

# COMMITTEE STATEMENT

## LB 175

HEARING DATE: January 29, 1999

COMMITTEE ON: Judiciary

TITLE: (Hilgert ) Change provisions relating to disposition of personal property, security deposits, and actions for possession

### ROLL CALL VOTE – FINAL COMMITTEE ACTION

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Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

#### Vote Results:

5 Yes Senators Baker, Brashear, Connealy, Hilgert, Pedersen

1 No Senator Chambers

2 Present, not voting Senators Bourne, Robak

Absent

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#### PROPOSERS

Senator John Hilgert

Walt Radcliffe

Frank Kucirek

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#### REPRESENTING

Introducer

Nebraska Realtors Association

Property Owners Association

Property Owners Association

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#### OPPOSERS

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#### REPRESENTING

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#### NEUTRAL

Janice Walker

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#### REPRESENTING

Administrative Office of the Courts

#### SUMMARY OF PURPOSE AND/OR CHANGES:

Legislative Bill 175 **changes provisions relating to several aspects of landlord-tenant law.**

Section 1 amends Neb. Rev. Stat. §20-131.04, relating to blind, hearing-impaired and physically disabled persons, to **allow a landlord to charge a dog deposit not to**

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**exceed one-half of one month's rent** from such person. Current law only allows a deposit of one-fourth of one month's rent.

Sections 2 and 3 amend the Disposition of Personal Property Landlord and Tenant Act to **increase the amount of abandoned personal property that may be disposed of by a landlord without a public sale** thereof from \$250 to \$1,000.

Section 4 **increases the amount a landlord may demand as a security deposit** from one month's to two month's rent. It also **increase the amount a landlord may demand as a pet deposit from one-fourth to one-half of one month's rent.**

Section 5 changes provisions relating to trials for actions for possession of rental property. **If** an action for possession is **not contested**, then the trial shall be **held not less than five nor more than seven days** after the issuance of the summons. **If** the action for possession is **contested**, then **current law would continue to apply** and the trial would be required to be **held not less than 10 nor more than 14 days** after the issuance of the summons.

### EXPLANATION OF AMENDMENTS, IF ANY:

The committee amendment strikes Section 1 to delete provisions regarding guide dogs.

Sections 2 and 3 are amended to change the amount of abandoned personal property that may be disposed of without a public sale from \$1,000 to \$500.

Section 5 is amended to clarify the procedure where an action for possession is not contested. It is also amended to reduce the time period following the issuance of a writ of restitution during which possession must be restored to the landlord from 10 days to five days.

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Senator