

## COMPLETING CONTINUING USE AGREEMENTS

1. Types of Agreements NOT covered:
  - a) **Leases subject to SBC oversight**

Major leases are subject to the Standard Documents for a Request for Proposal for Lease Space, and their instructions are the main topic of the Guide to Leases and Use Agreements.
  - b) **Event-Oriented Use Agreements**

For short-term use of facilities for a specific event, such as a concert, festival, special competition, or single-day educational conclaves, the requirements continue to be those set forth in TBR Guideline B-030.
2. Types of Agreements covered:
  - a) **Tenant Use Agreements**

which are arrangements similar to a lease, but occurring between two TBR institutions.
  - b) **Transient Use Agreements**
    - 1) provide short-term, continuing, non-exclusive use of facilities, such as evening use of high school space as a teaching extension site for a semester
    - 2) distinct from the event-oriented Use Agreement in Guideline B-030
    - 3) can be for TBR use of non-TBR facilities, or non-TBR use of TBR facilities
  - c) **Mutual Use Agreements**
    - 1) similar to Transient Use, except that both parties make use of each other's spaces
    - 2) between two TBR institutions or one TBR institution and a non-TBR entity
    - 3) instead of financial compensation, the consideration is the mutual use of each other's facilities
3. Tenant, Transient, and Mutual Use Agreements are simplified versions of the standard lease, designed for the less-formal arrangements described above. They are not subject to most SBC and TBR lease approval processes when properly used in their intended circumstances, but may still be subject to review and/or approval in the TBR central office, and are subject to the same signature requirements set forth in Guideline B-030 for other use agreements.
4. **Standard Terms and Conditions** are provided containing the “boilerplate” fixed provisions, so that the Agreement forms focus on the permissible variables, and editing is less likely to result in the insertion of unacceptable clauses or removal of necessary ones.
5. General note about editing the TBR OFD standards:
  - a) When viewed on or printed from the website, standards contain footers similar to the bottom of this page. When editable documents are downloaded from the website, the identifying words “TBR OFD January 2005 Standard Leases and Use Agreements” are omitted.
  - b) When editing a document for a specific use, it is recommended that a simple transaction name be inserted here.

## 6. Completing a Tenant Use Agreement.

- a) **In the opening**, leave the date blank until final execution, and fill in the names of the parties.
- b) The blank space below **paragraph A** can be used to stipulate exceptions, modifications, or additions to the Standard Terms and Conditions, which are referenced in the boilerplate. Such changes can also be made in a separate document referenced here; however, it is best to fill in “No exceptions taken” in the space.
- c) **Paragraph B** identifies the subject space by address, building name, room numbers within a named building, or any other mutually acceptable means. If needed, make reference to an attached drawing.
- d) **Paragraph C** addresses when the space will be used, with typical blanks provided for stipulating start and end dates, rental amounts, and notice for termination.
- e) **Paragraph D** has boxes akin to a standard lease which should receive an “X” in all that represent services and utilities to be provide by the “Holder” or host institution.
- f) **Signature spaces** may be modified to suit the parties, and should give the name, title, and affiliation of each signatory.

## 7. Completing a Transient Use Agreement

- a) **In the opening**, leave the date blank until final execution, and fill in the names of the parties.
- b) The blank space below **paragraph A** should reference the current version of standard mutual use terms and conditions, and can also refer to a separate document that enumerates exceptions, modifications, or additions.
- c) **Paragraph B** identifies the duration of the agreement. Fill in start and end dates, and a number of days advance notice for termination.
- d) **Paragraph C** should be filled in with the total amount for the entire Agreement Term, the amount per installment, and the frequency of installments, such as “\$1,200, payable in installments of \$100 per month” for a 12 month Term.
- e) **Paragraph D** is filled in with a contact person for each party.
- f) **Paragraph E** identifies the subject space, with specific blanks for filling the County, City, and street address. After the opening paragraph, insert a further description, such as a building name or a reference to an attached drawing.
- g) **Subparagraphs E(1), (2), and (3)** are used to describe degrees of use of various spaces within a larger facility, inasmuch as these agreement typically provide specific use of a small space, incidental use of common spaces, and may need to specifically restrict other nearby spaces. These distinctions can be directly stated or the blank areas can be used for reference to an attached description or drawing.
- h) **Subparagraph E(4)** addresses when the space will be used, and specific times and days should be filled in, such as “6:00 pm to 10:00 pm Monday through Thursday”.

- i) **Subparagraph E(5)** will normally require a reference to an attachment in which the Owner identifies special closing dates, such as holidays, that are exceptions to subparagraph E(4).
- j) **Subparagraph E(6)** normally is filled in simply with “the User”, except when special arrangements are stipulated.
- k) **Subparagraph E(7)** should briefly state the intended use, such as “educational”.
- l) **Signature spaces** may be modified to suit the parties, and should give the name, title, and affiliation of each signatory.

## 8. Completing a Mutual Use Agreement

- a) **In the opening**, leave the date blank until final execution, and fill in the names of the parties.
- b) The blank space below **paragraph A** should reference the current version of standard mutual use terms and conditions, and can also refer to a separate document that enumerates exceptions, modifications, or additions.
- c) **Paragraph B** identifies the duration of the agreement. Fill in start and end dates, and a number of days advance notice for termination.
- d) **Subparagraph D(1)** should be filled in with a very brief and general statement of the intended use of the exchanged spaces.
- e) **Paragraphs F and G** are for describing the mutual use. Be sure to fill in each corresponding to the parties correctly, as stated in their opening sentences.
  - (1) Describe the subject space by building name, address if necessary, room numbers if applicable, and reference an attached drawing if needed.
  - (2) Establish time frames for use, such as “Full time and exclusive”, “From 6:00pm to 10:00pm Monday through Friday”, or whatever applies.
  - (3) Set out exceptions to the basic time frame, such as a reference to an attached list of holidays or other special events.
  - (4) Normally, fill in “the User”.
- f) **Signature spaces** may be modified to suit the parties, and should give the name, title, and affiliation of each signatory.