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RENTALS

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What renters need to know about breaking a lease

Most people enter an apartment lease with the intention of seeing it through. But sometimes you want to, or even have to, leave before the lease term ends. Maybe your company transferred you to another city or you need to relocate to care for a friend or family member. Maybe you lost your job and can't afford the apartment any longer. Maybe you have accepted an invitation to move in with someone else.



Judy Stringer

Whatever the reason you break a lease, the good news you likely won't be on the hook for rental payments for the remainder of the lease term, according to Peter Iskin, managing attorney of the Legal Aid Society of Cleveland. Property owners are required to make a good faith effort to re-rent the unit. The bad news is you may lose your security deposit and may be liable for any costs she incurs re-renting the apartment.

"For example, the landlord may recover the reasonable cost of newspaper advertisements that announce the availability of the rental unit," Iskin said.

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Of course, if you can do some of the legwork to find a suitable replacement, you may be able to limit your losses.

Iskin answered some other common questions about leaving early:

When can you legally break a lease?

Generally speaking, there are two situations when a tenant has the right to terminate a lease before it expires, Iskin said.



The first is when the landlord has not lived up to his legal obligations to keep the apartment in a fit and habitable condition. That means complying with all health and housing codes and keeping common areas safe and sanitary. It also means electrical, plumbing, heating and ventilation systems, as well as any appliances provided by the property owner, must work.

If, for example, the apartment you leased included air conditioning, the owner must keep the air conditioning working in the unit. If the water is not running (for any reason other than your failure to pay the bill), then the owner must restore it. Requests for the necessary repairs should be submitted to the landlord in writing, and he or she has up to 30 days by state law to fix the problem(s) before a tenant can sever the rental agreement.

The Cleveland Tenants Organization provides a form letter that can be used

by renters to request corrective actions at <http://www.clevelandtenants.org/files/79903470.pdf> and a form letter to terminate the lease agreement for failure to make repairs at <http://www.clevelandtenants.org/files/79903474.pdf>.

In other cases, Iskin said, renters also may have the right to leave an apartment lease early due to a job relocation that requires them to move. This would be on a case-by-case basis, however, and would be spelled out in the lease agreement signed by you and your landlord.

What are the best steps for leaving a lease early?

Iskin said often the best approach to breaking an apartment lease is to sit down and have a conversation with your landlord. You may find your landlord or the management company is willing to work out an arrangement.

"Some landlords will simply negotiate with the tenant on a specific payment amount, such as two or three months rent, as consideration for relieving the tenant of any future obligation under the lease," he said.

You can also check the lease to see if you are permitted to sublet the apartment. Your landlord may not be willing to remove you from the obligation to pay as the primary tenant, but he may give permission for you to sublet. Whether the new tenant pays the landlord directly or pays you, you will still be responsible for the monthly rental payments (and any damage done to the property).

If you are not allowed to sublet, helping the landlord find a permanent replacement can mitigate damages against you. As soon as the apartment is occupied again, you are no longer financially liable for the rent.

Safeguard your security deposit

Whether by choice or neglect, there seems to be a segment of property owners who may not so easily depart with a tenant's security deposit regardless of their responsibility to do so. If you follow these tips, you will have a better chance of getting your money back:

- Get a payment receipt for the deposit and keep it.
- When you move in, make a list of the defects, keep one copy and give one copy to your landlord.
- Pay your rent each month. Keep receipts (or cancelled checks) of each monthly rental payment.
- When it's time to leave, clean your apartment and take away all of your things, including trash.
- Also, take pictures or write down what is right and what is wrong with the apartment upon your departure. Better yet, have the landlord inspect the apartment with you and sign off on your findings.



What are the landlord's legal obligations?

Under Ohio law, your landlord must make reasonable efforts to re-rent your unit – no matter what your reason for leaving – rather than simply leaving the apartment vacant and charging you for the remaining rent due under the lease. This means that if he has advertised apartments in the past, he should advertise this one. He should show it to prospective tenants. This does not mean, however, she has to accept the first applicant. The same standards used

to qualify you for the apartment would be reasonable for qualifying a new tenant.

Nor does she have to fill your vacant apartment ahead of other openings in the building or complex. Hence, if you are in property with a lot of vacancies, you can expect to wait longer and pay more before being released of your lease obligations. On the other hand, if you are one of only a few openings in a hot rental market, the lease may be behind you before you know it.

Judy Stringer specializes in real estate. She can be reached at judy_stringer@excite.com.



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