

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1096

Introduced by Harr, 8.

Read first time January 20, 2016

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to the Nebraska Condominium Act; to amend
- 2 section 76-854, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to amendments to declarations regarding unit
- 4 boundaries; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-854, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-854 (a) Except in cases of amendments that may be executed by (1)
4 a declarant under subsection (f) of section 76-846 or under section
5 76-847, (2) the association under section 76-831 or 76-850, subsection
6 (d) of section 76-843, subsection (c) of section 76-845, or subsection
7 (a) of section 76-849, or (3) certain unit owners under subsection (b) of
8 section 76-845, subsection (a) of section 76-849, subsection (b) of
9 section 76-850, or subsection (b) of section 76-855, and except as
10 limited by subsection (d) of this section, the declaration, including the
11 plats and plans, may be amended only by vote or agreement of unit owners
12 of units to which at least sixty-seven percent of the votes in the
13 association are allocated or any larger majority the declaration
14 specifies. The declaration may specify a smaller number only if all of
15 the units are restricted exclusively to nonresidential use.

16 (b) No action to challenge the validity of an amendment adopted by
17 the association pursuant to this section may be brought more than one
18 year after the amendment is recorded.

19 (c) Every amendment to the declaration must be recorded in every
20 county in which any portion of the condominium is located and is
21 effective only upon recordation.

22 (d) Except to the extent expressly permitted or required by other
23 provisions of the Nebraska Condominium Act, no amendment may create or
24 increase special declarant rights, increase the number of units, or
25 change ~~the boundaries of any unit,~~ the allocated interests of a unit, or
26 the uses to which any unit is restricted in the absence of the unanimous
27 consent of the unit owners. An amendment may change the boundaries of any
28 unit only if the vote or agreement for the change of boundaries is
29 approved by at least eighty percent of the votes allocated in the
30 association.

31 (e) Amendments to the declaration required by the act to be recorded

1 by the association shall be prepared, executed, recorded, and certified
2 on behalf of the association by any officer of the association designated
3 for that purpose or, in the absence of designation, by the president of
4 the association.

5 Sec. 2. Original section 76-854, Reissue Revised Statutes of
6 Nebraska, is repealed.