



Property Law 1

A Rental Agreement

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Thank you!



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What words are related to renting property?

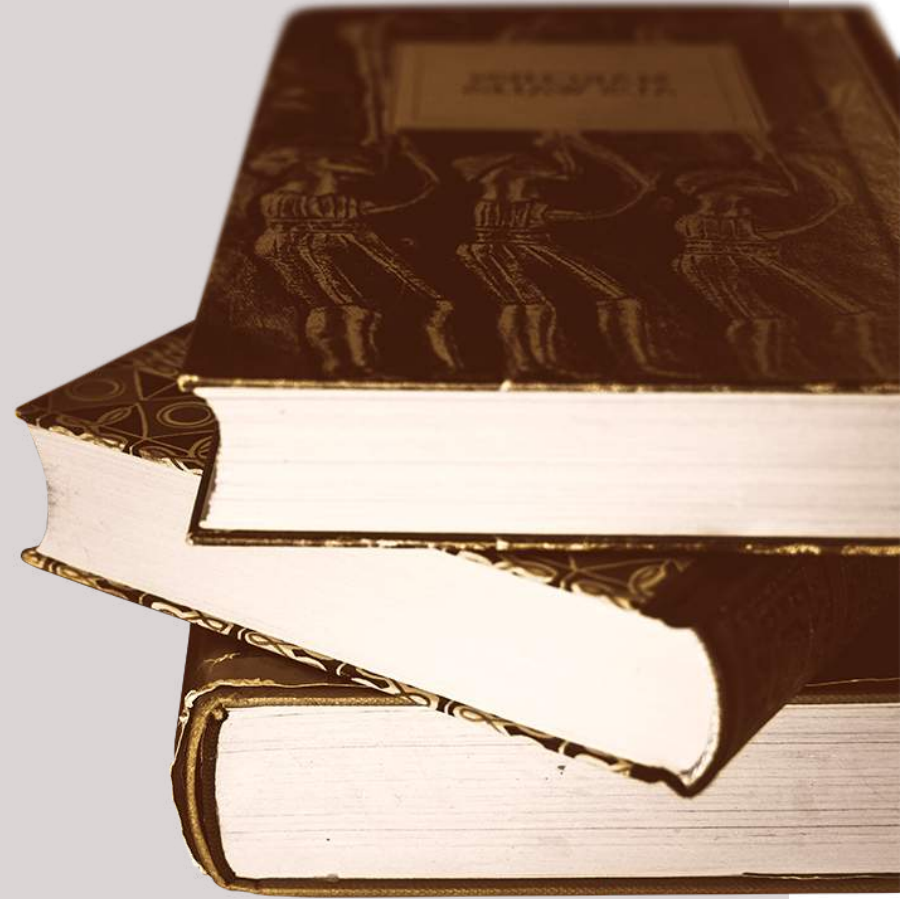
Write your answer here.

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SEND

RENTING IN RUSSIA

- Landlord/Lessor:
Rights and Duties?
- Tenant/Lessee:
Rights and Duties?



RENTAL AGREEMENT: BASIC PROVISIONS

- Names landlord and tenant
 - Identifies property
 - Specifies terms and conditions for rent payment
 - Gives tenancy duration
 - Provides tenancy terms and conditions
 - Specifies liability rules for damages and repairs of the property
 - Sets down clauses for termination and renewal
-

TERMS IN A RENTAL AGREEMENT

Which would you NOT find in a rental agreement?

A provision explaining what happens if a fixture, like a stove, breaks down

A provision including the banking information of the landlord

A provision giving the tenant no liability for wear and tear

A provision allowing the landlord to check the property at any time

SEND



IMPLIED TERMS IN LEASES FOR LANDLORDS

QUIET ENJOYMENT

- quiet and peaceful possession of the leased premises
 - landlord cannot interrupt the tenant's beneficial enjoyment
-



QUIET ENJOYMENT SCENERIO

East 76th Street Corp was constructing a disabled ramp and walls covering a large portion of the private garden entrance of Koretz to his apartment. Koretz left the apartment for two weeks because of the dust, debris, noise and vermin caused by construction.



Key Fact: Lease states East 76th Street Corp was not liable "for interference with light, air, view or other interests" of Kortez, "**except** by reason of [its] negligence."

QUIET ENJOYMENT SCENERIO

Should the Kortez's claim of breach of quiet enjoyment be dismissed?

No, the landlord's actions meant Kortez could not peacefully live in the property.

Yes, the landlord has a right to construct a ramp on the property.

No, the landlord cannot do any building work on the tenant's property.

SEND



Quiet Enjoyment



Kortez v 363 E. 76th St. Corp.

114 N.Y.S.3d 63,178 A.D.3d 445 (2019)

IMPLIED WARRANTY OF HABITABILITY

- Requires landlords to keep their property "habitable"
- “Habitability” = complies with local housing code



HABITABILITY SCENARIO

Jarvins and other tenants of First National Realty refused to pay their rent for April, claiming the premises were uninhabitable. The tenants alleged 1500 violations of the local housing regulations.

Key Fact: Section 2501 of the District of Columbia Housing Regulations:
"No person shall rent or offer to rent any habitation, or the furnishings thereof, unless such habitation and its furnishings are in a clean, safe and sanitary condition, in repair, and free from rodents or vermin."

HABITABILITY SCENARIO

Are tenants entitled to withhold rent if the property meets inhabitality requirements?

No, tenants must continue to pay their rent, as they signed a contract.

No, tenants must keep paying rent and allow the landlord time to fix the violations.

Yes, because the landlord has committed a material breach of the rental contract.

No, because inhabitality is only a minor breach of contract.



Implied Warranty of Habitability



Javins v. First National Realty Corporation

428 F.2d 1071 (D.C. Cir. 1970)

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What was your most memorable word from this session?

Write your answer here.

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rental agreement



ANTICIPATORY BREACH : FOLLOW UP

Nolo: Breach of Contract: Anticipatory Breach



Thank you for your participation!

Next Session - March 20, 2024

Property Vocabulary 2: A Sales Contract

