

Students with landlord problems get legal help

This is the first in a series of articles that will be printed in the Daily Nebraskan dealing with student legal problems. The stories will appear on Fridays.

By Eric Peterson

If students have a gripe with their landlord, one person to think about seeing is Shelley Stall, director of ASUN Student Legal Services. About one-third of the cases that she deals with are landlord-tenant disputes.

She said damage deposits, repairs, utilities and broken leases are the most common problems students ask her to help them with in the landlord-tenant area.

Nearly every rent contract provides for some kind of damage deposit, Stall said. The law says no damage deposit can be bigger than one month's rent. Sometimes the renter who has a pet must pay an additional pet deposit for up to one-fourth of a month's rent.

The best thing to do in advance of settling into a new place is to fill out a checklist of already existing damages on the place, she said.

"This prevents the landlord from saying you have to pay for a window that was already broken when you moved in," Stall explained. "It also forces you to look at the place closely."

However, filling out a checklist is a

step too late for most of the people Stall talks to. Most of Stall's clients already are having problems with landlords trying to keep the deposit.

Keep deposit

"Generally, landlords do what they can to keep the deposit. That's not the way the law is supposed to work," she said. Landlords can use two reasons for keeping the deposit — paying for damage "beyond normal wear and tear" and unpaid past due rent.

If students feel they haven't unreasonably damaged the rented property, but haven't gotten their deposit back, have paid all the rent to date, there is a two-step process they can use to recover the money, Stall said. The first step is sending a signed and dated demand letter with a present address to the former landlord.

Stall said students have the right to demand either their money or an itemized list of repairs including receipts within a 14-day period.

If there is no response within two weeks, a student has a good case to take to the small claims court. Stall said it costs \$8 to file a case with the small claims court, where the renter would argue the case himself. If the landlord loses the case, the renter will get the court costs back as well as the damage deposit. The small claims court can be time-consuming, Stall added.

"However, it's not as bad as you might think," she said.

She noted that it usually takes six to eight weeks to get on the court docket,

and then may require an afternoon at court. Even if the landlord loses the damage deposit case, clients sometimes have trouble collecting the money, Stall said.

Landlords are required to conform to a minimum housing code for the city of Lincoln, Stall explained. This is buttressed by the state Landlord-Tenant Act. This means landlords have to provide garbage services and keep common walkways clear, she said.

It also means tenants are responsible for keeping their rented space reasonably clean and not disturbing other people's peaceable enjoyment.

Written complaint

If a student thinks their landlord is not living up to the obligations in either the housing code or provisions in the contract, Stall advised writing a complaint.

"Fix it or I'm moving out within 30 days," is a sufficiently clear message, Stall said.

The Housing Code Office can inspect the student's place and write a report on it that can be valuable in a small claims court suit, Stall said. The office can pressure landlords with removing their license to rent, a practice called "redtagging."

The office can even prosecute for code violations, although this is rarely done, Stall said. Renters should use the threat of moving out cautiously, Stall added.

"If you're at the place where you want to move out, then it's fine. Otherwise,

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