

LANDLORD/TENANT ANSWER IN PERSON FACT SHEET (CIV-LT-91)



#13: LACHES

Defense # 13, “Laches” (sounds like matches), is also called “stale rent.”

The “laches” defense says you must prove that the landlord or owner knew you owed rent but intentionally waited too long to bring you to Housing Court. You must also show that the Housing Court case surprises you and the delay is very bad for you. There is no set period of time that starts the laches, or “stale” rent defense. It depends on the circumstances of each case. Many courts have applied laches to landlords or owners who waited more than six months to start a nonpayment case. Even if you prove laches, if the landlord or owner can show a good reason for the delay, then your defense is no good.

If the Judge says that you have proved this defense, the landlord will not be able to evict you for any rent that the Judge says is stale. The Judge can give the landlord or owner a money judgment for the stale rent, but you will not be evicted if you do not pay. Or, the Judge may say that the landlord or owner can’t sue you for the stale rent in a nonpayment case in Housing Court and the case will be dismissed. But, the landlord or owner can still start a case for the rent in the Civil Court (different from Housing Court) and win a money judgment against you. A money judgment can be used by the landlord or owner to take part of your wages, or to take the amount of the judgment from your bank account.

Laches is a complicated defense. The outcome will depend on the specific facts in your case. To learn more, you should speak to a lawyer or visit the Resource Center in the Housing Court.