

California West's Sublease / Lease Assignment Policy Frequently Asked Questions

Question 1: Does California West allow subleases?

Answer: No, California West does not usually allow subleases but we do often allow lease assignments if you follow the correct steps.

Question 2: What is the difference between a sublease and a lease assignment?

Answer: A sublease is an agreement between a tenant and a subtenant to which California West is not a party. ***This is a breach of lease.*** A lease assignment, which is the correct procedure, is where the original tenant assigns his or her interest in a lease over to a new tenant who is approved by California West and who then enters an agreement directly with California West.

Question 3: What are the steps for doing a lease assignment?

Answer: The steps for doing a lease assignment are as follows:

1. The original tenant must find a new tenant. ***Please note:*** California West does not assist in this process.
2. The new tenant must come to California West and provide us with this signed document plus submit an application and pay an application processing fee.
3. The new tenant must be approved by California West.
4. Once the new tenant is approved, we will then supply everyone with a form to fill out and sign. This is called a "Lease Assumption Agreement." We do not provide a copy of this agreement until after a new tenant is approved.
5. Once everyone fills out and signs the Lease Assumption Agreement, you will then return that document to our office. We will review and sign the Lease Assumption Agreement if everything is correct and acceptable. ***The lease assignment process is never complete until and unless California West signs the Lease Assumption Agreement.*** If the new tenant moves in before we sign that agreement then that is a breach of lease that may result in eviction.

Question 4: How long does it take California West to process a new tenant's rental application?

Answer: Our policy is to process the vast majority of applications within not more than two business days. Keep in mind, however, that part of what it takes to process an application is to contact previous landlords and employers. If we cannot reach those people then that will delay the application process and there is nothing we can do except to keep following up with them.

Question 5: I am planning to temporarily study elsewhere and will not be living in San Luis Obispo for some period of time, can I find someone to temporarily take my spot on the lease?

Answer: Possibly. Whoever might be replacing you temporarily must be approved by California West in advance. The first step is to return this signed FAQ and to have the proposed temporary occupant to submit an application to California West for review.

Initials: _____

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Question 6: Will I still be responsible for unpaid rent or other damages if I follow the steps for a lease assignment?

Answer: No, if you follow our procedures then you will be removed from the lease agreement and will no longer be liable for unpaid rent or other damages under the lease. Please note that the procedures are never final until California West signs the Lease Assumption Agreement!

Question 7: What are the potential consequences if I sublease without California West's approval?

Answer: A sublease without California West's prior written approval is a breach of lease. An unauthorized sublease may result in eviction and the original tenant will remain liable to California West for any potential damages that the new tenant causes, including nonpayment of rent.

Question 8: Will California West inspect the property before the new tenant moves in and who is responsible for damages that occurred before the new tenant moves in?

Answer: No, California West will not inspect the property as part of the lease assignment process. When the lease expires, the new tenant is responsible for any and all damages to the property.

Question 9: Will California West clean the property before the new tenant moves in and who is responsible for cleaning the property once the lease expires?

Answer: No, for a lease assignment, California West will not clean the property before a new tenant moves in. Furthermore, when the lease expires the new tenant is responsible for cleaning the property.

Question 10: What happens to the original tenant's security deposit?

Answer: With a lease assignment, the original tenant's security deposit will be refunded to the new tenant at the expiration of the lease. The original tenant releases all interest in that deposit to the new tenant. California West does not get involved in the negotiations between the original tenant and the new tenant, who must decide between themselves how much money, if any, the new tenant will pay to the original tenant in exchange for the fact that all rights to the deposit are being transferred to the new tenant.

I HAVE READ AND FULLY UNDERSTAND THESE ANSWERS TO FREQUENTLY ASKED QUESTIONS.

Signature of Vacating Tenant: _____

Date: _____

Name of Vacating Tenant: _____

Signature of New Tenant: _____

Date: _____

Name of New Tenant: _____