

landlord-tenant act clarifies rights, responsibilities

by I. kent wolgamott

Tenants have certain rights guaranteed under the Nebraska Landlord Tenant Act of 1975, and a prospective renter should become familiar with those rights before entering into a rental agreement, according to Robert Lange, director of UNL Student Legal Services.

Lange said taking such preventive measures are difficult because students have little time to investigate a landlord and his policies.

There have been attempts to amend the act to force landlords to hold damage deposits in trust. Penalty for failure to correctly return a deposit would be a month's rent, but so far no such amendment has passed the Legislature, Lange said.

The 1975 Act includes provisions dealing with landlord responsibility, maintenance and repair of the property, landlord right of entry, and eviction.

Under landlord responsibility, the act states that the landlord is responsible for injuries on the property as a result of his negligence. He cannot include a clause in the rental agreement that releases him from that responsibility.

The landlord is also responsible for all structural defects in the building and for maintaining and repairing the rented property according to housing codes. He must keep the premise fit, clean and safe; and keep appliances such as furnaces, ranges, and refrigerators in good working



order.

The landlord must also supply water, hot water, and heat, according to the act.

Agreements can be made between the tenant and landlord for maintenance done by the tenant, but these agreements should be in writing and include considerations such as lower rent.

Landlord entry is a common concern of many renters. Lange said landlords must give 24 hour notice if they want to enter a tenant's apartment or house. They must come at a "reasonable time" and cannot use their right of entry to harass the tenant.

Failure to pay rent is a cause for eviction, but a definite procedure has to be followed, Lange said.

The landlord must give the tenant a written notice to pay within three days or leave.

If the tenant does nothing, the landlord can then go to court for summary eviction action, Lange said.

He said eviction is a quick process with trial for possession not less than seven or more than ten days after a summons is served on the tenant.

If the landlord is awarded possession, which usually happens, the tenant usually have about seven days to leave the premises before he is physically removed by local authorities.

Lange said the eviction process is es-



Robert Lange, director of Student Legal Services.

pecially damaging to the tenant because he pays the attorney's fees and costs of the landlord for the trial—an amount usually greater than the unpaid rent.

Although not specifically covered in the act, Lange said tenants can sublease rental property unless it is prohibited by their leases.

Tenant Service Center aids in housing hunt

by scott behm

At this time of year many students are concerned not only with finding a place to live, but also with finding a place suited for their personal needs.

One way students can ease the search for good housing is to use the new University Tenant Service Center. Funded by ASUN, the Nebraska University Public Interest Research Group (NUIPIRG) developed the center this summer in order to bring landlords and students together.

"Landlords were contacted by both phone and through want-ads run in the Lincoln Journal," Meister said. After establishing who had what available, we constructed a list of apartments and houses for student use.

"Currently, we've got about 50 apartments listed, plus about 14 listings for people looking for roommates. The service is free, both to students and landlords. The landlords call us when they've got something open.

"Response from landlords around Lincoln was impressive," said Meister. "We received a lot of coverage from local media this summer, including KFOR, KFAB, and Channel 6. We're currently running public service announcements on KLMS, KFMO, and Channel 7."

"At last tally," said Meister. "we've had over 200 people use the service. We don't have any success statistics because it would be very hard for us to keep track of all the students who use our office."

Meister said that the listings are kept up to date as much as possible by the volunteer staff.

"Landlords are supposed to call and let us know as soon as an apartment of theirs



is filled. We've also had people calling the older listings to make sure that they are still open."

The tenant service is attempting an additional feature to offer prospective student tenants.

"We're currently trying to get funding to print a book that will help students go through the various procedures of apartment renting, including financing, trouble-shooting, leases, and checklists of things to look for when renting.

"Any legal information included in the booklet has come from the Student Legal Services office. We aren't making any outlandish legal statements that we aren't qualified to deal with," Meister said.

"An important aspect of the informational booklet is that we point out the different things that a landlord should charge you for or what he should or should not hold back your deposit for."

Information used in the booklet was taken from NUIPIRG's own files, Student Legal Services, and a booklet published by the Lincoln Action Center.

Unfortunately, the listings now on hand are fairly expensive and farther away from campus than most students would like. The better apartments for student use disappear at the end of summer vacation, Meister said, and with the beginning of the year housing shortage on campus, NUIPIRG referred many students to landlords through their tenant center.

Meister said NUIPIRG hopes to continue the service, but stressed that in order to keep the program running, volunteer staff help is needed, and in order to publish the informational booklet, additional funding will be needed.



Margy Meister, director of Nebraska University Public Interest Research Group