

## MODEL AGREEMENT

### Have Tenant Sign Written Settlement Agreement

Here's a sample agreement settling a rent overcharge complaint before the DHCR decides the complaint.

#### AGREEMENT OF SETTLEMENT

Agreement made this 1st day of October 2010 by and between John Q. Owner, as Owner and Landlord, with offices at 888 E. 88th St., New York, NY, and Joe Tenant, as Tenant, residing at 999 E. 99th St., Apt. 9, New York, NY.

WHEREAS, John Q. Owner ("Owner") is the owner and landlord of the premises known as and located at 999 E. 99th St., New York, NY ("Subject Building"); and

WHEREAS, John Tenant ("Tenant") is the tenant of record of Apartment No. 9 in the Subject Building; and

WHEREAS, Tenant has filed a complaint bearing Docket No. 12345 ("Complaint") with the New York State Division of Housing and Community Renewal ("DHCR"); and

WHEREAS, Tenant and Owner desire to amicably and expeditiously settle and dispose of said Complaint;

WHEREAS, Tenant is represented by John Smith, Esq. of Smith & Brown PC, who has reviewed this Agreement;

NOW, THEREFORE, in consideration of the mutual promises herein contained, it is mutually agreed, as follows:

1. Effective as of Nov. 1, 2010, Owner agrees to reduce the rent currently being paid by Tenant pursuant to a two-year lease commencing May 1, 2010, and ending April 31, 2012, from \$1,200 per month to \$1,000 per month.
2. Owner and Tenant agree that the aforesaid rental of \$1,000, as reduced, shall constitute the legal stabilized rent for the purpose of computing any increases permitted under applicable Rent Guidelines Board Orders or Orders issued by the DHCR or any other agency or court having jurisdiction thereof.
3. Owner further agrees to refund to Tenant the sum of \$1,000 in settlement of the Complaint.
4. Tenant agrees to withdraw, with prejudice, the Complaint bearing docket #12345, and further agrees to execute simultaneously with the agreement and permit to be filed with the DHCR a letter in the form attached to this agreement indicating said withdrawal and requesting that the proceeding underlying said Complaint be dismissed.

IN WITNESS WHEREOF, the parties have duly executed this agreement as of the date above written.

TENANT'S SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

PRINT TENANT'S NAME \_\_\_\_\_

OWNER'S SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

PRINT OWNER'S NAME \_\_\_\_\_