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## ALGEMENE BEPALINGEN HUUROVEREENKOMST WOONRUIMTE

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Model door de Raad voor Consulerende zaken (ROZ) op 20 maart 2017 vastgesteld en op 12 april 2017 goedgekeurd bij de griffie van de rechtbank te Den Haag en aldus ingeschreven onder nummer 2017/21. Iedere aansprakelijkheid voor nadelige gevolgen van het gebruik van de tekst van het model wordt door de ROZ uitgesloten.

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### **Gebruik**

**1.1** Huurder zal het gehuurde - gedurende de gehele duur van de huurovereenkomst - daadwerkelijk, geheel, voortdurend, behoorlijk en zelf gebruiken uitsluitend overeenkomstig de in de huurovereenkomst aangegeven bestemming, hetgeen onder andere betekent dat huurder het gehuurde niet mag gebruiken ten behoeve van bedrijfsmatige activiteiten (waaronder ook begrepen activiteiten als bedoeld in artikel 2.1 en 14.3 lid c). Huurder is gehouden tot afdracht van de winst die hij (naar schatting) heeft genoten door het handelen in strijd met dit verbod, onverminderd verhuurders recht op (aanvullende) schadevergoeding.

**1.2** Huurder zal bestaande beperkte rechten, kwalitatieve verplichtingen en de van overheidswege, brandweer en nutsbedrijven gestelde of nog te stellen eisen ten aanzien van het gebruik van het gehuurde in acht nemen. Onder nutsbedrijven wordt tevens verstaan soortgelijke bedrijven die zich bezighouden met de levering, het transport en de meting van het verbruik van energie, water en dergelijke. Tenzij er bij aanvraag van de huurovereenkomst sprake is van verhuur van gestoffeerde en/of gemeubileerde woonruimte, dient huurder het gehuurde bij aanvraag van de huur te stofferen en te meubileren. Huurder zal het gehuurde voldoende gestoffeerd en gemeubileerd houden.

**1.3** Huurder zal zich gedragen naar de mondelinge of schriftelijke aanwijzingen door of namens verhuurder gegeven in het belang van een behoorlijk gebruik van het gehuurde en van de ruimten, installaties en voorzieningen van het gebouw of complex van gebouwen waarvan het gehuurde deel uitmaakt.

**1.4** Huurder heeft het recht en de plicht tot het gebruik van de gemeenschappelijke voorzieningen en diensten die in het belang van het goed functioneren van het gebouw of complex van gebouwen, waartoe het gehuurde behoort, ter beschikking zijn of zullen zijn.

**1.5** Verhuurder kan huurder de toegang tot het gehuurde weigeren indien huurder op het moment dat huurder het gehuurde voor het eerst in gebruik wenst te nemen, (nog) niet aan zijn verplichtingen uit de huurovereenkomst heeft voldaan. Dit heeft geen gevolgen voor de huuringangsdatum en de uit de huurovereenkomst voortvloeiende verplichtingen.

**1.6** Het is huurder niet toegestaan tot het gehuurde behorende bergruimten, garages e.d. als leefruimte, als opslag anders dan voor eigen niet-bedrijfsmatig gebruik, als werkplaats of als verkoopruimte te gebruiken dan wel anderszins in of nabij deze ruimten verkopen te houden of te doen houden.

### **Onderhuur**

**2.1** Huurder is - zonder voorafgaande schriftelijke toestemming van verhuurder - niet bevoegd het gehuurde geheel of gedeeltelijk in huur, onderhuur of gebruik aan derden af te staan, daaronder begrepen het verhuren van kamers, het verlenen van pension, het (tijdelijk) in gebruik geven (zoals via AirBnB) of een daarmee vergelijkbare organisatie) of het doen van afstand van huur. Een door of vanwege verhuurder gegeven toestemming is eenmalig en geldt niet voor andere of opeenvolgende gevallen.

**2.2** Indien verhuurder redenen heeft om aan te nemen, dat huurder het gehuurde zonder toestemming van verhuurder geheel of gedeeltelijk in gebruik of onderhuur heeft afgestaan als bedoeld in artikel 2.1, is huurder verplicht mee te werken aan een daarop gericht onderzoek van verhuurder. Desgevraagd is huurder onder meer verplicht de personalia van de gebruiker(s) of onderhuurder(s) te verstrekken.

### **Staat van het gehuurde bij aanvraag huurovereenkomst**

**3.1** Het gehuurde wordt/is bij aanvraag van de huurovereenkomst aan huurder opgeleverd en door huurder aanvaard in goede staat, zonder gebreken. Dat is de staat waardoor het gehuurde aan huurder het genot kan verschaffen dat huurder bij aanvraag van de huurovereenkomst mag verwachten van een goed onderhouden zaak van de soort waarop de huurovereenkomst betrekking heeft.

**3.2** De algemene, de bouwkundige en de technische staat van het gehuurde waarin huurder het gehuurde bij aanvraag van de huurovereenkomst aanvaardt, wordt door huurder en verhuurder vastgelegd in een als bijlage aan de huurovereenkomst toe te voegen en door of namens partijen te ondertekenen proces-verbaal van oplevering. Dit proces-verbaal van oplevering maakt deel uit van de huurovereenkomst.

**3.3** Mocht er bij aanvraag van de huurovereenkomst sprake zijn van een gebrek dan wordt dit in het proces-verbaal van oplevering vermeld. Een dergelijk gebrek wordt door verhuurder binnen een redelijke termijn verholpen. Indien verhuurder zulks nalaat, is verhuurder slechts in verzuim nadat huurder verhuurder in gebreke heeft gesteld.

### **Veranderingen en toevoegingen door huurder**

**4.1** Het is huurder niet toegestaan om zonder voorafgaande schriftelijke toestemming van verhuurder veranderingen of toevoegingen in, aan of op het gehuurde, de inrichting of de gedaante daarvan aan te (laten) brengen of te hebben. Het voorgaande geldt niet ten aanzien van veranderingen of toevoegingen die bij het einde van de huur zonder noemenswaardige kosten ongedaan kunnen worden gemaakt.

**4.2** Het is huurder niet toegestaan om zonder voorafgaande schriftelijke toestemming van verhuurder veranderingen of

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