

Law established rights

While studying for a test in your off-campus apartment, you are interrupted by a call from your landlord.

He said he "dropped in" to the apartment and reminded you to clean the pile of dishes that have accumulated in the sink.

"There ought to be a law" you mutter to yourself as you return to your books.

There is a law. On July 1 Nebraska's version of the uniform Residential Landlord and Tenant Act became applicable to leases after being adopted by the 1974 Nebraska legislature.

Provisions of the law affect both tenant and landlord rights and obligations.

Substantive landlord changes include rules about dwelling standards, entering apartments and lease provisions.

Landlords are required to comply with dwelling codes in a community, or if they do not exist, to keep premises in a safe and habitable condition, provide electrical, plumbing and sanitary conditions, and running and hot water and working heating for the dwelling.

If landlords do not comply to these standards, tenants are entitled to monetary damages if the situation is not cleared up within 14 days after the landlord is first notified.

The landlord must also give one day's notice before entering a dwelling except for emergency cases.

Landlords must also return damage deposits within 14 days after the lease is terminated along with written notation of any money withheld.

Landlords cannot include as lease provisions any clauses that would waive the tenants rights under the landlord-tenant act, agreements to pay the landlord's liability for negligence or other "unconscionable" provisions.

Tenant obligations are also outlined in the law. Tenants are required to pay rent without notice at the first of the month unless otherwise agreed. Landlord relief measures are provided for in connection with rental payment.

Tenants are also required to maintain the premises in a safe, habitable and healthful condition and to use the facilities in a reasonable manner.

Tenants must not be absent beyond one full rental period or 30 days, whichever is less, without giving notice.

Such absence constitutes abandonment. The lease may require notice for more than seven day's absence. The provision seeks to relieve the courts of determining what constitutes abandonment. Now courts may refer to law rather than deciding case by case.

The landlord-tenant act also establishes action for landlords and tenants to take when provisions of the law are broken. More information about those and other portions of the law are available from the Student Legal Services Center, 334 Nebraska Union.

A booklet explaining the law is being planned for early September distribution by the Nebraska University Public Interest Research Group (NUPIRG), according to Don Wesely, president.



Moving in to a new home for the school year is often a push and pull activity.

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August 18-28

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