

## 2021 Housing Bills

- LB 45: The bill has one section that simply repeals outright 76-1443, which prohibits continuances (rescheduling) in eviction proceedings unless extraordinary cause can be shown to the court AND the defendant pays rent due to the court clerk or sufficient security AND rent payments that will accrue during the court proceeding. This is the only legal proceeding in Nebraska that requires “extraordinary cause” instead of “ordinary cause” and leads to tenants not coming to their eviction hearing. *(Hearing 1/27/21, Sen. M. Hansen)*
- LB 46: Amends 76-1442, which provides the process of serving a summons (notice) to a tenant of an eviction proceeding, by eliminating language that allows a summons to be sufficiently served if left at the last known address of the tenant. Mailing a summons is supposed to be a last resort because it has the least chance of reaching the tenant, but is being used as the default. *(Hearing 1/27/21, Sen. M. Hansen)*
- LB 128: Creates the Residential Tenant Clean Slate Act, which would require a tenant’s eviction record be sealed if a writ of restitution is not issued or the eviction proceeding is dismissed. Also allows a tenant to petition the court for “clean slate” relief after three years have passed since a judgment of eviction. Further prohibits a landlord to consider such previous eviction when tenant applies for a lease if a “clean slate” relief has been granted. *(Hearing 1/27/21, Sen. McCollister)*
- LB 196: Prohibit discrimination on income sources for rent. A repeat of Sen. Vargas’ LB 1020 last session. The bill would amend several sections of the Nebraska Fair Housing Act by eliminating housing discrimination based on lawful source of income, such as social security, child support, foster care subsidies, alimony, veterans benefits, or any government general or housing assistance. *(Hearing 2/4 , Sen. Tony Vargas)*
- LB 205: Limit Late fees and Penalties. Amends 76-1431 by placing a reasonable limit on late fees for unpaid rent and provides notice requirements to the tenant relating to late fees and termination of rental agreements. Caps late fees at 5% periodic rent, and says that a landlord cannot both evict AND assess late fees, nor can they evict SOLELY for unpaid late fees. *(Hearing 1/27/21, Sen. Hunt)*
- LB 246: Amends the Uniform Residential Landlord and Tenant Act governing an action for possession by requiring the complaint to specify the statutory authority under which possession is being sought and by removing the option of an action for possession by forcible detainer from the Mobile Home Landlord and Tenant Act, allowing instead for an action for possession as provided in the URLTA. Helps us to better understand *why* people are being evicted. *(Hearing 1/27/21, Sen. DeBoer)*

- LB 268: Amend 76-1423, which provides the circumstances under which a landlord may enter a dwelling, by requiring the landlord to give a 24-hour written notice to each individual unit, along with the purpose for entry and a reasonable period during which the landlord plans to enter. Further requires consent from at least one tenant before entering. *(Hearing 1/27/21, Sen. McCollister)*
- LB 277: Harmonizes the provisions of the Mobile Home Landlord and Tenant Act with the Uniform Residential Landlord Tenant Act so that the same laws apply regardless of the type of dwelling. *(Hearing 1/27/21, Sen. Hunt)*
- LB 320: Amends the Uniform Residential Landlord and Tenant Act to allow release from a rental agreement if the tenant or household member is the victim of an act of domestic violence if certain conditions are met. Additionally, a tenant cannot be issued a 5-day notice for criminal activity if that criminal activity involves their being the victim of DV as certified by a police report or a third-party organization. *(Hearing 1/27/21, Sen. J. Cavanaugh)*
- LB 358: Strengthens the anti-retaliation statute in the Residential LLT to say a landlord may not retaliate against a tenant if the tenant has made a good faith complaint of a housing code violation or noncompliance with the lease agreement, or if the tenant has exercised any legally available remedy under the law. Adds to the remedy for retaliation the rebuttable presumption that the landlord's conduct was retaliatory if conduct is within 6 months of the tenant's complaint. Basically - if the tenant has filed a code complaint in the last 6 months before an eviction filing, it is assumed that the eviction is in retaliation. *(Hearing 1/27/21, Sen. Hunt)*
- LB 394: Adopts the Public Health Emergency Housing Protection Act which allows a municipality or a local public health department to enact an eviction moratorium if necessary to protect the public welfare from the spread of a virus or infectious disease. Disallows eviction and foreclosure actions during the moratorium and provides additional procedures for tenants and landlords. This bill also creates an emergency housing assistance fund if federal money is received for that purpose, and stipulates it must be distributed to agencies within 30 days of receipt, and says that no additional requirements can be imposed on that assistance. *(Hearing 2/4 , Sen. Morfeld)*
- LB 402: Requires the NE Supreme Court to submit a report to the Legislature every six months data on eviction proceedings broken down by county, # of tenants represented, # of landlords represented, # of default judgments (issued when a tenant doesn't appear in court), and statutory reasons for eviction. *(Hearing 2/4 , Sen. DeBoer)*
- LB 419: Requires the court to appoint counsel for a tenant in an eviction proceeding unless already represented. *(Hearing 2/4 , Sen. J. Cavanaugh)*

- LB 453: Require landlords to follow local ordinances. Amends the Uniform Residential Landlord and Tenant Act by requiring landlords to comply with rental registration ordinances adopted by a city or village in which a dwelling is located. A landlord's possession or claim for damages is only available if a landlord complies with such an ordinance. This only applies to the registration requirement of the ordinance, not the housing code compliance. (*Hearing 2/4 , Sen. McKinney*)

Dear Sen. \_\_\_\_\_

I am writing to ask you to **SUPPORT** LB 320, Sen. John Cavanaugh's bill that provides housing protections to victims of domestic violence under the Residential Landlord and Tenant Act.

Currently, a victim of domestic violence can be evicted due to criminal activity committed by another tenant unless the victim files a police report or gets a protection order. This bill would extend this exception to other household members, and would allow the victim to show certification from a qualified domestic violence service provider.

(Here, tell about the work you do and how you have encountered this situation, or any anecdotal information to support the bill i.e. the troubles tenants are having in your area over the past year).

Thank you for taking the time to read this letter of support. Please do not hesitate to reach out to us should you have any questions or need additional information.

Sincerely,

(Give your name, phone number, and email address)

#### SENATORS' CONTACT INFORMATION

<https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:3a7b0a44-ff1c-4e8e-86f1-bc43203bab08>

A SENATOR'S EMAIL ADDRESS IS THE INITIAL OF THEIR FIRST NAME THEN THEIR LAST NAME AND THEN @LEG.NE.GOV

## ADDITIONAL INFORMATION

- The most effective letters are from a senator's own constituents. Make sure you write to your own senator, with as much district-specific information you have available. Tell them how many households you're working with who are in need of rent or utilities assistance; the dollar amounts of assistance provided; what the percentage increase is compared to a year ago; whether you anticipate that the situation will improve; and any specific stories that demonstrate the extent of need or the emotional toll on the senator's constituents who are not caught up with rent or utilities.
- Also very effective are letters from organizations that serve the people who would be affected by the bill. Many senators are persuaded by numbers. Give them your numbers to demonstrate the extent of housing issues in your service area, in both dollars and number of households.
- It is important at every opportunity to make senators aware of any administrative issues you are having with providing services, especially due to pandemic federal funding and how the state of Nebraska is handling its distribution.
- Make sure you send the senator who introduced the bill a copy of your letter and let them know whether you are planning on attending the hearing. Introducers generally try to coordinate support for their bills and will appreciate knowing who to expect at the hearing.
- If you have any questions or concerns about a bill, call the senator's legislative aid or a primary advocacy organization working on the bill. It's best for senators to hear about a possible problem with the bill's language before the hearing so it can be addressed at the hearing.
- It's fine to send a letter to senators at any time. If sending to senators who sit on the committee hearing the bill, it's best to write/contact them before the public hearing. It may be helpful to send a letter again to a senator if the bill gets out of committee and will be debated on the floor. If you have any questions about timing of a senator contact, reach out to a primary advocate.