

Landlord-Tenant - Sublease

SUBLETTING

Subletting is basically the same as a regular lease, with an added step. When subletting takes place; there is a landlord, tenant, and subtenant. The subtenant rents from the tenant, and the tenant rents from the landlord. South Dakota landlord-tenant law currently does not specifically address subletting. If subletting is not prohibited in your existing lease agreement, it is best to ask the landlord for permission before subletting.

<p>1</p> <p>What is subletting?</p>	<p>Subletting is basically the same as a regular lease, with an added step. When subletting takes place, there is a landlord, tenant, and subtenant. The subtenant rents from the tenant, and the tenant rents from the landlord.</p> <p>South Dakota landlord-tenant law currently does not specifically address subletting. If subletting is not prohibited in your existing lease agreement, it is best to ask the landlord for permission before subletting.</p>
<p>2</p> <p>What if I want to sublet TO someone?</p>	<ul style="list-style-type: none"> • Read your existing lease and discuss with your landlord if subletting is allowed. If it is allowed, and the landlord approves, make sure to get written consent from them. • Discuss with your landlord and agree on whether they are allowed to screen and reject prospective subtenants. • Discuss with your landlord and agree on whether they can ask for additional rent money and security deposit money if they are to allow a subtenant. • If your sublease is going to be longer than one year, it must be in writing, must be signed by you, and should be signed by your subtenant.
<p>3</p> <p>What if I want to sublet FROM someone?</p>	<p>Communicate with your intended lessor and make sure that they are allowed to sublease, and that they have discussed the points mentioned above: What if I want to sublet to someone?</p>
<p>4</p> <p>What should I do to protect myself?</p>	<ul style="list-style-type: none"> • Save all documentation, letters, and communication you receive or write about the property in question. Save copies of everything. • Put in writing all "side deals" or agreements outside the original lease and sublease. • Know the terms of the initial lease and sublease. • Attend all hearings to defend your rights.
<p>For more specific information on your situation, it is best to speak to a licensed, competent attorney to best suit your needs. Anyone can apply for free legal services at South Dakota Law Help.</p> <p>Additional Resources:</p> <ul style="list-style-type: none"> • South Dakota Codified Law on Leases of Real Property - SDCL § 43-32 • South Dakota Consumer Protection - https://consumer.sd.gov/realEstate/landlordtenant.aspx • Landlord Tenant Law - https://www.landlord-tenant-law.com/south-dakota-landlord-tenant-law.html <p> ERIS EAST RIVER LEGAL SERVICES</p>	

What if I want to sublet to someone?

- Read your existing lease and discuss with your landlord if subletting is allowed. If it is allowed, and the landlord approves, make sure to get written consent from them.
- Discuss with your landlord and agree on whether they are allowed to screen and reject prospective subtenants.

- Discuss with your landlord and agree on whether they can ask for additional rent money and security deposit money if they are to allow a subtenant.
- If your sublease is going to be longer than one year, it must be in writing, must be signed by you, and should be signed by your subtenant.

What if I want to sublet from someone?

- Communicate with your intended lessor and make sure that they are allowed to sublease, and that they have discussed the points mentioned above: What if I want to sublet to someone?

What should I do to protect myself?

- Save all documentation, letters, and communication you receive or write about the property in question. Save copies of everything.
- Put in writing all “side deals” or agreements outside the original lease and sublease.
- Know the terms of the initial lease and sublease.
- Attend all hearings to defend your rights.

For more specific information on your situation, it is best to speak to a licensed, competent attorney to best suit your needs. Anyone can apply for free legal services at [South Dakota Law Help](#).

Additional Resources

South Dakota Codified Law on Leases of Real Property - [SDCL § 43-32](#)

South Dakota Consumer Protection - [Landlord/Tenant Information](#)

Landlord Tenant Law - [South Dakota Landlord Tenant Law](#)

Last updated on May 19, 2022.

[Housing Landlord/Tenant Rights](#)

Files

[Subletting.pdf](#)

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