

# **APARTMENT LEASE** **ATTACHED RIDER SETS FORTH RIGHTS AND OBLIGATIONS OF TENANTS AND LANDLORDS** **UNDER THE RENT STABILIZATION LAW. LOS DERECHOS Y RESPONSABILIDADES** **DE INQUILINOS Y CASEROS ESTÁN DISPONIBLE EN ESPAÑOL.)**

The Landlord and Tenant agree as of...

to lease the Apartment as follows:

**LANDLORD:**

**TENANT:**

Address for Notices

Apartment, and terrace, if any

ST

Bank

| Term           | beginning       | ending      |
|----------------|-----------------|-------------|
| Yearly Rent \$ | Monthly Rent \$ | Security \$ |

**1. Use** The Apartment must be used only as a private Apartment to live in as the primary residence of the Tenant and for no other reason. Only a party signing this Lease may use the Apartment. The Apartment is subject to limits on the number of people who may occupy an Apartment of this size.

**2. Failure to give possession** Landlord shall not be liable for failure to give Tenant possession of the Apartment on the beginning date of the Term. Rent shall be payable as of the beginning of the Term unless Landlord is unable to give possession. Rent shall then be payable as of the date possession is given. Landlord shall give possession within a reasonable time. If not, Tenant may cancel and obtain a refund of money deposited. Landlord will notify Tenant as to the date possession is available. The ending date of the Term will not change.

**3. Rent, added rent** The rent payment for each month must be paid on the first day of the month at Landlord's address. Landlord need not give notice to pay the rent. Rent must be paid in full without deduction. The first month's rent is to be paid when Tenant signs this Lease. Tenant may be required to pay other charges to Landlord under the terms of this Lease. If any added rent is added, added rent will be added and is payable as rent, together with the next monthly rent due. If Tenant fails to pay the added rent on time, Landlord shall have the same rights against Tenant as if Tenant failed to pay rent. If a check from Tenant to Landlord bounces, Tenant shall be charged \$25 for processing a check. If rent or added rent is not received within 5 days of the due date, Landlord may charge the Tenant a late fee of (1) \$25, or (2) 1/10% of the sum due, each month, as added rent.

**4. Notice** Any bill, statement or notice must be in writing. If to Tenant, it must be delivered or mailed to the Tenant at the Apartment. If to Landlord, it must be delivered or mailed to Landlord's address. It will be considered delivered on the day mailed or if not mailed, when left at the proper address. A notice must be sent by certified mail. Each party must accept and claim the notice given by the other. Landlord must notify Tenant if Landlord must notify Tenant within 30 days of the date of the notice if Tenant joins the U.S. Military or becomes dependent on someone in it.

**5. Security** Tenant has given security to Landlord in the amount stated above. The security has been deposited in the Bank named above and delivery of this Lease is notice of the deposit. If the Bank is not named, Landlord will notify Tenant of the Bank's name and address in which the security is deposited.

If Tenant does not pay rent or added rent on time, Landlord may use the security to pay for rent and added rent then due. If Tenant fails to timely perform any other term in this Lease, Landlord may use the security for payment of money Landlord may agree to or demand. Landlord may, because of Tenant's failure, if the Landlord uses the security, Tenant shall, upon notice from Landlord, send to Landlord an amount equal to the sum used by Landlord. That amount is due, when billed, as rent. At all times Landlord is to have the amount of security stated above.

If Tenant fully performs all terms of this Lease, pays rent on time and leaves the Apartment in good condition on the last day of the Term, then Landlord will return the security being held.

If Landlord sells or leases the Building, Landlord may give the security to the buyer or lessee. In that event Tenant will look only to the buyer or lessee for the return of the security and Landlord will be deemed released. Landlord may use the security as stated in this section. Landlord may put the security in place provided by law. Landlord will give Tenant the interest when Landlord is required to return the security to Tenant. Any interest returned to Tenant will be less the same amount as stated to keep Landlord's interest in the security. Tenant is to keep the security safe.

**6. Services** Landlord will supply: (a) heat as required by law; (b) hot and cold water for bathroom and kitchen sink; (c) use of elevator, if any; and (d) cooling (central air conditioning is installed). Landlord is not required to install air conditioning. Stopping or reducing of services will not be reason for Tenant paying rent, or making a money claim or for Tenant evictions. Tenant may enforce its rights under the warranty of habitability. Damage to the equipment or appliances supplied by Landlord, caused by Tenant's act or neglect, may be repaired by Landlord at Tenant's expense. The repair cost will be added to rent.

Tenant must pay for all electric, gas, telephone and other utility services used in the Apartment and arrange for them with the public utility company. Tenant must not use a dishwasher, washing machine, dryer, freezer, heater, air conditioner, air conditioning equipment, a pump or a sump pump installed by Landlord or with Landlord's written consent. Tenant must not use more electric than the wiring or fuses to the Building can safely carry.

Landlord may stop service of the plumbing, heating, elevator, air conditioning or other systems in case of accident, emergency, repairs, or changes until the work is complete.

If Landlord wants to change a person operated elevator to an automatic elevator, Landlord may stop service on 10 days' notice. Landlord will then have a reasonable time to begin installation of an automatic type elevator.

**7. Alterations** Tenant must obtain Landlord's prior written consent to all alterations, changes or improvements. Tenant must not remove, alter or make alterations or to paint or wallpaper the Apartment. Tenant must not change the plumbing, ventilating, air conditioning, electric or heating systems. If consent is given, the alterations and installations shall be completed within 30 days. Tenant shall be responsible for the property of Landlord when completed and paid for. They shall remain with and as part of the Apartment at the end of the Term. Landlord has the right to demand that Tenant remove the alterations and installations before the end of the Term. The demand shall be by notice, given at least 15 days before the end of

the Term. Tenant shall comply with the demand at Tenant's own cost. Landlord is not required to do or pay for any work unless stated in this Lease. If a lien is filed on the Apartment or Building for any reason related to Tenant's fault, Tenant must immediately pay or bond the amount stated in the Lien. Landlord may do so if Tenant fails within 20 days after Tenant has notice about the Lien. Landlord's costs shall be added rent.

**8. Repairs** Tenant must take good care of the Apartment and all equipment and fixtures in it. Landlord will repair the plumbing, heating and electrical systems. Tenant must, at Tenant's cost, make all repairs and replacements whenever the need results from Tenant's act or neglect. If Tenant fails to make a needed repair or replacement, Landlord may do it. Landlord's reasonable expense will be added rent.

**9. Fire, accident, defects, damage** Tenant must give Landlord immediate notice of fire, accident, damage or dangerous or defective condition. If the Apartment can not be used because of fire or other casualty, Tenant is not required to pay rent for the time the Apartment is unusable. If part of the Apartment can not be used, Tenant must pay rent for the usable part. Landlord shall have the right to decide which part of the Apartment is usable. Landlord need only repair the damaged part of the Apartment. Landlord is not required to repair or replace any fixtures, furnishings or decorations but only equipment that is originally installed by Landlord. Landlord is not responsible for delays due to pending insurance claims, obtaining estimates, labor and supply problems or any other cause not fully under Landlord's control.

If the apartment is to be used, Landlord has 30 days to decide whether to repair it. Landlord's decision to repair must be given by notice to Tenant within 30 days of the fire or casualty. Landlord shall have a reasonable time to repair. In determining what is a reasonable time, consideration shall be given to any delays in receipt of insurance settlements, labor trouble or other causes not fully within Landlord's control. If Landlord fails to give Tenant notice of its decision within 30 days, Tenant may cancel the lease as of the date of the fire or casualty. The cancellation must be effective and if it is given before Landlord begins to repair or before Landlord receives notice of its decision to repair. If the fire or other casualty is caused by an act or neglect of Tenant or guest of Tenant all repairs will be made at Tenant's expense and Tenant must pay the full rent with no change. The cost of the repairs will be added rent.

Landlord may cancel the lease if there is substantial damage by fire or other casualty. Even if the Apartment is not damaged, Landlord may cancel this Lease within 30 days after the substantial fire or casualty or giving Tenant notice of Landlord's intention to cancel or sublet. The Landlord must give 30 days after Landlord's cancellation notice to Tenant. Tenant must deliver the Apartment to Landlord on or before the cancellation date in the notice and pay all rent due to the date of the fire or casualty. If the Lease is cancelled Landlord is not required to repair the damage or refunding. The cancellation or sublet may leave Tenant of liability in connection with the fire or casualty. This Section is intended to replace the terms of Real Property Law § 227.

**10. Liability** Landlord is not liable for loss, expense, or damage to any person or property, unless Landlord is negligent. Landlord is not liable to Tenant for permitting or refusing entry of anyone into the Building.

Tenant must pay for damages suffered and reasonable expenses of Landlord relating to any claims arising from any act or neglect of Tenant. If an action is brought against Landlord arising from Tenant's act or neglect must be defended and Landlord's expense with an attorney of Landlord's choice.

Tenant is responsible for all acts or neglect of Tenant's family, employees, guests and friends.

Tenant is responsible for Tenant's security.

**11. Entry by Landlord** Landlord may enter the Apartment at reasonable hours to repair, inspect, exterminate, install or work on major antennas or other systems or equipment and perform other work that Landlord decides is needed. At reasonable hours, Landlord may enter the Apartment to provide papers, lenders, or tenants of the entire Building or land. At reasonable hours Landlord may show the Apartment to possible or new tenants during the last 4 months of the Term. Entry by Landlord must be made except in emergency.

**12. Assignment and sublease** Tenant must not assign all or part of this Lease or sublet all or part of the Apartment or permit any other to use the Apartment. If Tenant does, Landlord may cancel the Lease as stated in the Tenant's Default section. State law may permit Tenant to sublet under certain circumstances. If Tenant wants to assign or sublet, Tenant must first get Landlord's written consent. Permission to assign or sublet is good only for that assignment or sublease. Tenant remains bound to the terms of this lease after an assignment or sublet is permitted, even if Landlord accepts money from the assignee or subtenant. The assignee or subtenant will be considered toward money due from Tenant, as Landlord shall determine. The assignee or subtenant does not become Landlord's tenant. Tenant is responsible for acts and neglect of any person in the Apartment.

**13. Subordination** This Lease and Tenant's rights, are subject and subordinate to all mortgages and liens for other Building or land, including but not limited to: (a) mortgages on the houses or the Building or land, (c) agreements securing money paid or to be paid by a lender, and (d) terms, conditions, renewals, changes of any kind and extensions of the mortgages, leases and any other agreements or subleases. Tenant agrees to subordinate. Landlord requests to show that this Lease is so subject and subordinate. Tenant authorizes Landlord to sign these certificate(s) for Tenant.

**14. Condominium** If all of the Apartment or Building is taken or consumed by a legal disaster, the Term, and Tenant's rights shall end as of the date the authority takes title to the Apartment or Building. If any

# Apartment Lease Form T 327

**BM King**

A red circular graphic with a gradient, appearing as a semi-circle or a partial circle, located to the right of the 'BM King' text.

## **Apartment Lease Form T 327:**

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