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## MAKING THE RENT PAYMENTS WITH YOUR ROOMMATES

By Dan the roommate man

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Once you have decided to move into an apartment with one or more roommates, you will need to determine how your rental payments will be handled. There are three ways you can set up the lease and determine how the rent will be paid:

- a) All roommates sign the lease, and all are then "Jointly and Severally Liable" for rent and damages
- b) One person basically becomes the "landlord" of the apartment by renting one or several rooms of the apartment to other people through what is called "subletting."
- c) You and your roommates create your own contract.

Subletting is complicated, but it is a great way to have legal backup in the event that you have irresponsible roommates. For example, Joe, Frank and Bill move in together, and they all sign a basic lease (making each party "Jointly and Severally Liable." Joe and Frank are responsible roommates, and have their payments ready on the first of the month, but Bill is broke. Frank and Joe, then, must come up with Bill's rent money since they are all on the same lease together. If they only submit their portion of the rent, the landlord can legally evict all three tenants – even though Bill is the only tenant at fault.

However, if Joe, Frank and Bill had been subletting the apartment – Joe is the sublessor, Frank and Bill are the sublessees, Bill could have been held legally responsible. In this situation, Joe would basically be the landlord of their apartment. He would be responsible for all landlord duties – one of which is collecting rent from his sublessees (Frank and Bill) and turning it in to the landlord of the complex. If, as a sublessee, Bill failed to pay his rent, Joe could evict him from the apartment, or take the rent out of his security deposit, and Joe and Frank would be free to stay in the apartment without being punished for Bill's unpaid rent.

Some complexes do not allow subletting. If this is the case in your complex, it is be wise to protect yourself and your roommates by designing a written contract that spells out your obligations to each

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other, such as what portion of rent each will pay, responsibility for damages, division of payment for utilities, duration of the rental period, responsibility for finding a replacement upon early termination, and payment of rent until a replacement is found.– which may be better in the long run because in subletting, one person must take on more responsibility as landlord and this could cause battles for power in the household.

Joe, Frank and Bill could set up a contract stating exactly how much rent each party is responsible for:

I, Joe Blow will pay \$250.00 rent money on the fifteenth day of each month by five o'clock PM.

I, Frank Dunn will pay \$250.00 rent money on the fifteenth day of each month by five o'clock PM.

I, Bill Schnill will pay \$250.00 rent money on the fifteenth day of each month by five o'clock PM.

Signed:

Joe Blow

Frank Dunn

Bill Schnill

They could then get this document notarized for legal verification. In the event that one of the parties did not pay the \$250.00 on the fifteenth day of a certain month by five pm, the other two parties could take legal action against him and avoid a bad mark on their rental history record. Notarization usually costs under ten dollars, and Notaries are easy to find. This simple contract could save you and your responsible roommates from any legal problems in the future.

So, in order to avoid any future disasters with irresponsible roommates, you need to decide how things are going to be handled once you all move in together. Just make sure that all agreements are written and legally verified. Oral contracts don't impress Judge Judy!

dan the roommate [www.roommateexpress.com](http://www.roommateexpress.com)

## **THINGS YOU NEED TO KNOW BEFORE YOU BECOME A ROOMMATE**

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The Lease

As a general rule, all adults living in an apartment should be named on the lease and should be co-responsible for payment of rent and maintenance of the unit. This means that each of you is responsible for making sure the entire rent is paid each month and that other obligations under the lease (maintenance, payment for damages, etc.) are everyone's concern. This also means that you are

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all protected under the terms of the lease.

If a roommate is moving in during the course of an existing lease, the landlord may run a credit check on the new roommate, and his or her name should be added to the lease. If a security deposit is required, the new roommate should pay his or her share.

It is also possible that the landlord will require a new lease at a higher rate if a new roommate moves in.

Unless you are covered by rent control or the increase is obviously an attempt to prevent the additional roommate, he is entirely within his rights to do this.

### Payment of Rent

The roommates must agree amongst themselves who is responsible for which share of the rent, whether they will pay it to one roommate who pays the landlord or if they will pay it individually. This agreement is outside the lease, and the landlord isn't bound by it nor can he enforce it.

### Utilities

As with the rent payments, roommates need to agree amongst themselves how the utilities will be paid each month, whose name the utilities will be in. In my previous roommate situations, I have found it useful to split up the utilities, so each roommate has one or more in his or her name. Each roommate is then responsible for paying a share of the utilities each month to the roommate who receives the bill.

### Space

Deciding before moving in who will get which bedroom and how common rooms will be used may prevent a lot of problems later on. It is also useful to set out how private the private spaces are (e.g. does roommate A mind if the others go into his room to use his computer?).

### Noise

You and your roommates are friends, you've partied together, you like each other. However, noise is

one of the things that can drive a wedge into that friendship. Decide before you move in when the "quiet hours" will be. Does everyone have to turn the TV or stereo down after 10 on week nights? Are parties allowed on weekends, and if so, what arrangements must be made ahead of time with other roommates?

### Guests

Come to some agreement about overnight guests, both of the romantic type and those who expect to sleep on the couch. If you only have one living room couch, it will be kind of difficult for two roommates' sisters to sleep on it, so how do you reserve it? And what about those boyfriends/girlfriends who all but

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move in?

Food

Are you going to share food expenses and eat your meals together, or is it every man/woman for him/her self? How will you share responsibilities for cooking and shopping? How will you know whose food is whose?

Cleaning/Maintenance

How clean will you keep the apartment? Who is responsible for which household chores? When should those chores be done?

Moving Out

What happens if one roommate needs to leave before the lease ends? How much notice should he or she give? Does he or she need to find a replacement roommate (with the approval of the other roommates and the landlord)?

Mediation

Your landlord has no obligation to enforce any agreement made between roommates. There are mediation services which can be used to mediate legal disputes between roommates. Decide ahead of time what you'll do if you come to an impasse.

Get it in Writing

NOLO provides this sample roommate agreement which you can use as a template for making your written agreement with your new roommates. It should clearly spell out the "rules" governing your co-tenancy and be signed by each roommate. If you want, you can even take it to a notary public and have it notarized, though that's not really necessary.

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To roommate or not to roommate

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