

Legal Assistance of Western New York, Inc. ®



We provide free legal aid to people with civil legal problems in western New York.

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Beware of Paying Your Rent With Money Orders

How you pay your rent can be very important. While money orders seem convenient, they may cause you a lot of problems and, in some cases, could lead to your eviction.

A money order may not be cashed if there is even just one small mistake on it, such as an incorrect date or unreadable writing.

You should write your name and the month(s) you are paying for on the actual money order. You should always keep a copy of your actual money order.

If your landlord has problems cashing your money order, you can ask for a refund from the company you bought the money order from. However, it may take months to receive the refund. If you do not have the money to pay the rent when it is due, your landlord may serve you with court papers for an eviction.

Can my landlord evict me even though I have a money order receipt for my rent?

Maybe. Hopefully, the judge will believe what you say in court. You can bring the copy of the money order and/or money order receipt to court and submit it as evidence. If the judge doesn't believe that you actually gave the money order to the landlord, the judge may decide that the money order receipt is not enough proof that you paid your rent.

Protect yourself by getting a written receipt signed by your landlord every time you pay rent. In New York State, if you pay your rent with cash or a money order, the law says your landlord **must** give you a written receipt for the payment. A proper receipt will state:

1. The date of your payment,
2. The amount of the payment,
3. Your address,
4. The period paid (You have the right to tell the landlord which month you are paying, so make sure to write the month(s) on your payment.

If you are in court and you didn't get proper receipts for your payments, tell the judge.

Consider getting a free checking account

Since banks keep records of checks that are cashed, paying by check can help prove that your

landlord received the rent money. If you make a written request for a receipt of rent payment made by check, your landlord must provide you with a proper receipt. A checking account may also be cheaper and more convenient than using money orders. There are many banks that offer free checking accounts.

If you sign up for a checking account, you do not have to get a debit or ATM card offered by the bank. Using debit or ATM cards can be risky. It is often hard to keep track of your balance, and this can lead to high overdraft charges if you accidentally charge too much money from your debit or ATM card.

For more information about opening a checking account, contact a bank in your area. Be sure to ask about any minimum monthly balance rules when you visit the bank.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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