

Local/State

Security deposit trouble common

Students can get their rights if procedures are followed

By TIM MCALAVY
Battalion Reporter

With his thoughts on this summer's job, Bill F. diligently cleans his apartment prior to moving out. On the way out of town he leaves his forwarding address with the apartment manager.

One month later Bill receives a letter saying the apartment management has changed and a welcome to return next year. His security deposit refund is not mentioned. "Am I being ripped off or just forgotten?" Bill wonders.

This is the most common question asked by some of the 24,000 students at Texas A&M University who are living off campus this year. The answer is usually provided by the binding legal document signed by the tenant and landlord: the lease.

When puzzled by the conditions and legal translation of their lease, most students consult Texas A&M Student Legal Adviser Jim Locke.

Locke counsels students on the duties and responsibilities of both landlord and tenant as outlined in Vernon's Texas Civil Statutes 5236, sections A-F.

"We consult with about 50 to 100 students a year who are

having problems with the return of their security deposit," Locke said.

Legally the student-tenant must leave without owing rent, fulfill the lease agreement (term of occupancy), return the key, and should not cause any damage other than normal wear and tear.

The tenant must also give his landlord proper written notice, usually 30 days, leave a forwarding address, and a clean apartment.

Tenants cannot withhold any portion of the last month's rent, because the security deposit serves as security for this unpaid rent.

By law, the landlord is bound to return the deposit and give a written, itemized list of deductions for repairs and cleaning within 30 days of the tenant's moving out.

If the landlord fails, within 30 days, to return any or all of the deposit, to a tenant for whom he has a forwarding address, he must return the deposit without deducting anything, and cannot collect for any damages.

"The Texas Apartment Association lease is so pervasive in this community that the student-tenant often has little choice," Locke said.

In most cases, the terms for payment and refund of a tenant's security deposit are marked in boldface type in the standard TAA lease.

"These conditions vary with the tendency of the landlord to rewrite them, and students should be aware of this," Locke said.

When the landlord fails to return a security deposit of less than \$200 within 30 days, the student-tenant can file in the small claims court to recover the money. Local justices of the peace conduct this court.

In any court action brought by a tenant, the landlord must prove that his retention of all or any part of the deposit is reasonable.

For those student-tenants who want to negotiate the return of their security deposit without going to court, the Off Campus Center, a division of the Department of Student Affairs, offers assistance in translating and applying security deposit lease clauses.

Located in Puryear lounge, the OCC counsels students on their legal rights as tenants and keeps a complaint file on housing-related problems such as security deposit refunds.

An examination of the file revealed that 54 of the 93 apartment complexes in Bryan-College Station listed with the OCC are owned by 15 large, multiple-management corporations. Security deposit complaints were most common with large apartment complexes such as Barcelona, Briarwood, Willowwick/Willowcreek, and Doux Chene.

OCC office coordinator Jan Winniford said, "Most students are simply in the dark as to the duties and obligations entailed in being a tenant."

Winniford explained that, in the past, most apartment complexes were owned by large corporations or investment companies, but that this trend is slowly reversing itself in the community.

In keeping with this trend, the Bryan-College Station AA recently formed an ethics committee which created an owner resident council.

This eight-man council includes two representatives from the Bryan and College Station mayors' offices, two apartment owners, two apartment managers, Locke and Winniford.

Barbara Stone, chairman of the B-CS AA, said the council was formed to alleviate the communications breakdown between student-tenants and the local landlord.

"The members of the B-CS AA work together to look out for our members' interests, and to look out for the student-tenants' interests as well," Stone said.

The members of the AA are apartment owners. Austin Tenant Council Director George Stone disagreed in an interview Stone said that Texas owner resident councils are not consumer oriented.

"The only thing that's going to do it for the students is for them to act as their own advocates," Stone said.

He explained that owner-resident councils often favor the position of their housing industry or realtor members.

He suggested that a student-tenant council affiliated with the Texas Tenant's Union, an organization of tenant councils in several Texas cities whose purpose is to educate and organize tenants, could be effective in solving security deposit conflicts that characteristically increase with student enrollment at state universities such as Texas A&M.

Stone offered pointers for student-tenants hoping to avoid the dilemma of security deposit recovery:

— Obtain a check-in, check-out list of all damages to the apartment signed by both parties.

— Send the landlord the tenant's forwarding address by certified mail.

— Make sure that the landlord and tenant agree on what is meant by the word "clean."



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Texas voyager rowed to Chicago

United Press International
FORT WORTH — On a summer day nearly a half-century ago, Basil Muse Hatfield, a 350-pound, bearded soldier of fortune, shipped out of Fort Worth on a 9,000-mile voyage to spread the gospel of the Trinity River to anybody who would listen.

"The Trinity basin is more fertile than the fabled Nile acreages," Hatfield said with a wave of his battered Stetson.

"Big industry is coming into this territory, whether you try for it or not, whether you want it or not. These vast resources of the Trinity will result in development beyond your wildest dreams."

It was Aug. 22, 1933, and Hatfield was addressing a crowd convened on

the Trinity's bank to see the 26-foot flatboat, the "Texas Steer," off on its voyage to Chicago and back via connecting inland waterways.

At the moment of departure, the Fort Worth Blue Bonnet String Band played "Over the Waves." Hatfield waved grandly from the helm, and his crew of four, obviously adventure-starved men began to row steadily toward Chicago.

At one point, he declared he would prove that the Trinity, even in its natural state, was navigable. Farther downriver, he said the voyage was "to impress on the public the importance of flood control, curbing of soil erosion and development of waterways."

Some observers speculated the trip was motivated by another case of

Hatfield wanderlust that was backed by a few Fort Worth businessmen on the off-chance that the commodore might fire some politicians' interests in rechanneling the Trinity, making it navigable from Tarrant County to the Gulf of Mexico.

Hatfield, indeed, was susceptible to wanderlust. He had left his Washington-on-the-Brazos birthplace to participate in China's Boxer Rebellion, work as a construction engineer on Russia's Trans-Siberian Railroad and fight for England in the Boer War in South Africa.

Then followed periods of gold mining in Borneo and oil exploration in India, the Balkans, Central and South America and Alaska. The beginning of World War I found Hatfield in Mexico, where a poorly calculated alliance with a local revolutionary faction sent him scurrying back to Texas.

Fifteen years later, Hatfield — then more than 60 years old — was piloting the "Texas Steer" past Arlington, Grand Prairie, Dallas, Liberty and on downriver.

When the boat reached deeper water, the crew put aside its oars and constructed a launch to shove and tug the flatboat over rocks and sandbars and across wider expanses of water.

Eventually, Hatfield and Company glided from the Trinity into Galveston Bay, along intracoastal channels to the Mississippi River, then up the Mississippi to other linking waterways and on to Chicago.

Hatfield had intended to reach

Chicago before the close of the Century of Progress Exhibition. He was a little late. The Steer reached the city in time for the reopening of the fair in 1934.

The tardiness was not because of poor navigation but because of Hatfield's inclination to stop at his farm, hamlet and city to whom he rowed for the Trinity and eat a square meal.

The welcoming committees were numerous, considering most of them he met along the river never heard of the project he was entering and were wholly unprepared, feeling his goodwill offerings.

But as the "Texas Steer" neared the end of its voyage, press dispatches were transmitted in delays that the world took note of the feat.

On May 10, 1935, the flatboat nosed into the rapids at Randall just below Fort Worth. Hatfield ped ashore, bellowing that he "out of groceries" and asserting "there has been dignity about trip."

Next day, the above-mentioned accounts says, the skipper and set their cables, hoisted the flat up the rapids and pressed on to Worth.

But no matter. Hundreds of people lined the Belknap Street railings to witness the homecoming. The scow and its skipper were ded up Main Street. The Fort Worth Chamber of Commerce presented the commodore to first admiral. Trinity and gave him \$500 and Stetson for his trouble.

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