

Legal Assistance of Western New York, Inc. ®

Beware of Working

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

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Beware of Working for your Landlord Instead of Paying Rent

In our experience at LawNY®, tenants will sometimes call us because they are being evicted for nonpayment of rent, even though they worked for their landlord. Sometimes, the work involves cleaning an apartment that was left dirty by the former tenant and sometimes the work involves minor plumbing repairs or repairing a hole in the wall. But sometimes the work involves a lot of time and expense by the tenant.

The problem with these agreements is that there is usually nothing in writing signed by the landlord and the tenant. This makes it hard to prove to the judge that the landlord had agreed to waive the rent in exchange for the work. Another problem with these agreements is that the landlord and the tenant seldom agree on how much the tenant is making per hour. This means there is no way of knowing the value of the tenant's labor and how much less rent they should be paying.

Another problem is that an agreement for repairs improperly requires the tenant to make sure the home is safe and livable. This is always the landlord's responsibility unless the tenant caused damage. You should not move into a home that is unsafe or needs repairs.

If you want to do work for your landlord to lower the amount of rent that you pay, be sure to agree on how much your labor is worth. You should get at least minimum wage for your work. You need a written agreement for the time and value of the repairs. There should be two originals so that both the landlord and the tenant have an original with the date of the agreement on it.

Please also note that there may be tax or other implications to rent reductions in exchange for work.

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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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