someone else, you are still legally in possession of your apartment. Your landlord may only retake possession temporarily if it is necessary to protect the apartment from damage.

### **My landlord has been entering my apartment without my permission when I am not home. My lease agreement does not allow this. What should I do?**

Send your landlord a letter telling him that he has no right to enter your apartment without your permission, and that you intend to call the police if he enters again. Keep a copy of your letter. You may also try calling your local police precinct.

**I do not have a written lease and I have not paid my rent. My landlord has threatened to enter my apartment and take possession of it. Does my landlord have the right to do this?**

Landlords may not take the law into their own hands and forcibly retake possession of their apartments. If a landlord asks a tenant to move, and the tenant does not leave voluntarily, the landlord must file a court action to evict the tenant and to take the apartment back. Without a court order, your landlord may not evict you, or take possession of your apartment.