

Apartments: the game rules

The Student Legal Services Center has prepared several tips for students leasing an apartment or house. The recommendations reflect the Lincoln landlord-tenant situation and the recently passed Nebraska Residential Landlord Tenant Act which affects all leases after July 1, 1975.

1. Find out the actual owner of the property and write down that person's mailing address and phone number. The person who shows the property may be acting only as a rental agent for someone else.

2. Ask for the name and current address of the previous tenant. Contact that person regarding the landlord and problems that have occurred. If the landlord will not give you the name, he may have something to hide.

Talk to neighbors

3. Talk to one or two of the neighbors (without the landlord being present) about the property.

4. Thoroughly inspect the property for defects or damage prior to entering into any agreements to lease. Check all appliances to make certain they operate. Make a list of the existing damages and have the owner or his agent sign and date it. Keep it in a safe place.

5. Try to negotiate as low a damage or rental deposit as possible (none is best, of course). Make certain it is

mutually agreed that the entire deposit will be refunded if the apartment or house is left with no damage, ordinary wear and tear excepted.

6. Do not sign any written lease unless you thoroughly have read it and understand its contents. Deletions and/or additions may be made to any written lease before signing if both parties initial the changes. Most written leases are heavily weighted in favor of the landlord.

Verbal leases binding

7. If a written lease is to be signed do not rely on any promises of the landlord that are not covered in writing, especially those regarding getting out of the lease before its expiration or repairs that are orally promised to be made.

8. Verbal leases are in most cases just as binding as written ones; just harder to prove in court. In many cases they are preferable to written leases heavily weighted in favor of the landlord.

9. Leases that are on a month-to-month basis require a full 30 days notice prior to a rent payment date for termination or changes, unless the parties agree otherwise. Generally, terminations or leases coincide with rental payment dates. Attempts to terminate a lease in the middle of a payment period may still require the previous rental period's notice. However all leases with monthly payments

are not month-to-month leases. Many are for a set period of time: one year, six months, etc., but may have special notice requirements even though rent is paid monthly.

Copy correspondence

10. All important correspondence with landlords should be done in writing, with a copy made and retained by the tenant.

11. For written leases, ask for a copy of the lease in advance to study.

12. Always get a receipt when paying deposits or rent. Always pay by check if possible.

13. Keep all correspondence and receipts in a safe place with the copy of the lease.

14. Do not make any quick decisions. Many problems arise when tenants are stamped or pressured into signing a lease without any deliberation.

Clauses often unenforceable

15. Many written leases contain clauses that are unenforceable, but you will never know unless you ask an attorney. If you are a student and have questions contact the Student Legal Services Center.

16. It is a good idea for any tenant or landlord to read the new Nebraska Residential Landlord Tenant Act for a better explanation of their rights and responsibilities to each other. More information on law is available at the Student Legal Services Center.



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