

CAN MY CURRENT ROOMMATE JUST THROW ME OUT?

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Menopause, Andropause And Other Hormone Imbalances
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By dan the roommate man

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QUESTION:

I feel that I am being wrongly evicted from our apartment by another roommate who claims to be the only one on the lease. I'm pretty sure I signed it, too, but I can't remember.

ANSWER:

The first thing to do is to get a copy of that lease. Start with the landlord, who probably has a copy (and state law may require him to give you a copy if you request it). If you're on the lease, your roommate cannot get you out — only landlords can evict tenants.

Now, suppose you're not on the lease. All is not lost. If the landlord has treated you as a tenant — by accepting rent directly, for example, or putting your name on the mailbox or doorbell — you may have attained the status of a tenant. Surely, if you and the roommate rented the place together and it was clear that you were on equal footing, you should be given the status of a tenant.

Once you are a tenant, a co-tenant such as your roommate cannot evict you. Only the landlord can do that.

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HOW TO APPLY FOR A RENTAL WITH A ROOMMATE

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Steps:

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1. Talk to your roomie-to-be before starting the application process. Find out if there's anything in your future roommate's rental history that would throw a wrench into getting approval for both of you.
2. Tell the landlord or property manager exactly how many people will be living in the property. Each of you will have to fill out a rental application.
3. Make sure each of you has all your rental history information together. This includes previous addresses, as well as phone numbers of previous landlords.
4. Fill out the paperwork completely and honestly.
5. Ask if the lease can be worded so that rental responsibilities between you and your roommate are divided. This is a legal way to protect yourself if you meet your half of the rent but your roommate doesn't. (In other words, you don't want to be responsible for the difference.)

Warnings:

Be sure the names of everyone living in the rental property appear on the lease. This ensures that everyone is equally responsible for paying rent and meeting any other obligations set forth in the lease.

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