

Moving Out

Tenants' Rights in Massachusetts

When you move out of your apartment, it is a good idea to prepare ahead of time to avoid problems with your landlord. There are laws about when to tell your landlord you are leaving, security deposits, and more.

How can I get ready to move out?

1. Tell your landlord in writing that you are leaving. Keep a copy.
2. Remove your belongings and clean the apartment.
3. Repair any damage you caused.
4. Do a walk-through with your landlord.
5. Review your Statement of Condition if you signed one.
6. Take pictures before you leave.
7. Return your keys on or before your move-out date.
8. Arrange for the landlord to return your security deposit.

For a more detailed and longer checklist, see **Moving Out Checklist (Form 17)**.

When do I need to tell my landlord that I'm moving out?

If you do not have a lease

Tell your landlord **1 full** rental period before you move out (this is usually **30 days**).

If you cannot give 30 days' notice, talk to your landlord and explain your situation. They may agree to your move-out date.

If you have a written lease

Some leases renew automatically. Some do not. Read your lease to find out. See **Tenants with Leases in Chapter 4: Kinds of Tenancies** to learn more.

If your lease renews automatically, you must give your landlord written notice that you are not renewing. Your lease says the number of days' notice you must give. Many leases require notice 30 days before the last day of the lease. Some require more.

You may have a lease that ends on a certain date and does not renew automatically. If you plan to move out by the end date on the lease, you do not have to give the landlord notice.

If you live in state public housing

You must mail or deliver a notice in writing to the housing authority at least 30 days before the date you want to move out.

If you live in federal public housing

Check your lease to see what you are required to do. The process may be different depending on your housing authority, but it is usually the same as state public housing.

What if I need to move out before my lease ends?

If you live in private housing

You have options:

- **Surrender.** Talk to the landlord. They may agree to an earlier move-out date. If so, send a note, email, or text that says you are “surrendering” the apartment. Ask the landlord for a written acceptance of the “surrender.”
- **Bad conditions.** If your apartment has unsafe or unhealthy conditions that your landlord does not fix, the law sometimes allows you to end your lease and move out. You must follow certain legal steps to have the right to break your lease because of bad conditions. See **Break Your Lease in Chapter 8: Getting Repairs Made.**
- **Sublet.** If your lease allows, you can sublet or assign your lease. But be careful. If the subletter damages the apartment or does not pay the rent, **you** are responsible. Even if the lease says no subletting or assigning, some tenants sublet anyway. If you do this, sign an agreement with the subletter that says they may have to move out if the landlord finds out about the sublet and does not agree.

If you or someone in your household is a survivor of domestic violence, stalking, or rape, you may be able to break your lease. See MassLegalHelp.org/DV-lease.



For more, scan the QR code for **Legal Tactics, Chapter 11: Moving Out.** MassLegalHelp.org/LT-Moving-Out

If you live in public housing

You may be able to break your lease early if:

- **You have a disability or are a survivor of domestic violence.** You will need to explain to the housing authority why you need to get out of your lease.
- **The housing authority refuses to fix very serious conditions in your apartment.** Before you leave, have a local board of health inspect the apartment to document how bad the conditions are.
- If things the housing authority does or doesn't do have **interfered with what is called your "quiet enjoyment,"** and you have to move right away, you may be able to do so without legally breaking your lease.

Getting your security deposit back

- If you leave your place in the same condition as you found it, the landlord **must** return 100% of your security deposit, with interest, within **30 days** after you move out or your lease ends.
- When you move out, send your landlord a letter that asks them to return your security deposit. Give them an address to send the check or ask them how you can pick up your check. Keep a copy of your letter.

To learn more about security deposits, including what to do if your landlord does not give you yours back, see **Chapter 3: Security Deposits.**