

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1128

Introduced by Ashford, 20.

Read first time January 23, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Housing Agency Act; to amend
2 section 71-15,139, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to the termination of
4 tenancy as prescribed; and to repeal the original
5 section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-15,139, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-15,139 (1) A housing agency may adopt and promulgate
4 reasonable rules and regulations consistent with federal and
5 state laws, rules, and regulations and the purposes of the
6 Nebraska Housing Agency Act concerning the termination of tenancy.
7 Any resident so terminated shall be sent a written notice of
8 termination setting out the reasons for such termination, and any
9 resident served with a notice shall be given the opportunity to
10 contest the termination in an appropriate hearing by the housing
11 agency. A resident may contest the termination in any suit filed by
12 the housing agency in any court for recovery of possession of the
13 premises.

14 (2) Such notice may provide that if the resident fails to
15 (a) pay his or her rent or comply with any covenant or condition
16 of his or her lease or the rules and regulations of such housing
17 agency, (b) cure a violation or default thereof as specified in
18 such notice, or (c) follow the procedure for a hearing as set forth
19 in the notice, all within the time or times set forth in such
20 notice, the tenancy shall then be automatically terminated and no
21 other notice or notices need be given of such termination or the
22 intent to terminate the tenancy, and upon such termination, and
23 without any notice other than as provided for in this section, a
24 housing agency may file suit against any resident for recovery of
25 possession of the premises and may recover the same as provided by

1 law.

2 (3) A housing agency may, after three days' written
3 notice of termination and without an administrative hearing, file
4 suit and have judgment against any resident for recovery of
5 possession of the premises if the resident, any member of the
6 resident's household, any guest, or any other person who is under
7 the resident's control or who is present upon the premises with the
8 resident's consent, engages in any drug-related or violent criminal
9 activity on the premises, or engages in any activity that threatens
10 the health, safety, or peaceful enjoyment of other residents or
11 housing agency employees. Such activity shall include, but not
12 be limited to, any of the following activities of the resident,
13 or the activities of any other person on the premises with the
14 consent of the resident: (a) Physical assault or the threat of
15 physical assault; (b) illegal use of a firearm or other weapon
16 or the threat to use an illegal firearm or other weapon; or (c)
17 possession of a controlled substance by the resident or any other
18 person on the premises with the consent of the resident if the
19 resident knew or should have known of the possession by such other
20 person of a controlled substance, unless such controlled substance
21 was obtained directly from or pursuant to a medical order issued by
22 a practitioner authorized to prescribe as defined in section 28-401
23 while acting in the course of his or her professional practice.

24 (4) The acceptance of rent shall not constitute a
25 waiver of the housing agency's right to institute or maintain

1 a termination proceeding against the resident.

2 Sec. 2. Original section 71-15,139, Reissue Revised

3 Statutes of Nebraska, is repealed.