

Notice required to end lease often confuses tenant

Editor's note: This is the first of a four part series on landlord-tenant relations.

By Scott Whitcomb

If you ever have any problems terminating a lease with your landlord, it may be because there are additional obligations for a tenant under state law that are not spelled out in the lease.

David Rasmussen, UNL student legal services attorney, said most written leases are weighted in favor of the landlord, so it always is a good idea to seek a legal review of a prospective lease.

Rasmussen said the time notice requirement for lease termination is the biggest problem tenants have when thinking of moving out.

"Leases that are on a month-to-month basis require a full 30 days notice prior to rent payment date for termination or changes, unless the parties otherwise agree," he said.

Generally, terminations of leases coincide with rental payment dates, but attempts to terminate a lease in the middle of a payment period may not be accepted by the landlord, Rasmussen said.

He said, however, all leases with monthly payments are not month-to-month leases.

"Many leases are for a set period of time—one year, six months, etc.—but may have special notice requirements even though rent is paid in monthly installments," he said.

Giving only 30 days notice before a tenant moves out instead of 30 days notice before the last periodic rent payment date is "a common misconception", Rasmussen said.

Lease problems

He said at least 50 or more students a year come to him with lease problems, thinking that their "landlord has ripped them off."

Although the critical time for termination notice is before April 1, late May and June is the biggest time for complaints from tenants, Rasmussen said.

"Some tenants may plan on moving out May 15, but it is usually the end of May before they realize their obligation," Rasmussen said.

"Many people think the landlord was just bluffing when he said he would charge them (tenants) for an entire month."

He said that if a landlord cannot find anyone to rent the property for the last two weeks of a month, the landlord may allow a tenant to pay for just two weeks. However, it is wise to get such an agreement in writing, Rasmussen said.

If the landlord does not agree on two weeks rent, tenant options are to either move out at the first of a



month or stay with a friend for two weeks, or stay and pay an extra two weeks rent, Rasmussen said.

He said that although many complaints from tenants are unwarranted because they do not know the law, many landlords also are unaware of the law.

Landlords should know law

"About three per cent of the students that come in for advice are landlords," Rasmussen said. "Landlords need to be aware of the law because they lose too if their tenants get mad."

He said the law also works to protect the tenant. "The landlord must also give 30 days notice prior to the periodic rental payment date if they are going to terminate a lease or raise the rent," Rasmussen said.

He said landlords more frequently are spelling out

termination requirements in leases.

The landlord and tenant also should agree on damages if there are any before the tenant leaves. The tenant should leave a new address for the landlord to mail the damage deposit.

The Nebraska Landlord-Tenant Law states that the balance of a damage deposit and a written itemization shall be delivered or mailed to the tenant within 14 days after demand and designation of the location where payment may be made or mailed.

Rasmussen said it would be wise to have a friend who saw the place when the tenant moved in look at any new damages in case the tenant wants to take the landlord to court.

Condition good

Charles Michael Koch, the UNL student who jumped from Piper Residence Hall March 14, was listed in good condition Sunday at Lincoln General Hospital, according to a hospital official.

Koch, 18, is a freshman from Gretna.

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