

MODEL LEASE CLAUSE

Limit After-Hours Access and Liability for After-Hours Crime

The following clause was drafted by New York City attorney Gary A. Goodman. Adapt it, and use it in your lease to limit after-hours access to your building or center and your liability if an after-hours crime does occur. (With a few minor adjustments, you can, instead, put paragraphs a and b of this clause into your building's or center's rules and regulations.)

Paragraph a gives you the right to refuse admission to your building or center after regular business hours.

Paragraph b lets you require after-hours visitors to register. Paragraph c makes the tenant responsible for any damage caused by its visitors. Paragraph d says that you're not liable if the tenant is harmed by someone you let in, denied entry to, or ejected from the building. (You'll need to define "Ordinary Business Hours" elsewhere in the lease.)

Show this clause to your attorney before using it.

ACCESS OUTSIDE OF ORDINARY BUSINESS HOURS

Tenant acknowledges and agrees that:

- a. Landlord May Refuse Access.** Landlord may refuse access to the [*Building/Center*] outside of Ordinary Business Hours to any person not:
 - (i) Known to Landlord's security personnel as an employee, agent, or subtenant of Tenant or a [*Building/Center*] employee; or
 - (ii) Having a [*Building/Center*] identification card or after-hours visitor pass issued by Landlord.
- b. Visitors Must Register.** Landlord may require all persons admitted to or leaving the [*Building/Center*] outside of Ordinary Business Hours to register with Landlord's security personnel.
- c. Tenant Is Liable for Its Visitors.** Tenant shall be solely responsible for all persons for whom it requests permission to enter the [*Building/Center*] and shall be liable to Landlord for all acts of such persons.
- d. Landlord Is Not Liable to Tenant.** Landlord shall in no way be liable to Tenant for injury or loss arising from the admission or exclusion of any person to or from Tenant's Premises or the [*Building/Center*] under such provisions of this Clause.