

FOR RENT

Apartment renter's guide

Students have rights as tenants

By J. Christopher Hain
Editor

After doing time in the residence halls, most UNL students must make an important decision — to rent or not to rent.

Most students eventually will give up the crowded, cramped space of a dorm room in search of an attractive, comfortable, yet affordable, apartment that gives them even more independence than the residence halls.

But in looking for a place to crash after classes, there are some important things every apartment hunter should keep in mind to avoid ending up in a dirty, roach-infested apartment with no hot water or heat.

Moving off campus means becoming a tenant and dealing with a landlord. If students don't watch out, their rights as tenants can get stepped on.

In his book, Ed Sacks, author of "The Renter's Survival Kit," offers a tenants bill of rights that all prospective student renters should take note of. Not everything on Sacks' list can be found in every apartment, but his list does provide things to think about when searching for that new pad. Sacks says a tenant is entitled to:

- a clean, safe place to live,
- heat in the wintertime,
- hot and cold running water, drains that work,
- windows that work, screens and storm windows,
- a working toilet,
- a front and back door that lock,

● roofs, ceilings and walls that don't leak,

● privacy and protection from intrusion and harassment from the landlord,

● repairs being made quickly and properly,

● roach-free, rat-free and mouse-free living,

● a structurally sound building,

● a building with smoke detectors, fire extinguishers and fire escapes,

● make complaints about the violations of rights without retaliation,

● remain in the apartment until choosing to move out,

● move out when necessity arises, for any number of legitimate reasons,

● a lease that guarantees these rights in writing,

● enforce these rights by repairing the problem and deducting the costs from the rent or withholding rent,

● prompt return of all deposits and interest due,

● protection against property seizures, lock-outs, evictions or denial of lease renewals without probable cause and due process of law,

● recover damages from violations of rights.

Jan Beran, a Lincoln attorney who deals with landlord and tenant law, said Sacks' list may be a bit far-fetched.

"If they're expecting everything on that list, they're living in a dream world."

Beran said the list didn't seem to take into account the age or condition of a building. He said many older

buildings were impossible to keep completely pest-free, and while smoke detectors are required in Lincoln, fire extinguishers are not.

Sacks' list includes things to look for while apartment hunting. But you may have to give up some amenities to get the type of apartment or the location you want.

With all the costs students face on their road to higher education, it's important for students to think about the financial side of renting an apartment.

In her book, Beth Kobliner, author of "Get a Financial Life: Personal Finance In Your Twenties and Thirties," offers renters some financial tips on entering the rental arena:

1. Try to negotiate the rent.
2. Negotiate the terms of the lease.
3. List all your roommates on the lease and have them all sign it.
4. Get everything in writing.
5. Understand how the security deposit works.

6. If you plan to renew your lease, contact your landlord two months before the lease is up and try to negotiate.

In Nebraska, a landlord can only charge one month's rent as a security deposit. The deposit must be returned within 14 days after the tenant vacates the apartment. But the tenants must leave a forwarding address and turn in their keys, or the tenant may never get the security deposit.

After the initial lease period, a 30-day notice is all that's required for a landlord to raise the rent, Beran said.

Tenants' Bill of Rights

A Tenant Should Have the Right To:

- A clean, safe place to live;
- Heat in the wintertime;
- Hot and cold running water, drains that work;
- Windows that work, screens and storm windows;
- A working toilet;
- A front and back door that lock;
- Roofs, ceilings and walls that don't leak;
- Privacy and protection from and intrusions and harassment from the landlord;
- Repairs made quickly and properly;
- Roach-free, rat-free and mouse-free living;
- A structurally sound building;
- A building with smoke detectors, fire extinguishers and fire escapes;
- Make complaints about violations of rights without retaliation;
- Remain in the apartment until choosing to move out;
- Move out when necessity arises, for any number of legitimate reasons;
- A lease that guarantees these rights in writing;
- Enforce these rights by repairing and deducting, rent reduction or withholding, tenant actions and in a court of law;
- Prompt return of all deposits and interest due;
- Protection against property seizures, lock-outs, evictions or denial of lease renewals without probable cause and due process of law; and
- Recover damages from violations of rights.

Source: The Renters Survival Kit by Ed Sacks

And after that lease period expires, lease and the landlord knows of your violation and accepts rent anyway, the landlord can terminate the lease with a 30-day notice. If you disobey a provision of your vision.

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Apartment renter's guide

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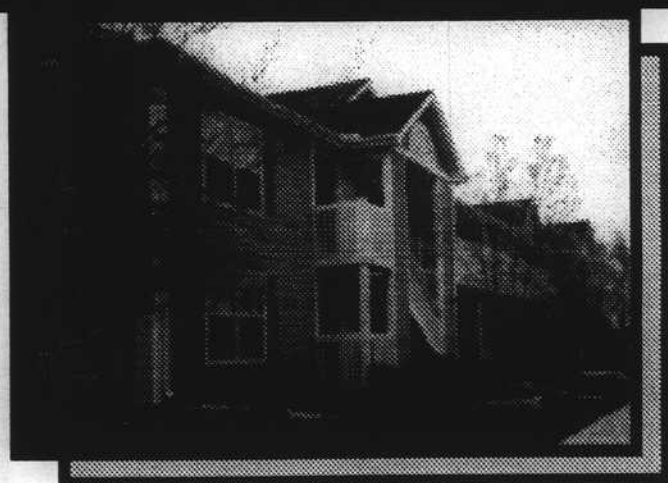
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