

Instructions for the

Consent to Assignment of Residential Lease

The best laid plans sometimes don't work out, and sometimes a tenant wants to move out before the end of a fixed-term lease. If the landlord won't cancel your lease or sign a new lease with a replacement tenant you find, your next best option may be to "assign" your lease to a new tenant (called an "assignee") who is acceptable to the landlord.

With an assignment, you turn over the remainder of your lease to someone else. You can do this using this Consent to Assignment of Lease form. Unless the landlord agrees otherwise, you remain in the picture as a guarantor of rent payments in case the new occupant (the assignee) fails to pay. Having a second source for the rent in case the new tenant doesn't pay is one reason a savvy landlord might agree to an assignment but not a cancellation.

Landlords can voluntarily waive their rights to look to you as the guarantor of the assignee's rent, something that is not uncommon when the new tenant has excellent credit. Clause 4 releases you from this worrisome obligation, essentially putting you in the position of someone who has terminated the lease. If the landlord balks at the release and you are reasonably sure of your replacement's ability to pay the rent, you may not be risking much if you cross out Clause 4 and remain theoretically responsible for the rent.

For more about your rights and responsibilities as a tenant, check out *Every Tenant's Legal Guide*, by Janet Portman and Marcia Stewart (Nolo).

Signing Instructions

Print out three copies of the Consent to Assignment of Lease form—one for the landlord, one for the tenant, and one for the assignee. Each person should sign and date all originals in the spaces indicated. Each person should keep one signed original.

If You Need Legal Advice, See a Lawyer

Nolo publishes legal forms that are useful in many situations. But we can't tell you whether or not a form is right for you and your particular circumstances. No general legal form is a substitute for personalized advice from a knowledgeable lawyer licensed to practice law in your state. To find a local lawyer, you can begin with Nolo's Lawyer Directory at lawyers.nolo.com.

