



NEWSLETTER

**CAPITAL DISTRICT ASSOCIATION
OF RENTAL PROPERTY OWNERS**



Speaker1:

Susan Cotner,

AHP Homeownership Center-
Affordable Housing
Partnership / Albany
Community Land Trust

FEBRUARY 2024

Eviction Process Legal Questions



Speaker2:

Matthew J. Turner, P.C.

Attorney and Counselor at Law

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A- Membership Meeting in Troy: February 8, 2024

- Themes: 1- **Clean Energy Hubs Funding – by Susan Cotner**
(Affordable Housing Partnership- Homeownership Center)
2- **Eviction Process: Legal Questions** - by Matthew J. Turner
(Attorney and Counselor at Law)
- Location: Courtyard by Marriot in Troy, 515 River St, Troy, NY 12180
- Time: 7 PM-9 PM
- Contact: info@cdarpo.org
- Address: CDARPO, PO Box 8, Latham, NY 12110



B- Agenda:

- 6:30 PM - 7:00 PM:** Registration
- 7:00 PM – 7:05 :** Welcome members Guests
- 7:05 PM – 7:45** Welcome Speaker 1:



Introduction:

If your property has an aging heating system, this program will provide you with information on what incentives are available to help you upgrade or

convert systems. The benefits of starting with building insulation and air sealing will be discussed. Multiple funding sources will be covered including NYSERDA, IRA tax credits and utility rebates.

The presentation will be provided by the Capital Region Clean Energy Hub. Six nonprofit agencies have collaborated to form this NYSERDA-funded program which serves the 8-county region. The Hub works to help property owners

access NYSERDA energy efficiency programs for owner-occupied and rental units. The speaker is Susan Cotner from the Affordable Housing Partnership.'

Susan Cotner,

AHP Homeownership Center- Affordable Housing Partnership / Albany Community Land Trust

255 Orange Street, Albany, NY 12210
518-275-4805

scotner@ahphome.org

www.ahphome.org

www.albanyclt.com

www.CleanEnergyCapitalRegion.org

7:45 PM - 8:00 PM: Light refreshments

8:00 PM - 8:30 PM:

Welcome Speaker 2

**Matthew J. Turner,
P.C.**

Attorney and Counselor at Law
54 Second Street
Troy, New York
12180



8:30 PM - 9 PM: networking opportunity

C- Last Meeting Photo



New Board Installation Event 2024

D- CDARPO Code of Ethics

CDARPO members shall:

- 1. Strive to develop efficient and effective standards to improve rental property management and ownership.*
 - 2. At all times contribute their knowledge and expertise regarding rental properties to the best interest of CDARPO.*
 - 3. Make conscientious efforts to comply with all health, safety, fire and building code regulations.*
 - 4. Not perform or cause to be performed any act which tends to reflect negatively on CDARPO.*
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E- Introduction to Clean Energy Hubs:

Provided By (NYSERDA)

New York State is embarking on a transition to an inclusive clean energy powered economy. All residents, businesses and communities across the State will have access to new opportunities to benefit from this transition including clean energy careers, home improvements, even rebates for businesses and personal transportation. But there's a lot of information out there, and people may not know where to start.

To help New Yorkers access and navigate these opportunities, NYSERDA created the Regional Clean Energy Hubs. Clean Energy Hubs connect people to the clean energy economy.

Your Hub is a team of trusted, knowledgeable, community-based organizations in and from your region of the State. They have experience with clean energy, energy efficiency, workforce and economic development, education, health, and housing.

Hubs help and provide information to individuals, small businesses, and

affordable housing owners about the benefits of the clean energy economy, ways to reduce energy use and costs, and how to make more informed energy decisions.

A hub can:

- Describe the "clean energy economy" and what it means for communities
- Assist with accessing job training and employment in the clean energy sector
- Help someone fill out an application for a free home-energy assessment
- Show what types of energy incentives a person or business may qualify for
- Share information about electric vehicles (EV), EV charging stations and rebates, heat pumps, solar energy, and weatherproofing
- Find a qualified contractor to perform clean energy upgrades
- Locate a community solar program and help residents and businesses sign up for it.

Dear readers,

Share your amusing landlord stories with us! Whether it's a funny encounter with a tenant or contractor, or a situation that didn't go as planned, we want to hear about it. Submissions can be short and anonymous, so send them our way and let's remind ourselves of the lighter moments of being a landlord. Please send at info@cdarpo.org

Best regards,

CDARPO

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F- Landlord and Tenant Responsibilities:**1. Tenant Responsibilities:**

Tenants must keep their living space clean and let the landlord know about any repairs needed beyond normal wear and tear. Rent should be paid on time, usually within the first five days of the month. Tenants shouldn't overcrowd their apartments and must follow the rules in their lease agreement unless state laws say otherwise. If tenants have disabilities, they might need to pay for changes to make their homes accessible. Smoke detectors should be checked regularly, and if tenants change the locks, they need to give the landlord a new set of keys. Depending on the lease, tenants might have to pay a pet deposit.

2. Landlord responsibilities:

Every landlord must keep their rental properties clean and safe for tenants, including shared areas and individual apartments. In buildings with multiple units, they must take care of common spaces. Heating should be available from October 1 to May 31. Landlords are

responsible for fixing things and keeping utilities running smoothly. They must respect tenants' privacy by giving notice before entering their homes, except in emergencies. Landlords should also provide basic security measures like working locks and good lighting. If tenants have disabilities, landlords should make reasonable accommodations unless it costs too much. Discrimination against tenants is not allowed.

Evicting someone or locking them out of their home requires a court order. If a tenant is evicted, the landlord must store their belongings safely for about a month. If a tenant leaves before their lease ends, the landlord should try to find a new tenant before charging the old one for any costs. When a property is sold, the landlord must tell the tenants who the new owner is and where to reach them. They must also transfer any deposits or rent paid in advance to the new owner.

Connect & Learn with CDARPO *By becoming a member of CDARPO, you'll gain access to a network of seasoned landlords, providing you with invaluable opportunities to connect and learn from their expertise.*

Grounds	Notice	Curable?
Nonpayment of Rent	14 Days	Yes
End of Lease or No Lease	30 Days	No
Lease Violation	10/30 Days	Yes
Illegal Activity	None	No

Evicting a tenant can be a complex legal process, and landlords must adhere to specific legal grounds to initiate eviction proceedings. This article explores three common legal grounds for eviction: Non-payment, Holdover, and Holdover for breach of a lease. Let's walk through the steps involved in each stage of the eviction process, providing insights and tips for landlords.

1. Non-Payment: Before initiating court proceedings for non-payment, landlords must follow a crucial step-by-step process.

1.1 14-Day Notice to Pay or Quit:

A written notice must be provided to the tenant, giving them 14 days to pay the outstanding rent or vacate the premises.

1.2 Vacating in 14 Days:

Tenants are not required to vacate within the specified 14 days.

If tenants voluntarily vacate and give up possession, landlords can pursue rent recovery through Small Claims Court rather than continuing with the eviction process.

1.3 Rent Offered:

If rent is offered before the court hearing, landlords must accept it, resolving the non-payment issue.

If rent is not offered, landlords proceed to file for a non-payment eviction through the court.

2. Holdover for Month-to-Month

Tenants:

For month-to-month tenants, landlords must provide proper notice based on the duration of occupancy.

2.1 Proper Notice Periods:

- **30-day notice** for tenants occupying for less than a year without a lease term of at least one year.
- **60-day notice** for tenants occupying for more than one year but less than two years, or with a lease term for at least one year but less than two years.
- **90-day notice** for tenants occupying for more than two years or with a lease term of at least two years.

2.2 Evicting a Holdover Tenant:

Example: Issue a 30-day notice, refuse rent for the subsequent month, and file court papers promptly after that month.

Holdover for Breach of Lease:

When a clause in a written, fixed-term lease is violated, landlords must follow specific steps.

3.1 Notice to Correct:

Provide appropriate notice to correct the lease violation (typically 10 days to cure). If corrections are not made, landlords can proceed to file court papers.

4. Court Proceedings:

Understanding the court process is crucial for landlords seeking eviction.

4.1 Getting Your Court Date:

Fill out paperwork in triplicate, sign in front of a notary, and submit to the appropriate court.

Pay the required fee to receive a court date (with at least 10 and no more than 17 days notice to the tenant).

4.2 Serving Tenant Papers:

Serve court papers through regular mail, certified mail, or personal service (for money judgment).

Tenant must receive papers 10 to 17 days before the court date.

4.3 Your Day in Court:

Landlords present their case first.

Tenants present their defense.

If no agreement is reached, and there is a triable issue, the case may proceed to trial.

The Judge Decides:

The judge's decisions vary based on the type of case.

5.1 Non-Payment Case:

The court may stay a warrant of eviction if the tenant commits to payment arrangements.

5.2 Holdover for Breach Case:

The judge decides whether the tenant must vacate and sets a timeline for eviction.

5.3 Holdover of a Month-to-Month Tenant:

Judges typically rule in favor of eviction and set the date.

The Judge Grants:

The court grants the landlord a judgment and a warrant.

Executing the Warrant:

Landlords must go to the City Marshall, pay the fee, and follow a legal process to execute the warrant.

If the tenant pays the owed rent at any point, the warrant of eviction can be canceled.

Conclusion:

Navigating the eviction process requires a clear understanding of legal grounds, proper notices, and court procedures. Landlords should follow the outlined steps diligently and be prepared for court proceedings, ensuring a fair and lawful eviction process.

Enroll in Landlord Training, which covers essential topics, including the Eviction Process, offered by The Affordable Housing Partnership. To register, visit our website at <https://www.ahphome.org/registration-form-landlord-training>.

H- Making Clean Energy More Affordable and Accessible

Investing in rooftop or ground-mounted solar for your home or building can provide long-term savings and boost resilience to power outages and fluctuating energy prices. But installing solar isn't always feasible due to an unsuitable roof, tree shading, or if you're among the 46% of New Yorkers who rent their home ^[3].

The community solar model helps break through these barriers that have prevented many New Yorkers from accessing the benefits of solar.

Additionally, NYSERDA's Inclusive Community Solar Adder is encouraging developers, via higher incentive rates, to invest in community solar projects serving low-to-moderate (LMI) subscribers, affordable housing, and other facilities serving Disadvantaged Communities.

I- The Inflation Reduction Act is Boosting Community Solar Development

By NYSERDA

New York is on the path to installing 10 GW of distributed solar by 2030.

New York's nation-leading community solar portfolio is poised for continued growth due to state-level incentives and federal investment.



The passage of the [Inflation Reduction Act \(IRA\)](#) in 2022 established a 30% federal tax credit for all solar projects until 2033. Like New York's Inclusive Community Solar Adder, the IRA provides bonus incentives for community solar projects serving low-income customers.

Specifically, projects can receive a 10% bonus tax credit for being sited in a low-income community or 20% tax credit for projects that allocate the majority of benefits to low-income customers. Projects sited in energy communities or those that meeting domestic content requirements are also eligible for bonus IRA tax credits ^[4].

For more information, go to <https://www.nyserdera.ny.gov/All-Programs/Inflation-Reduction-Act>

J- Sponsors

	<p>NYS Licensed Real Estate Salesperson and Real Estate Investor Sean Daley, CPA</p>  <p>(518)-390-0578 yourdaleyinvestor@gmail.com www.serenityrealestate518.com</p>
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<p><i>Your Quick Solution!</i></p>
<p>Facing water damage, fire, mold, or biohazards? We're here to help, offering: <u>Swift Response</u>: ✓ Guaranteed ONE HOUR emergency response time! <u>Top-Notch Services</u>: ✓ Water damage cleanup ✓ Fire & smoke restoration ✓ Mold remediation ✓ Biohazard cleaning <u>Cutting-Edge Technology</u>: ✓ State-of-the-art tools for reliable and accurate restoration. Immediate Action: ✓ Assess, plan, and restore your space ASAP. For rapid and professional recovery, trust MacFawn! Contact us now www.macfawn.com</p>
<p>(518) 785-6719</p>

Spare Space for Sponsors



“Landlords Helping Landlords”

Eligibility Any person over 18 years of age who agrees to abide by CDARPO’s By-Laws, adopts its Code of Ethics and is engaged in owning and/or managing rental property, or does business with those so involved, is eligible for membership. Spouses and domestic partners of members may attend general meetings free of charge but are not entitled to vote. Businesses and other organizations may apply for membership and must appoint a voting individual. CDARPO is an equal opportunity organization.

Application for Membership

I am over 18 years of age and agree to abide by CDARPO’s By-Laws and Code of Ethics. I am engaged in owning and/or managing rental property or I do business with those so involved. (Included are persons that are seriously endeavoring to become an owner or property manager of rental property.) Initials: _____

Annual Fee \$75.00 Is there another member who referred you? _____

Your Name: _____ **Partner (non-voting)** _____

E-mail: _____ **Cell:** _____ **Alt#:** _____

Mailing Address: _____ **Bus Affil:** _____

___ **Yes** ___ **No** May we share your name, e-mail address, and telephone with other members?

---- **Yes** ___ **No** Can we auto-deduct your payment at next year’s renewal?

What is your affiliation with the Rental Industry (Please circle all that apply): (Do-it-all) (Owner) (Full-time Operator) (Property Manager) (Investor) (Finance) (Supply) (Contractor) (Construction) (Repair) Other: specify _____

Circle number of units owned or managed: 0 1-5 6-10 11-20 21-40 41-70 71-100 100+

What type of property are you active with. Please Circle all that apply: (Single Family) (Luxury Apts) (Market Rate Apts) (Student Housing) (Affordable Housing) (Senior Housing) (Rooms) (Extended Stay) (Owner-Occupied) Other (describe) _____

Your properties are located in what cities, towns, or county authority (please indicate how many units in each):

#	City/Town	Nbr	#	City/Town	Nbr
1			4		
2			5		
3			6		

CDARPO is an organization of volunteers that succeeds by members helping members. In which of these fields will you be able to help the organization? Reference more info in By-Laws (Circle all that apply)

- >Legislative Liaison (go to meetings and report back)
- >Membership (various, meeting & resource table)
- >Newsletter Contributor
- >Information Technology—Website, meetings
- >Other—how do you think you can contribute: _____
- >Schedule Meeting Speakers
- >Education --various
- >Public and Press Relations
- >Social Media

Capital District Association of Rental Property Owners, PO Box 8, Latham, NY 12110 email: info@cdrpo.org

Secrets of Successful Landlords

Learn effective residential property management practices from the experts

- Tenant Screening
- Landlord/Tenant Laws
- Financial Issues
- Property Management
- Eviction Process
- Fair Housing Laws
- Section 8 Program
- Tips from Successful Landlords



Wednesday, February 28, 2024
5:30 pm

Workshop will be held online.

Register at www.ahphome.org or call 518-434-1730 x 0 for this and other education programs. More info at LMcneilly@AHPhome.org. \$20 for resources.

Sponsored by:





FREE EPA LEAD TRAININGS

February 2024 Training Schedule

CLASS SIZE IS LIMITED—REGISTER TODAY—ALL TRAININGS ARE FREE

Funding for RRP classes is provided by Albany County Department of Health, Montgomery County Department of Health, Rensselaer County Department of Health, and Schenectady County Public Health Services.

Effective April 22, 2010, workers performing renovation, repair and painting projects that disturb lead-based paint in homes, childcare facilities, and schools built before 1978 must follow specific work practices to prevent lead contamination and must be certified. This federal EPA Renovation, Repair, and Painting (RRP) rule applies to contractors, painters, plumbers, carpenters, electricians, window replacers, roofers, and landlords.

Trainings to become EPA certified are offered by Cornell Cooperative Extension Albany County, an EPA accredited training provider. This course is approved for purposes of certification under Section 402 of Toxic Substances Control Act (TSCA) for the respective discipline.

Upon successful completion of the RRP Initial course including passing an exam at the end of the class, participants are EPA certified renovators. This certification is good for 5 years. Certified renovators must take a RRP Refresher course before their certification expires.

Failure to comply with EPA's RRP program requirements could result in penalties of up to \$37,500 per day per violation.

PARTICIPANTS MUST PRE-REGISTER

Register online:

https://pub.cce.cornell.edu/event_registration/main/events.cfm?dept=201

Fax: 518-765-2490

Or call:

Al 518-765-3529 | ark249@cornell.edu

Nick 838-202-0742 | neb87@cornell.edu

Diane 518-765-3512 | dfp46@cornell.edu

ALL RRP INITIAL TRAININGS INCLUDE:

Continental Breakfast, Lunch, Refreshments, and Course Manuals & Materials

ALL RRP REFRESHER TRAININGS INCLUDE:

Continental Breakfast, Refreshments, and Course Manuals & Materials

EPA Certified Renovator Initial (RRP I)

February 6, 2024

The Riverfront Center

1250 Riverfront Ctr., Rm 1190, Amsterdam, NY 12010

7:45 am—Registration/Light Breakfast

8:00 am - 5:00 pm—Training

February 15, 2024

Albany Community Development Agency

200 Henry Johnson Blvd., 2nd Floor, Albany, NY 12210

(parking available behind building)

7:45 am—Registration/Light Breakfast

8:00 am - 5:00 pm—Training

February 21, 2024

Workforce Development & Community Education

201 State St., Schenectady, NY 12305

7:45 am—Registration/Light Breakfast

8:00 am - 5:00 pm—Training

February 27, 2024

Center Brunswick Volunteer Fire Company

1045 Hoosick Rd., Troy, NY 12180

7:45 am—Registration/Light Breakfast

8:00 am - 5:00 pm—Training

February 29, 2024

The Riverfront Center

1250 Riverfront Ctr., Rm 1190, Amsterdam, NY 12010

7:45 am—Registration/Light Breakfast

8:00 am - 5:00 pm—Training

EPA Certified Renovator Refresher (RRP R)

February 13, 2024

CCE Albany County

24 Martin Rd., Voorheesville, NY 12186

7:45 am—Registration/Light Breakfast

8:00 am - 12:00 pm—Training

New York State code officials successfully completing Cornell Cooperative Extension Albany County's 8-hour EPA RRP Initial training course will receive 8 hours of Professional Development Electives toward their 24 hours of annual In-service credit. (Individuals must sign in, complete all paperwork, have their picture taken, pass the exam, and sign out. All students must follow these procedures to receive in-service training credit for this class.)

Name: _____ (please choose) Class Date/Time: _____

Address: _____ City: _____ State: _____ Zip: _____

Company or Organization: _____

Phone: _____ Cell Phone: _____ Email: _____

Cornell Cooperative Extension | Albany County

24 Martin Road, Voorheesville, NY 12186

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