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When Renters Stay On After the Lease Expires

By [JAY ROMANO](#)

Our market-rate lease is up in June. We have no intention of staying for two years — or even one — but it might happen. What are our options? Is it as simple as not signing and seeing what happens?

Dov Treiman, a Manhattan real estate lawyer, said that a tenant has the option of simply not signing the lease renewal. The landlord then has the option of evicting the tenant or allowing him to remain as a month-to-month tenant without a lease.

Mr. Treiman noted that the landlord is usually more interested in evicting if he believes he can get a higher rent from a new tenant. But in the current climate, the landlord may simply let the tenant stay without the lease renewal if he believes the rent being paid is higher than what the current market would command.

If the tenant stays, the landlord can increase the rent, but the other terms of the expired lease will continue to govern the tenancy, Mr. Treiman added.

A more complete discussion of the advantages and disadvantages of having a lease is available in an article of April 22, 2007 titled [“Not Having A Lease Can Be A Good Thing.”](#)