

Uh Oh! I Don't Have All the Money to Pay Rent.

What Happens If You Cannot Pay Rent

As discussed in Part 3 (*Rights and Duties of Landlords and Tenants*), a tenant must pay rent. Furthermore, the tenant must pay rent on time as described by the lease. Your lease will ordinarily tell you when rent is to be paid.


Many leases say that rent is due on the first day of the month and is late on the sixth day. This means that you are supposed to pay rent on the first but your landlord gives a "grace period," so that you can pay any time before the fifth day and not be penalized.




When you fail to pay rent on time, your landlord is entitled to give you a notice asking you to pay your rent or move out of the apartment. The notice must give the tenant three (3) days not including Saturdays, Sunday, or holidays. The notice must ask only for rent. You should review your lease to see what is defined as "rent."

During the three-day period, your landlord must accept your full rent, but can refuse a partial payment of rent. After the three-day period ends, your landlord can refuse your rent and file an eviction action (See pamphlet Questions and

Answers about Eviction). When you receive a notice, you should see a lawyer as soon as possible in order to get advice specifically related to your situation.

 **TIP:** Sometimes a landlord will agree to give you additional time to pay during a conversation. To best protect yourself, you should ask the landlord to put that in writing and be specific about how much extra time your landlord is giving you, and ask the landlord to sign it.

 **TIP:** If your landlord accepts rent from you, you should get a **receipt** especially if you pay using cash or a money order. A money order can be traced to see if it was actually cashed; however, it can take a long time before you get the results of the trace.

Example: *Tonya Tenant rented an apartment for 6 months from Leslie Landlord for \$350 a month. Tonya's rent is due on the first day of each month. In April, Tonya used her rent money to pay for car repairs. On Monday, April 15, Leslie gave Tonya a 3-day notice asking Tonya to pay \$350 rent by Thursday, April 18. If Tonya does not pay by Thursday, April 18, Leslie can file an eviction against her on or after April 19.*

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