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‘LHHNY,’ locksmiths and landlords: Clarifying what a power of attorney can really do



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For “Love & Hip Hop: New York” fans, the term “power of attorney” was up for discussion all over social media. One longtime cast member, Yandy Smith, and a new member of the cast, Erika, have been going at it in Season 7 over Yandy’s fiancé Mendeeces and the separation of their children. While there were plenty of verbal jabs thrown back and forth, Yandy deciding to change the locks to an apartment with Mendeeces’ and Erika’s names on the lease upped the ante.

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Viewers were left with plenty of questions:

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- While it is indeed possible for a (then-believed) married man to have a joint lease with another woman, does the wife also have a right to the apartment, too, regardless of her name not being on the lease?
- Yandy repeatedly stated that Mendecees gave her power of attorney over all of his belongings. But Erika believed it was still illegal to change the locks without her permission. Who is right? Who is wrong?
- Generally landlords will have to be contacted before the locks can be changed on an apartment unit. Assuming Yandy gave a reasonable explanation for the locks to really be changed, does Erika have as much right (as a joint tenant) to have the locks changed again?
- If either of them changed the locks without the landlord's permission, could that be cause for the landlord to evict both Mendecees and Erika from the unit? (Side note: Erika already admitted that she doesn't live in this apartment, but her name is still on the lease.)
- What exactly does "power of attorney" mean? If married, does the power of attorney by default become the spouse or can the power of attorney still be someone else (ex. parent, sibling, etc.) in the same manner that a will can be organized?

Here are the answers to those debated questions.

The definition of "power of attorney" (POA)

A power of attorney is a legal document allowing you to appoint another person to act on your behalf. There are different types of POAs.



General power of attorney grants a person (agent) a wide range of powers to act on your behalf such as handling your financial affairs, paying your bills, opening a bank account in your name, buying real estate on your behalf, etc.



(Photo credit: iStock)

Special power of attorney allows you to specify the action your agent can take on your behalf. For example, the special POA can stipulate that your agent only has authority to handle real estate transactions on your behalf.

Medical power of attorney allows your agent to make medical decisions on your behalf.



How marriage affects POAs (Photo credit: CreateHerStock)

How marriage affects a joint lease between two nonmarried parties

A power of attorney is not granted by default when a couple gets married. A marriage union does give each partner the ability to make medical and health care decisions when the other spouse does not have the capacity to make those decisions. However, not all rights are automatic. For example, a husband can be married and give a power of attorney to his parents, sibling(s), business partner or attorney to take actions on his behalf. The husband could give his business partner through a POA the ability to take out a loan in his name. The wife would not be able to take out a loan in her husband's name just by virtue of being married to him.

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She would need to have a POA granting her authority to get a loan on her husband's behalf.

Recommended Reading: ["Common interests: Real estate property in common law marriage"](#)

Let's revert back to the days when viewers believed Mendecees and Yandy were legally married after the "Love & Hip Hop Live: The Wedding" special. Yandy's status as Mendecees' wife did not give her the authority to change the locks on Erika. However, if the POA gave Yandy the power to handle real estate and business affairs on behalf of Mendecees, then she would have the authority to hire a locksmith to change the locks on the apartment.

Power of attorney aside, Yandy's actions of changing the locks may have been a violation of New York landlord tenant laws. In New York, it is illegal for a landlord to use "self-help" methods such as changing the locks to evict a tenant. Erika admitted that she has not lived in the apartment for several months. Yandy could argue that Erika abandoned the apartment and no longer has rights as a tenant to the apartment.



Property owner: Newly married couples versus the lease

A lease is a contractual agreement between the parties on the lease. Although Yandy is in a long-term relationship with Mendecees, her name would need to be added to the lease for her to have rights to the property. As explained above, if Yandy was acting under a real estate or business power of attorney she could hire a locksmith to change the locks.

Under the New York [landlord tenant ordinance](#), “Tenants in multiple dwellings can install and maintain their own locks on their apartment entrance doors in addition to the lock supplied by the landlord. Tenants must provide their landlord with a duplicate key upon request. Failure to provide the landlord with a duplicate key if requested can be construed as a violation of a substantial obligation of the tenancy, and can possibly lead to eviction proceedings.”

However, if the lease says something in opposition to this, it is a better idea to let the landlord know ahead of time that the locks will be changed. Mendecees as a tenant could grant Yandy the power to change the locks through a POA. Yandy would just have to give the landlord a duplicate key when requested.

** Yandy has publicly admitted on the Dec. 26 episode “Secrets Out” that she and Mendecees never got legally married due to financial reasons connected to his drug trafficking charges for [approximately eight years](#).*

Have more questions about power of attorneys and lease agreements? Contact [J. Paye & Associates](#) today.

Shamontiel L. Vaughn contributed to this blog. Find out more about her at [Shamontiel.com](#).

The information contained here is intended to provide useful information on the topic covered but should not be construed as one-size-fits-all legal advice. Speak to an attorney specifically about your contractual agreement for specific terms and conditions.

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