



# ONLINE RENT PAYMENTS KNOW YOUR RIGHTS!

---



## Tenants Have No Obligation To Pay Rent Online

### **My landlord says I have to pay rent online because COVID-19, what can I do?**

You do not have to pay rent online or use electronic billing now or at any time, even if it is required in a lease. The law says you have the right to pay rent by money order, personal check, cash, or the online system and the landlord has to accept it.

### **What should I do if I pay by money order or personal check?**

It is important to clearly state what month and year your payment is for, because landlords often get their math wrong. A good way to make sure your landlord is using your payment for the month and year you want, is to write it in the memo line of the check or on the front of the money order. For example, on your May rent payment you should write your NAME, APT. #, and "RENT FOR MAY 2020".

You should keep the receipt or take a picture of the money order or check for your records. You have the right to a written receipt from the landlord and they have to give it to you within fifteen days after they get the rent money.

### **What about paying with cash?**

You can pay your rent with cash and the landlord has to give you a written receipt and keep records of all cash payments for up to three years. It is not always secure to send cash in the mail, so you might want to hold onto it during the health crisis until it is safe to pay your landlord in person.

## **Where & How to Pay During COVID-19 - Stay Safe & #CancelRent!**

### **What if the office where I pay my rent is closed?**

You can wait for the office to re-open after the health crisis. You can also call 212-979-0611 or 718-557-1379 to learn more about the #CancelRent campaign that is happening throughout the state. This campaign is fighting for complete forgiveness of any and all rent money owed during the COVID 19 crisis.

### **What if I want to mail my rent but I do not know where to send it?**

You should not feel pressured to mail the rent if going to the post office is not safe for you.

If you do want to mail your rent, live in NYC, and don't have an address for the landlord, you can mail it to the address the landlord has registered with the city. You can look this up online at <https://whoownswhat.justfix.nyc/en/> . Please remember to take a copy or picture of any payments you are making during this time, and also snap a picture of the stamped envelope.

## **What About Late Fees? - Know Your Rights!**

### **Can my landlord charge fees if I do not pay rent online?**

The landlord cannot charge you any extra fee if you choose not to pay rent online.

### **Can the landlord charge late fees if I do not pay my rent on time?**

A landlord can charge late fees, but only if it says they can in your lease. The late fees cannot be more than \$50 or 5% of your monthly rent, whichever amount is less.

Please remember that a landlord cannot bring an eviction case against you in housing court for failing to pay late fees. And, if you tried to pay on time but the landlord's office is closed or they refused to accept the payment, then you can use this as a defense against the late fees and any case the landlord starts for nonpayment of rent.

## What if the Landlord Refuses My Rent Payment - Know Your Rights!

### My landlord refused to accept my payment, what do I do now?

It is not legal for your landlord to refuse your rent payment, except under very rare circumstances. If you try to pay your rent and your landlord says you can only pay electronically, you can send a letter or email to explain your rights. Here is a sample you can use:

*Dear Landlord:*

*I have the right to pay my rent by money order/personal check/cash or your electronic online system. Under the law, Real Property Law § 235-g, I do not have to pay rent online. By law, you cannot refuse to accept my rent payment and if you do, I will raise this against you in any housing court proceeding you may bring.*

*[Option 1] Enclosed is my rent payment, please send me a receipt pursuant to Real Property Law § 235-e.*

*[Option 2] Please let me know when the office reopens so I can pay my rent in person.*

*[Option 3] Please provide me with an address where I can mail my rent payment.*

*Tenant Name*

*Address*

*Phone #/Email Address*

## What is the Eviction Moratorium & How Am I Protected?

### Can my landlord evict me during COVID-19?

NO. Your landlord cannot evict you for ANY reason due to the eviction moratorium in NY State. Read more about the moratorium [here](#). This means that whether or not you pay the rent, your landlord cannot start a new nonpayment case or evict you.

If you try to pay your rent but the landlord refuses to accept it, this may give you a defense in housing court once the courts reopen. The landlord cannot evict you for nonpayment of rent if you pay your rent late or wait to pay your rent until the landlord's office reopens.

### How Do I Learn More About #CancelRent?

The tenant movement won an eviction moratorium, but we know there is still much more to be done to ensure that tenants do not lose their homes during and after this public health crisis. We are demanding that the Governor cancel rents and utilities, freeze rents and house the homeless. Please [sign our petition!](#)

### Learn More About Your Rights!

You can visit the Right to Counsel Coalition website here:

<https://www.righttocounselnyc.org/resources>.

