

Monthly tenancy risky; receipts provide safety

By Shelley Stall
Student Legal Services Lawyer

Question: We have reason to believe that our apartment building is going to be sold to a realty business here in town. Right now, we have a month-to-month tenancy agreement with no lease. Our question is, what are the legal ramifications to us if the building is sold? Can we be kicked out or forced to sign a lease? Also, our rent was raised \$35 six weeks ago. Can it be raised again by the new owners?
Signed, J.D.

and tenant and conforms to Nebraska Law. Under a term lease, you would not have to move and your rent could not be raised until the lease expires. Even if your landlord sells the apartment building during the term, the new owner would have to honor the lease in most instances. You may want to talk with other tenants about the idea and approach the landlord collectively. Your landlord may not agree to sign a lease, but it doesn't hurt to ask.

Question: I pre-registered for second semester classes a few weeks ago. I am a senior and if I don't get two specific classes, I can't graduate this year. I put \$25 cash in the packet envelope with the forms and dropped it in the slot in the Administration Building. I just got a letter from the university telling me I'm not registered because I didn't send in \$25. I know I put that money in there (two 10s and a five). Can you straighten this out?
Signed, Graduating(?)

Answer: Dear Graduating(?): Unless you work for organized crime, you should never pay in cash without getting a receipt. The university processes registration for 24,000 students. A mistake can occur when money is credited to the wrong Social Security number. Sometimes the wrong transaction code is used and the money ends up in university housing instead of registration.

Ask Your Attorney

Answer: Dear J.D.: A month-to-month tenancy arrangement does not afford much protection to a tenant in your situation. If your building is sold, the new owner can make you move out or raise your rent by giving you 30 days written notice on the first day of the month or the date your rent is due. (See Section 76-1437 of the Nebraska Residential Landlord Tenant Act, Volume 4, Nebraska Revised Statutes.) This law works both ways. You can move out by giving 30 days written notice on the date rent is due.

I have two suggestions. First, consider talking to your current landlord and the soon-to-be new owner. You might be able to find out valuable information just by asking. Maybe the rumor is wrong. If you live in an apartment building (not a house) it is unlikely the real estate company would want to kick you out unless it has plans to do massive renovation. The real estate company can't make money unless the units are rented. Also, if you just had a rent increase recently, perhaps another increase so soon would price the apartments in your building out of the market. Compare your rent to other comparable apartments in the neighborhood to see if your fear of another rent increase is justified.

Second, consider asking your current landlord if he or she will sign a term lease for six months or a year. Student Legal Services distributes a standard lease that is fair to both landlord

You must contact the Student Accounts office as soon as possible and explain exactly what you did. There is a better chance that your money will be found if you can tell the office the exact date and time you dropped off your envelope. The university will work with any student who claims the money was in the envelope when it was dropped off. However, if the money isn't found, you will have no way to prove your story and you will probably have to come up with another \$25.

Student Legal Services helped 96 students with legal problems in October and \$6,065.45 was recovered for students who thought they had lost money through bank mishandling, damage deposits, auto accident liability and bad car purchases. Any currently enrolled UNL student is eligible for legal help through Student Legal Services, Nebraska Union 335, UNL 68588. Call 472-3350 for an appointment.



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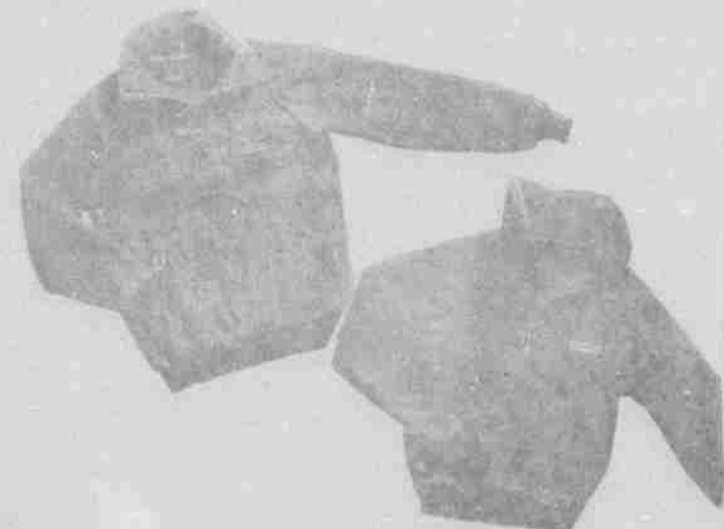
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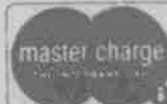
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