

FAQs: About Roommates

I'm thinking about renting a place with a roommate. What do I need to know?

Before you rent a place with a roommate, it's a good idea to write out an agreement between yourselves. A written agreement might help you avoid disputes in the future. The agreement could cover who pays how much rent, utilities, deposit, and what happens if one roommate moves out. You can find a sample roommate agreement at mtpirg.org/tenantlandlord.

My roommate and I rent a place together. Now she's moving out. Who will pay her share of the rent? We didn't sign any roommate agreement.

It's a good idea to read carefully your rental agreement with the landlord. Most rental agreements require all roommates to sign the same rental agreement, making each of you equally responsible for the entire monthly rent. (After signing the rental agreement, it's up to you and your roommates to decide amongst yourselves how much of the total rent each of you must pay each month.) If you only have one roommate and she moves out, then you would be responsible for all of the rent. If the landlord doesn't receive the full rent, the landlord can file an eviction lawsuit against you. If the landlord files suit only against you and not your roommate who moved, you can file court papers to add your roommate to the lawsuit. If the rental agreement has not expired, your roommate is just as responsible as you are for the rent.

If your roommate is moving and you cannot afford to pay the full rent on your own, consider these options:

- 1) Give your landlord written notice, and move out when your roommate moves out.
WARNING: If you move out before your rental agreement expires, the landlord may charge you rent for the months left on your rental agreement (if the landlord was unable after reasonable effort to rent the place to a new tenant).
- 2) If you want to stay, talk to your landlord to get permission to find a new roommate to move in with you.

I let someone ("Terry") move into my rental with me a few months ago. Now I want Terry to leave. I am the only one who signed my landlord's rental agreement, Terry didn't sign. What do I do?

Give Terry a written notice to leave by a certain date, and keep a copy for yourself. If Terry doesn't leave by that date, contact law enforcement. If Terry is not on the rental agreement and is not paying you any rent, a law enforcement officer may be willing to stand by to keep the peace while you persuade Terry to leave. You can also talk to your landlord about helping you make Terry move out. Since the landlord owns the property, the landlord could ask Terry to leave and if Terry refuses, the landlord could file trespassing charges against Terry.

WARNING: You could get in trouble with your landlord for having Terry live there without the landlord's permission.

If Terry has been paying you rent to live there, then you may have to follow the requirements of Montana landlord-tenant law to evict Terry. That would mean you would first give Terry a written notice to vacate, then if Terry doesn't leave, you would have to file an eviction lawsuit against Terry. For more information about how to do this, see montanalawhelp.org/issues/housing/landlord-information.

For more information, you can contact one of the following organizations:

1. The Montana Legal Services HelpLine. The HelpLine assists Montanans living in poverty. The HelpLine number is 1-800-666-6899. The HelpLine hours are 7:30am - 6:00 pm Mondays-Fridays. You can also submit an application online at <http://www.mtlsa.org/get-legal-help/apply-legal-services/>
2. State of Montana Law Library. The Law Library provides help finding legal information. Visit the Law Library Web site at <http://www.lawlibrary.mt.gov>.
3. Lawyer Referral and Information Service (LRIS) provides free help finding an attorney. Call the LRIS at 1-406-449-6577 or go to <http://www.montanabar.org/displaycommon.cfm?an=1&subarticlenbr=255>.