

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT (CORRECTED)
LB175

Hearing Date: Wednesday March 08, 2023
Committee On: Judiciary
Introducer: Dungan
One Liner: Adopt the Residential Tenant Clean Slate Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach, McKinney, Wayne
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator George Dungan
Destiny Fant
Lee Heflebower

Kasey Ogle
Alan Duggar
Scout Richters
Scott Mertz

Opponents:

Rick McDonald
Jeff Kringle
Dennis Tierney
Lynn Fisher

Gene Eckel

Kristy Lamb
Scott Hoffman
Seth Perkins

Neutral:

Representing:

Opening Presenter
Self
Nebraska Coalition to End Sexual and Domestic Violence
Nebraska Appleseed
Self
American Civil Liberties Union of Nebraska
Legal Aid of Nebraska

Representing:

Metro Omaha Property Owners Association
Self
Self
Statewide Property Owners Association | Real Estate Owners and Managers Association | Nebraska Realtors Association
Apartment Association of Nebraska | Nebraska Association of Commercial Property Owners
NP Dodge | Institute of Real Estate Management
Self
Seldin Company

Representing:

* ADA Accommodation Written Testimony



Summary of purpose and/or changes:

LB175 creates the Residential Tenant Clean Slate Act which allows for the sealing of records related to eviction proceedings. LB175 creates a process for tenants to petition the trial court for clean slate relief under certain circumstances. A tenant is immediately eligible for clean slate relief if the eviction proceeding was dismissed, the judgment against the tenant was reversed or vacated, or if a writ of restitution is never executed. In other circumstances, a tenant can request clean slate relief when three years have passed since the issuance of the writ of restitution or final judgment.

Section-by-Section:

Section 1: Creates the Residential Tenant Clean Slate Act.

Section 2: Defines the following terms: clean slate relief, eviction proceeding, landlord, residential tenancy, tenant, and trial court.

Section 3: Requires a trial court to immediately seal the records of an eviction proceeding when the proceeding has been dismissed.

Section 4: Creates a process by which a tenant may petition the trial court to seal the records of an eviction proceeding that was either dismissed, reversed or vacated, or where a writ of restitution was never executed. Also creates a process by which a tenant may petition the trial court to seal the records of an eviction proceeding when three years have passed since the eviction was entered against the tenant.

Section 5: Requires the trial court issuing an order for clean slate relief to order that all records relating to the eviction proceeding are sealed from the public and not to be disseminated. Prohibits the questioning of a tenant about an eviction proceeding that has been sealed by the court in certain circumstances. If a tenant is questioned in violation of this section, the tenant may respond as if the eviction proceeding never occurred.

Section 6: Allows the State Court Administrator to adopt rules and regulations to carry out this Act.

Section 7: Operative date of January 1, 2024.

Explanation of amendments:

AM2754 amends Section 4 of LB175 to remove subsections (2) and (3) in their entirety. This change removes the language that allows a tenant to request clean slate relief when three years have passed since the issuance of the writ of restitution or final judgment. This change also removes the hearing procedures and instead requires the trial court to grant a tenant's petition without further hearing so long as the requirements of the Act are met.

AM2754 also contains the entirety of LB1115 as amended by AM2678. LB1115 allows both landlords and tenants to demand a jury trial when a complaint for possession has been filed. LB1115 also creates notice requirements for the Court presiding over such complaint.

Section-by-Section of LB1115:

Section 1: Nebraska Revised Statute § 76-1415 currently prohibits landlords from requiring a tenant to waive or forgo their rights under the Uniform Residential Landlord and Tenant Act. LB1115 amends this section to also prohibit landlords from requiring a tenant to waive or forgo their rights under other federal or state law.



Section 2: Amends Nebraska Revised Statute § 76-1441 to allow landlords to request a jury trial when they file a complaint against a tenant seeking possession of the dwelling.

Section 3: Amends Nebraska Revised Statute § 76-1552 to require that a summons issued on a tenant contain a notice that the tenant has a right to a jury trial and that they may demand a jury trial.

Section 4: Amends Nebraska Revised Statute § 76-1445 to allow a tenant to demand a jury trial on or before the day of their first court appearance. The Court is required to advise the tenant of their right to a jury trial at their first court appearance and inquire whether the tenant wants a jury trial or bench trial.

Section 5: Amends Nebraska Revised Statute § 76-1446 to provide that all proceedings shall be as in other cases unless a jury trial is requested. If a jury trial is requested, the court shall schedule the trial as soon as is practicable.

Section 6: Repealer clause.

AM2754 amends Section 5 of LB1115 to add that if a jury trial is not requested, then a trial before the judge must be held in not less than 10 days nor more than 14 days after the summons. AM2754 also adds the requirement that a tenant deposit rental payments with the clerk of the court if they request that a jury trial be continued beyond the initial trial date.

Justin Wayne, Chairperson

