

## **The Roommate Addendum** **by Sean Martin**

The carousel of roommates is typically a situation best avoided, but sometimes turnover amongst roomies is unavoidable. Members commonly call in seeking help in assuring the transfer of one tenant off the lease and a new one on goes smoothly, and making sure all the legal ends are tied up to avoid any future problems.

For those now facing, soon to be facing and even those who tend to avoid believing they'll ever have to deal with this problem, the Roommate Addendum is your best friend. Treat the Roommate Addendum well, love it, read it and all your worries will disappear.

The Roommate Addendum is intended for use in any situation involving a change in the tenants in a specific unit. It may be used for:

- a complete swap of roommates
- one person moving out, or
- another individual being added to an existing lease with a tenant

The Roommate Addendum makes it simple to add or remove occupants to/from the lease as a new lease agreement is not needed in any of these situations. Use of the Roommate Addendum clearly states that the incoming tenant is now bound to all legal terms of the current lease and that the outgoing tenant is released from all obligations of the lease. A landlord should also provide all valid forms, such as a copy of the lease, state required EPA information, etc. to the incoming tenant upon signing of the addendum.

By using the roommate addendum you are able to keep the original terms you signed with your current tenant and not have to worry about the rental unit and agreement you already had in place.

Another important part of the roommate switching process that seems to confuse landlords is what to do with the security deposit. Simply put, you have no obligations to refund anything to the outgoing roommate. The deposit collected is applicable to the lease and is re-assigned to the new roommate coming in. How the outgoing roommate is compensated for their share of the deposit is strictly the responsibility of the tenants to determine. The Roommate Addendum spells this out clearly for all parties.

The roommate switching process really is a very easy and straight forward one. Always remember to screen any new roommate coming on to the lease and use the proper forms. In doing both of these things you can assure yourself of continued success for the months to come.

***Editor's Note: AOA Members can now download this form free of charge by visiting [www.aoausa.com](http://www.aoausa.com).***

*This article contains general information and is not intended to apply to any specific situation. If you need legal advice or have questions about the application of the law in a particular matter, you should consult an attorney.*

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