

**Lincoln Landlords
Required Disclosure
Tenant Brochure**

On October 4, 2004 the City of Lincoln adopted Ordinance 18448 which amends the Lincoln Municipal Code. Specifically a new code section was added which reads:

5.38.085 Duty to Provide Tenant Brochure for Apartment House, Rooming and Lodging Houses.

Upon commencement of any lease of an apartment, rooming or lodging house unit to a tenant, the owner or representative of said house shall provide the tenant with a brochure, as approved by the Building Official, outlining the tenant's rights and landlord's duties under the Nebraska tenant/landlord act and under the City of Lincoln minimum housing code. The brochure will include common housing code requirements, will outline a complaint procedure for alleged code violations and the brochure will note that in accordance with state law an owner or representative cannot retaliate against a complaining tenant. (Ord. 18448 §4; October 4, 2004).

I have attached an edited version of the Tenant Brochure which is required to be given to all tenants. I recommend adding a provision to your rental agreement or having the tenant sign a separate document acknowledging receipt of the brochure. If you fail to give your tenants a copy of the brochure you could be cited for a misdemeanor punishable by fines or even imprisonment (though that is not likely in most cases).

For years the city has dealt with tenants who make complaints about various problems only to find out that the tenant has not first complained to the landlord. The brochure is one attempt at resolving that problem and their hope that you will be able to get more of the problems remedied before they become Code violations. Unfortunately, a possible outcome of the guide is that tenants will be less patient with repair requests which will result in a complaint being lodged, an inspection and possible discovery of other code violations.

Please contact the Building and Safety Department (402) 441-7521 for the official brochure. For more information about the Housing Code or the brochure requirement call John Boies at the Building and Safety Department, (402) 441-6429.

Sample clause.

 {Tenant Initials} Tenant acknowledges having received a copy of the City of Lincoln's Tenant Brochure entitled "A Guide to the City of Lincoln Housing Code".

A GUIDE TO THE CITY OF LINCOLN HOUSING CODE

Your building is licensed under the City of Lincoln Apartment Licensing Ordinance. A building official annually inspects the exterior and all common areas in your building. Inspection of the interior is done on a complaint basis. This booklet outlines the procedure to file a complaint, and lists some of the common code violations.

LANDLORD AND TENANT RESPONSIBILITIES

The City of Lincoln Housing Code and the Nebraska Landlord-Tenant Act require landlords to comply with the community's minimum housing codes concerning health and safety. The landlord must make all repairs to keep the premises in a fit and habitable condition; keep the common areas clean and safe; and maintain whatever facilities are supplied such as the furnace, plumbing and elevators.

Tenants must also comply with all community housing codes. He or she must keep the dwelling unit as clean and safe as conditions permit, dispose of garbage, keep the plumbing clean and use the electrical, plumbing, heating and cooling facilities in a reasonable manner.

NO RETALIATION BY OWNER

An owner or his or her representative cannot retaliate against a tenant who complains of a housing code violation.

MAINTENANCE REQUESTS

Do you have a maintenance request?

First, contact your landlord or property manager, however, if the problem is not resolved in a timely fashion then you may file a complaint.

COMPLAINT PROCEDURE

This brochure outlines a complaint procedure for alleged code violations and lists common housing code complaints.

When something needs to be fixed or repaired in your apartment the first person to contact is your landlord or property manager.

If the problem is not addressed within a reasonable length of time you may call the Building and Safety Departments Housing Section at 402/441-7785.

When you call, a Housing Inspector will visit your home and determine if any code violations exist. If a code violation is found, your landlord or property manager will be notified and a deadline will be set for the repair of the violation.

COMPLAINT PROCEDURE IN BRIEF

1. Contact your landlord. If no action - then:

2. Call Building and Safety at 441-7785.
3. A City Housing Inspector will visit your home.
4. Inspector will determine if violation exists.
5. Repair deadline will be set.

OTHER RIGHTS & OBLIGATIONS

You may have other rights and obligations under the Nebraska Landlord and Tenant Law. If you are seeking legal advice you should contact an attorney. The Building and Safety Department cannot give you legal advice.

INSPECTION CHECK LIST

The following is a list of some of the most common items required by city code.

1. **Fire, Safety and Egress:** Is there an approved exit from every sleeping room? Do basement bedrooms have approved exits? Are apartment entry doors onto common hallways self-closing? Does your apartment have a smoke detector? Note: Neb. Rev. Stat. 81-5144(2) states: "The occupant shall be responsible for replacement of the battery. . . ."
2. **Garbage and Rubbish:** Is there an accumulation of garbage, litter, and rubbish in your apartment? Is there an accumulation of garbage or debris on the grounds of the property?
3. **Rodents and Insects:** Is there evidence of rodents, roaches or other insects in your apartment? Are window screens provided between May 15th and October 1st to keep flies and mosquitoes out?
4. **Building:** Is the building structurally sound in all respects and provided with handrails, guardrails, and sound foundation?
5. **Electrical:** Are all switches, outlets, fixtures, and surface mounted conduit secure and in good repair? Does the bathroom, & kitchen contain at least one ceiling or wall light? Does each habitable room have at least two electrical outlets? Are extension cords being used?
6. **Plumbing:** Do plumbing fixtures drain properly & not leak? Are they clean, sanitary & operable?
7. **Light & Ventilation, Windows & Doors:** Does the bathroom have an exhaust fan or operable window? Is there adequate window area to provide the required light and ventilation in all rooms? Are the doors and windows working properly? Are they reasonably weather tight?
8. **Mechanical Systems & Appliances:** Does the furnace supply adequate heat? Do the appliances provided by the owner work properly? Do all gas appliances have a gas shutoff valve within three feet of the appliance?
9. **Rain and Ground Water Leaks:** Does the roof, foundation, ceiling, floor or wall leak water?
10. **Overcrowding & Occupancy:** A single apartment may have no more than three unrelated people living in it. An apartment must have at least one room with at least 120 sq. ft. All sleeping rooms must have at least 70 sq. ft.
11. **Combustibles:** Are all combustible materials properly stored or separated from furnaces and water heaters?
12. **Other Concerns & Common Areas:** This is not a comprehensive

list. If you have questions about other maintenance or safety issues in your apartment, the exterior of your building or the common areas please feel free to call Building & Safety with your questions or concerns.

SUMMARY

The Housing Code enforcement process really requires the combined efforts of owners, tenants and the City working together to achieve its stated goal of providing safe housing.

This booklet is only a guide. For complete information consult the Lincoln Minimum Housing Code that has been adopted under Chapter 21 of the Lincoln Municipal Code.

SOURCES

The Lincoln Minimum Housing Code is available at the Lincoln City Libraries.

NOTE: This pamphlet is an edited version of the pamphlet produced by the City of Lincoln, Building and Safety Department and the Real Estate Owners and Managers Association (REOMA) of Lincoln, Nebraska. I have made every attempt to reproduce the text of the pamphlet accurately. Some formatting changes have been made, but the text is faithfully reproduced here.

For copies please contact the City of Lincoln, Building and Safety Department or download the pamphlet from the City's web site.