

# NEW YORK HOUSING JOURNAL

Brought to you by the Community Housing Improvement Program, Inc., an association of apartment building owners

## **New, Improved Lease Forms Available for Apartment Building Owners**

When you sign a vacancy lease with a rent-stabilized tenant, it's important to include provisions that take advantage of the most current laws and court rulings. Once you sign that lease, the Rent Stabilization Law bars you from changing or adding provisions when the lease is renewed. Recently, attorney Adam Leitman Bailey prepared a set of new form leases for publication by BlumbergExcelsior, Inc., including one for rent-stabilized apartments (Blumberg form M56). This new rent-stabilized lease form has a number of provisions that are favorable to owners. BlumbergExcelsior, Inc. has agreed to make this lease form, along with all other lease forms it publishes, available to CHIP members at a 10 percent discount. In addition, the company will donate to CHIP 5 percent of any sales to CHIP members.

We'll give you some examples of how the provisions of the new rent-stabilized lease form may help you. We'll also tell you how to order the form at the CHIP members' discounted price.

### **How New Rent Stabilized Lease Form Helps Owners**

The new form includes many provisions that take into account new developments in the law, explains Bailey. Here are three examples of provisions that should help owners:

**Chronic nonpayment of rent.** Owners can sue to evict tenants for violating their leases by consistently paying their rent late or not at all. But courts have differing interpretations as to how often a tenant has to be late with the rent or not pay it at all to have committed a lease violation. The form lease Bailey drafted specifies the number of times that the tenant must be late with the rent or not pay it for the tenant's behavior to qualify as chronic nonpayment and gives the owner the right to end the lease in this situation. This provision should help owners decide whether they're likely to be successful in a case based on chronic nonpayment of rent, and save them time and money as a result.

**Pets.** The form lease bars tenants from having pets without the owner's written consent. And it goes one step further by requiring tenants to identify pets to the owner within a certain time frame. The failure to do so is considered a lease violation. This is necessary because the City's pet law says that if a tenant gets a pet in violation of the lease, the owner must start a court proceeding based on the violation within three months after discovering it or the owner waives the right to object to the pet. Recent court rulings have held that virtually anyone (for example, security guards, employees) would be considered an owner's agent whose knowledge of a pet is attributable to the owner.

**Mold.** Many owners have been threatened by expensive lawsuits from tenants claiming that they've gotten sick from mold in the apartment. However, sometimes the tenant is the cause of the mold condition, and the owner isn't even aware that the condition exists. The new lease form makes the tenant responsible for ordinary maintenance to prevent the proliferation and spread of mold. It also requires the tenant to report leaks and mold accumulation to the owner.

### **How to Get Discount**

If you're a CHIP® member, you'll receive a 10 percent discount on all lease forms published by BlumbergExcelsior, Inc. when you order directly from the company. You must mention that you're a CHIP member and supply your CHIP account number. If you don't know your account number, you can call the CHIP office to get it. BlumbergExcelsior, Inc. will pass on 5 percent of the purchase price to CHIP.

To order with membership benefits, call BlumbergExcelsior, Inc. at 800-221-2972 or 212 431-5000 (press 1); fax an order form to 800-561-9018; or e-mail the order to [order@blumberg.com](mailto:order@blumberg.com). You can pick up order forms at 62 White St., New York, NY 10013. You can also mail your order form to this address. You must provide your CHIP account number when you place the order. Please have your credit card ready when ordering by phone. For a complete list of all the available lease forms—including one for unregulated apartments (Blumberg form M57), or to open an account with BlumbergExcelsior, Inc., go to its Web site, [www.blumberg.com](http://www.blumberg.com).

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