



Dealings with landlords continue to frustrate UNL student tenants

Lincoln landlords aren't the kind of persons who would tie young maidens to railroad tracks for not paying the rent, as often illustrated in cartoons.

But some do refuse to refund damage deposits when no damage has been done to the property, leave tenants with flooded basements and no water, or, in a few instances, rent property that has been marked by housing officials as unsafe for human habitation.

Their properties are scattered throughout Lincoln, yet the amount of property owned by each is unknown to housing inspection officials.

Most landlords have other occupations that vary as greatly as the conditions their properties are in. They don't fit into any one classification.

Neither do the complaints against them, nor the clients who make those complaints, according to community agencies concerned with housing issues.

The City-Wide Tenants Assoc. and Legal Aid Society of Lincoln, Inc., are agencies which deal with landlord-tenant disputes where they occur most frequently—among persons with low incomes.

City-Wide officers have compiled a list of 19 landlords, many of whom are considered slum landlords, according to Bea Richmond, City-Wide member.

City-Wide officers receive approximately 50 phone calls a week from people who either complain about landlords refusing to make repairs or who want to know their rights as tenants, Richmond said.

On the first day of the month, when rent is due, 50 calls may be received in one day, she said.

Most tenants won't publicize their complaints against landlords for fear of eviction, Richmond said.

Most of the evictions that do occur stem from one of two reasons: disagreement between landlord and tenants about property maintenance, and failure of tenants to pay rent, according to Gale Pokorny, an attorney for Legal Aid.

"They (tenants) almost never have a written agreement (with their landlords)," he said. "You find a whole bevy of arrangements on how rent is paid and repairs are made."

Pokorny said most of the problems between landlords and tenants concern the actual physical condition of the house or apartment. The housing frequently is intended to be low-income housing, he said.

If tenants force the repair issue, and if the house is deemed unsafe to live in, the tenant may be moved into other housing by the city relocation office, he said.

"The tenants only wanted to get the thing fixed, not to be moved out," Pokorny said.

Tenants have no bargaining power on the issue of rent, but must pay according to their agreement with the landlord, he said.

Regarding damage deposits or rent withheld, however, tenants have some leverage in Small Claims Court, where landlords may be sued to recover amounts of not more than \$500.

A random check of court dockets by the Daily Nebraskan showed that an average of four tenants a month filed against landlords for return of deposits and back rent from June 1973 to January 1974.

Landlords also filed suits against tenants at the same rate, according to the court records.

Landlords also voice their gripes against tenants to various housing agencies. The most frequently heard complaint is failure of the tenant to pay rent, according to Pokorny. But most landlords won't evict immediately.

Richmond said City-Wide members have encountered almost as many good landlords as bad ones.

According to Carl Kopines, Lincoln housing administrator, most property owners "cooperate a great deal" in making improvements on their property to comply with the city housing code.

The complaints received usually are related to utilities or dilapidated property, failure of renter to inspect property before moving in, and failure of the landlord to make repairs, he said.

The Housing Administration Office usually receives 13 calls a month on these complaints, Kopines said.

Two complaints of landlords renting placarded or "red-tagged" housing have been reported over the past three years to the housing inspection office, Kopines noted.

Students in off campus housing are considered by housing agencies to be occupying units that otherwise would be available to low-income families needing it more.

"We take care of the people who have nowhere else to go," Pokorny said.

But students have similar conflicts with landlords, according to the ASUN Students' Lawyers and the UNL ombudsman's office.

Of the 100 landlord-tenant cases the lawyers have dealt with since last year, approximately 40% involved failure to return damage deposits, according to Bruce Hamilton, one of the students' lawyers.

Solutions to the disputes usually are negotiated with the landlords "with a pretty high degree of success" or are referred to Small Claims Court, he said.

According to Dee Nicodemus, assistant to the UNL ombudsman, "landlords have found that students would rather forget something than go through the trouble of pursuing it."

Some students, like Tony Ramirez, tried.

Ramirez said he and his friend were "desperate" for an apartment when they inquired about one that was renting for \$110 a month. It was the first floor of a house.

According to Ramirez, rent was for a furnished apartment. But the only furniture in the place was a chair, box springs and a mattress. The place was filthy, he said, and the landlord demanded a \$50 damage deposit in cash.

They rechecked the apartment before moving in, found no heat and no hot water available and they wanted out. But according to the contract they had signed, the landlord had to be notified three days before such a decision for tenants to be refunded their deposits.

Ramirez and his roommates weren't able to talk to their landlord until four days later, he said.

Ramirez said he requested help from the Mexican-American Commission in obtaining the deposit but was told to go the Small Claims Court route.

During that time Ramirez said he met another student who was complaining about getting "ripped off" by his landlord. The student lived above Ramirez.

Rich Tillson said he rented the upstairs apartment through the landlord's real estate agents.

"They never mention the (landlord's) well known name until you plunk your money down," he said.

The agents promised to have furniture moved in, but Tillson said he slept on the floor for the month he rented the place.

During the month, repairs which were unneeded, at first, became necessary, he said.

Neither the stove nor the refrigerator in the apartment worked, and the maintenance man he had contacted for service called the furnace "fairly hazardous," he said.

Tillson added that he tried to talk to the landlord too about repairs.

"But if he knows who you are and what you want, he won't be home," Tillson said. He tried to phone the landlord, but the landlord hung up when he identified himself, Tillson said.

Tillson said he didn't get his damage deposit refunded, and plans to file in Small Claims Court.

Until this session of the Legislature, no law other than common law (decisions on past cases acting as precedent) existed for landlord-tenant problems.

LB293, introduced by State Sen. Harold Simpson of Lincoln, outlines the rights and responsibilities of both tenants and landlords.

The bill was drafted by members of the National Commissioners on Uniform State Laws, according to Nebraska Commissioner Wallace Rudolph, a UNL law professor.

Amendments to the bill, introduced by various landlord groups, have limited the rights of the tenant, Rudolph said, "but we're satisfied with it."

Rudolph said an essential part removed from the original bill would have allowed tenants to have needed repairs made on property and charge the costs to the landlord, if the landlord refused to make these repairs within a certain amount of time.

The bill was "whitewashed," according to Richmond, "but maybe next year we'll get something we want," she said.

