

Student apartment sublets

As students switch schools or change their plans in mid-course, they may want to transfer their lease and its liabilities to another tenant. If they are taking off just one semester—for example, to study abroad or take an internship—they might want to have someone else pick up the costs of rent while they are away.

When a tenant sublets, recordkeeping and liability concerns loom. Building access, background checks, property care and privileges for use of amenities all have to be dealt with, and often, student residents don't know the legalities or rules for any of these issues. They might think it is fine to just have someone else move in, use their key or codes, and pay the rent while they live there. Such a situation might even go unnoticed for some time if the apartment staff isn't alert.

Adding to the problem, the new tenant who is occupying the sublet space might also be unaware of all the liabilities and rules he's undertaken by entering that agreement.

Legally, in many situations, the tenant remains the lessee, which could involve liabilities for both the property and injuries that occur on that property. Tenants who want to sublet would do well to consult an attorney and—if they carry renters insurance—their insurance agent.

In some cases, the sub-lessee can assume the remainder of the original lease and would deal with the apartment building owner or property management company directly. But even then, the original lessee typically retains financial responsibility for rental payments and damages, so if the sub-lessee defaults or damages the property, the original tenant would carry the financial burden.

A good student apartment lease will have all these provisions included in the terms of the contract. If your apartment building is a standard multifamily residential complex and doesn't specialize in student housing, it will be important to identify student renters since subletting is common in that demographic. Some apartments that rent to college students require renters insurance to protect the business from damages—intentional and unintentional—that are caused by the unit holder. That can provide substantial protection for the property owner.

As part of welcoming new student residents, apartment managers should consider both speaking with them about subletting and providing them with written documents to sign so there is no misunderstanding about the rules. Knowing and being friendly with your residents is also a great way to stay ahead of potential subletting issues. And you might add a flyer or some other refresher to the community bulletin board or resident mail box area as the semester gets close to ending so the issue is front of mind for those who might wish to sublet.

Subletting can be a way for good residents to retain access to an apartment they love while they are temporarily away. If careful practices are followed, it can be a win-win for apartment owners and student residents alike. Who knows—your sub-lessees might become permanent residents based on their short-term contract! Just make sure all the liabilities and legalities are clearly understood and communicated at the outset.