



A Pain-Free Guide To Getting Out Of Your Iron-Clad Apartment Lease

written by Tiffany White 2018-07-25

Breaking a lease to an apartment is tricky, with many landlords demanding money when a tenant moves out early; regardless of the reasoning for doing so. But, in many cases, it's a situation that we've all had at least once in our lifetime. It can be for a medley of reasons, whether you just got a new job in another state or if you've fallen on dire financial straits.

Whatever the case, that legally-binding one-year lease you signed by [renting an apartment](#) is now about to be your biggest headache. The bad news is, regardless of how you're breaking the lease, you're going to lose money. And, depending on how strict your lease or your landlord is, you might lose even more money if they try to sue you for unpaid rent.

However, not all is lost. Here's the legal way to painfully back out of your lease early.

Read The Lease

It might sound like basic advice, but, seriously, read your lease. They're not all the same. Depending on certain stipulations included in your contract, breaking a lease might be as easy as giving your landlord a 30-day notice, to as difficult as coughing up a full year's rent (and losing your deposit).

"Read the lease, that's the most important thing," real estate attorney Zachary D. Schorr told Knew Money. "There can be an attorney fee provision; that's the real killer. If you're on the hook for the rent, that's one thing, and that's not ideal. But if the landlord sues you to recover that rent and there's a provision in the lease that allows the landlord to recover their attorney's fees, the tenant can be on the hook not only for the rent but also what the landlord is paying the attorney. So it can really get quite expensive."

Find A Sublet

One of the easiest ways to get out of a lease is to sublet or find a new tenant to takeover your lease. That way, your landlord still receives monthly rent from somebody, and you don't have to pay rent on an apartment you're not living in. However, if you're planning to use this method, make sure you let your landlord know. Moving a new tenant into your apartment without telling your landlord could be a violation of your contract.

"I would be up front and honest with the landlord," Schorr said. "Tell them what the situation is and see if the lease allows the tenant to assign or sublet, and if so, they should take the efforts to sublet the lease."



Your Landlord Might Have To Find A New Tenant (Depending On Your State)

If you live in one of the 28 states that have a “[duty to mitigate](#)” law, you’re in luck. The responsibility of re-renting the apartment is the landlord’s, not yours. The law states that landlords must make reasonable efforts to find a new tenant for the unit you’re vacating.

If you live in one of these states, and you find yourself with an uncooperative landlord, you can easily cite the law and use it to your advantage: Alabama, Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, Wisconsin.

However, just because it’s your landlord’s responsibility to re-rent the apartment and not yours, that doesn’t mean you’re free of all responsibility. You still might be on the hook for other expenses, such as the cost of advertising and showing the property. The landlord also doesn’t have to accept any of tenant who walks through the door. They’re well within their right to look for tenants with good credit and rental history, and if it takes a while to find that perfect tenant, then you’re still expected to pay rent until the landlord finds them. If that happens, and you don’t want to pay, don’t be surprised if you find yourself in court.

“[The landlord] can sue, but it’ll be a question of fact to determine if those damages are appropriate for the months that they are seeking,” Schorr said. “If they haven’t actually undertaken reasonable efforts to mitigate their damages, then the court may not be inclined to reward them the damages.”

You Might Be Able To Break A Lease For Free

Depending on your situation, some states allow tenants to break a lease under certain stipulations. For example, all states allow tenants who **enter active military service** to legally break their leases as long as they give a notice. Other states also allow tenants who are victims of **domestic violence** to vacate a unit before the lease ends as long as they give a 30-day notice. However, if you live in an apartment that's dilapidated, infested or is in an inhabitable condition, you have grounds to break the lease, too.

"What I always advise people to do is to put your complaint to the landlord in writing so that you create a paper trail," Schorr advised. "If the landlord refuses to remedy the situation, then the tenant may have the ability to move out, sort of a constructive eviction."

Check The Rental Market

If you live in a populated urban area where the rents are always skyrocketing, you might be able to use the market as grounds to end a lease early. Some landlords might even be happy to hear you're breaking a lease because that means they can raise rent on the unit and make even more money on the property.

"If you're in a market where rents are increasing, sometimes you can just go back to the landlord and say, 'If I give you back possession or my keys, you're gonna get more money for it on the market than I'm paying you. Let me out,'" Schorr said. "Sometimes they will."

Talk To Your Landlord

But ultimately, before you do anything, you need to talk to your landlord and find out what options you have. You might have a landlord who's open and flexible, and you might have one who's an uncooperative nightmare. Whatever the case, letting them know upfront of your situation is better than being sued by them later.

"It's best to be upfront and see if you can work it out," Schorr advised. "I totally recommend reviewing the lease and having an open discussion with the landlord than just not paying the rent."

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