

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 625

Introduced by Brown, 6

Read first time January 21, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil rights; to amend sections 20-326 and
2 20-330, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to discriminatory housing practice
4 complaint procedure and information; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-326, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 20-326. (1) (a) (i) An aggrieved person may, not later
4 than one year after an alleged discriminatory housing practice has
5 occurred or terminated, file a complaint with the commission
6 alleging such discriminatory housing practice. The commission, on
7 its own initiative, may also file such a complaint.

8 (ii) The complaint shall be in writing and shall contain
9 such information and be in such form as the commission requires.

10 (iii) The commission may also investigate housing
11 practices to determine whether a complaint should be brought under
12 this section.

13 (b) Upon the filing of a complaint:

14 (i) The commission shall serve notice upon the aggrieved
15 person acknowledging such filing and advising the aggrieved person
16 of the time limits and choice of forums provided under the Nebraska
17 Fair Housing Act;

18 (ii) The commission shall, not later than ten days after
19 such filing or the identification of an additional respondent under
20 subsection (2) of this section, serve on the respondent a notice
21 identifying the alleged discriminatory housing practice, ~~and~~
22 advising such respondent of the procedural rights and obligations
23 of respondents under the act, and informing the respondent of the
24 right at any time, upon request, to obtain copies of all
25 information derived from an investigation and copies of any
26 investigative report relating to that investigation, together with
27 a copy of the original complaint;

28 (iii) Each respondent may file, not later than ten days

1 after receipt of notice from the commission, an answer to the
2 complaint; and

3 (iv) Unless it is impracticable to do so, the commission
4 shall investigate the alleged discriminatory housing practice and
5 complete such investigation within one hundred days after the
6 filing of the complaint or, when the commission takes further
7 action under section 20-332 with respect to a complaint, within one
8 hundred days after the commencement of such further action.

9 (c) If the commission is unable to complete the
10 investigation within one hundred days after the filing of the
11 complaint or after the commencement of such further action, the
12 commission shall notify the complainant and respondent in writing
13 of the reasons for not doing so.

14 (d) Complaints and answers shall be under oath and may be
15 reasonably and fairly amended at any time.

16 (2) (a) A person who is not named as a respondent in a
17 complaint but who is identified as a respondent in the course of
18 investigation may be joined as an additional or substitute
19 respondent upon written notice under subdivision (1) (b) (ii) of this
20 section to such person from the commission.

21 (b) The notice shall explain the basis for the
22 commission's belief that the person to whom the notice is addressed
23 is properly joined as a respondent.

24 Sec. 2. Section 20-330, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 20-330. (1) Except as provided in subsection (4) of
27 section 20-327, nothing said or done in the course of conciliation
28 may be made public or used as evidence in a subsequent proceeding

1 under the Nebraska Fair Housing Act without the written consent of
2 the persons concerned.

3 (2) Notwithstanding subsection (1) of this section, the
4 commission shall ~~make available~~ provide to the aggrieved person and
5 the respondent at any time, upon request, copies of all information
6 derived from an investigation and copies of any final investigative
7 report relating to that investigation.

8 Sec. 3. Original sections 20-326 and 20-330, Reissue
9 Revised Statutes of Nebraska, are repealed.