

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 175

Introduced by Dungan, 26; Cavanaugh, J., 9; Conrad, 46.

Read first time January 09, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil actions; to adopt the Residential
- 2 Tenant Clean Slate Act; and to provide an operative date.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known and may be
2 cited as the Residential Tenant Clean Slate Act.

3 Sec. 2. For purposes of the Residential Tenant Clean Slate Act:

4 (1) Clean slate relief means the sealing of records under section 5
5 of this act;

6 (2) Eviction proceeding means an action for:

7 (a) Forcible entry and detainer involving a residential tenancy
8 under sections 25-21,219 to 25-21,235; or

9 (b) Possession of any premises subject to the Uniform Residential
10 Landlord and Tenant Act or the Mobile Home Landlord and Tenant Act;

11 (3) Landlord includes a landlord as defined in section 76-1410 and a
12 landlord as defined in section 76-1462;

13 (4) Residential tenancy means a tenancy, however created, between a
14 landlord and a tenant for a dwelling unit;

15 (5) Tenant means a current or former occupant of a dwelling unit
16 pursuant to a residential tenancy;

17 (6) Trial court means the trial court that presided over an eviction
18 proceeding; and

19 (7) When reference in this section is made to a definition found in
20 both the Uniform Residential Landlord and Tenant Act and the Mobile Home
21 Landlord and Tenant Act, the definition relevant to the type of tenant at
22 issue applies for purposes of the Residential Tenant Clean Slate Act.

23 Sec. 3. If a trial court issues an order dismissing an eviction
24 proceeding against a tenant, the trial court shall issue an order
25 immediately granting clean slate relief to such tenant.

26 Sec. 4. (1) A tenant may petition the trial court for clean slate
27 relief for an eviction proceeding at any time if:

28 (a) The proceeding meets the requirements for clean slate relief
29 under section 3 of this act, but the record remains public;

30 (b) Following the eviction proceeding, a judgment granting the writ
31 of restitution against the tenant is reversed or vacated; or

1 (c) Following the eviction proceeding, a writ of restitution is
2 never executed.

3 (2) If subsection (1) of this section does not apply, a tenant may
4 petition the trial court for clean slate relief for an eviction
5 proceeding when three years have passed since issuance of a writ of
6 restitution or since final judgment was otherwise entered against the
7 tenant in such proceeding.

8 (3)(a) A petition under this section shall be filed in the trial
9 court. Notice shall be served upon all other persons who were parties to
10 the eviction proceeding. Within thirty days of receipt of notice, any
11 such party may file objections to the petition.

12 (b) If no objection is timely filed, the trial court shall grant the
13 petition without further hearing if the requirements of this section have
14 been met.

15 (c) If an objection is filed, a hearing shall be held and the
16 objecting party shall have the burden of establishing why clean slate
17 relief should not be granted.

18 (4) Upon granting a petition under this section, the court shall
19 issue an order for clean slate relief under section 5 of this act.

20 (5) An order granting or denying a petition under this section is a
21 final, appealable order for purposes of section 25-1902.

22 (6) This section applies to all eviction proceedings, without regard
23 to the date of filing or conclusion of the eviction proceeding, including
24 those occurring prior to the operative date of this act.

25 Sec. 5. (1) In issuing an order for clean slate relief, the court
26 shall:

27 (a) Order that all records relating to the eviction proceeding are
28 not part of the public record and shall not be disseminated; and

29 (b) If the case was transferred from one court to another, send
30 notice of the order to seal the record to the transferring court.

31 (2) Following entry of a court order granting clean slate relief, a

1 court shall:

2 (a) Respond to a public inquiry in the manner as if there had not
3 been an eviction proceeding involving the tenant; and

4 (b) Not disseminate any information regarding such eviction
5 proceeding.

6 (3)(a) A tenant shall not be questioned with respect to any eviction
7 proceeding for which the record is sealed under this section:

8 (i) In any application for housing, a lease, employment, bonding,
9 licensure, or education;

10 (ii) With respect to an application or request for any other right
11 or privilege;

12 (iii) In any appearance as a witness; or

13 (iv) In any other public inquiry.

14 (b) If an inquiry is made in violation of this subsection, the
15 tenant may respond as if the eviction proceeding never occurred.

16 (4) In any application for housing, a landlord shall not consider a
17 tenant's prior eviction if clean slate relief has been granted for such
18 eviction.

19 Sec. 6. The State Court Administrator may adopt and promulgate
20 rules and regulations as necessary to carry out the Residential Tenant
21 Clean Slate Act.

22 Sec. 7. This act becomes operative on January 1, 2024.