Introduced by Briese, 41.

Read first time January 11, 2017

Committee: Urban Affairs

A BILL FOR AN ACT relating to cities and villages; to adopt the Vacant Property Registration Act.

Be it enacted by the people of the State of Nebraska,
Section 1. Sections 1 to 7 of this act shall be known and may be cited as the Vacant Property Registration Act.

Sec. 2. The purposes of the Vacant Property Registration Act are to promote the health, safety, and welfare of Nebraska residents by providing authority for municipalities to enact vacant property registration ordinances. Such ordinances will allow communities to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties.

Sec. 3. The Legislature finds and declares that:

(1) Vacant properties create a host of problems for Nebraska communities, including a propensity to foster criminal activity, create public health problems, and otherwise diminish quality of life;

(2) Vacant properties reduce the value of area properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability;

(3) Vacant properties represent unrealized economic growth in Nebraska communities;

(4) A vacant property registration ordinance allows a municipality to discourage property vacancy, maintain unoccupied buildings, provide a data base of vacant properties and their owners, and assess fees for the increased public costs associated with vacant properties;

(5) Fees imposed under a vacant property registration ordinance benefit the owners of vacant properties by helping to finance additional government services to protect the value and security of such properties; and

(6) Enactment of a vacant property registration ordinance is a proper exercise of governmental authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme.

Sec. 4. For purposes of the Vacant Property Registration Act:

(1) Evidence of vacancy means any condition or circumstance that on
its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential building or commercial building is vacant. Such conditions or circumstances may include, but are not limited to:

(a) Overgrown or dead vegetation including grass, shrubbery, and other plantings;

(b) An accumulation of abandoned personal property, trash, or other waste;

(c) Visible deterioration or lack of maintenance of any building or structure on the property;

(d) Graffiti or other defacement of any building or structure on the property; or

(e) Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business;

(2) Owner means the person, persons, or entity shown to be the owner or owners of record on the records of the county register of deeds;

(3) Residential building means a house, condominium, townhouse, an apartment unit or building, or a trailer house; and

(4) Vacant means that a residential building or commercial building exhibits evidence of vacancy.

Sec. 5. Notwithstanding any other provision of law, under the Vacant Property Registration Act a municipality may adopt a vacant property registration ordinance which applies to either residential or commercial buildings or both, except that a vacant property registration ordinance shall not apply to property owned by the federal government, the State of Nebraska, or any political subdivision thereof. A vacant property registration ordinance shall create a city-wide vacant property registration data base and clearly designate a program administrator.

Sec. 6. (1) Owners of vacant property subject to a vacant property registration ordinance shall be required to register such property, if
the property has been vacant for one hundred eighty days or longer, with
the program administrator. If the vacant property becomes occupied prior
to expiration of the one hundred eighty-day period, registration under
this section shall not be required upon proof of residency or occupancy
filed with the program administrator. A vacant property registration
ordinance registration form shall be in either paper or electronic form,
and the following information shall be required:

(a) The name, street address, mailing address, phone number, and if
applicable, the facsimile number and email address of the property owner
and his or her agent;

(b) The property street address and parcel identification number;

(c) The transfer date of the instrument conveying the property to
the owner; and

(d) The date on which the property became vacant.

(2)(a) A vacant property registration ordinance may require payment
of a fee one hundred eighty days after initial registration of the vacant
property pursuant to subsection (1) of this section or three hundred
sixty days after the property becomes vacant, whichever is sooner, and
may require the payment of supplemental registration fees at intervals
not more frequently than every six months thereafter for as long as the
property remains on the vacant property registration data base. The
initial registration fee shall be not more than two hundred fifty dollars
for a residential property and not more than one thousand dollars for a
commercial property. A supplemental registration fee shall be not more
than double the previous fee amount, with a maximum supplemental
registration fee of ten times the initial registration fee amount.
Registration fees may be refundable for the year preceding the date on
which the property becomes occupied.

(b) A vacant property registration ordinance may provide exemptions
to the registration fee requirement, including, but not limited to, for
vacant property:
(i) Advertised in good faith for sale or lease;
(ii) Only considered to be a seasonal residence;
(iii) Damaged by fire, weather, an act of God, or vandalism, but only for a period of ninety days;
(iv) Under construction or renovation, but only for a period of ninety days;
(v) Where the owner is temporarily absent, but who has demonstrated his or her intent to return; and
(vi) Which is subject to divorce, probate, or estate proceedings, but not to exceed a period of one year.

Sec. 7. (1) A vacant property registration ordinance shall:
(a) Provide that a subsequent owner or owners of property subject to the ordinance will assume the obligations of the previous owner or owners;
(b) Provide for removal of the property from the vacant property registration database when the property is no longer vacant;
(c) Require submission of an owner plan for occupancy of the property; and
(d) Provide that owners have the right to appeal adverse decisions of the municipality or the program administrator.

(2) A vacant property registration ordinance may allow the program administrator to inspect the interior and exterior of the vacant property upon registration and at one-year intervals thereafter. A vacant property registration ordinance may provide for municipal fines for failure to comply with its requirements. A municipality may enforce the collection of vacant property registration fees by civil action in any court of competent jurisdiction. Unpaid vacant property registration fees and unpaid fines for any violation of a vacant property registration ordinance shall become a lien on the applicable property upon the recording of a notice of such lien in the office of the register of deeds of the county in which the applicable property is located. The lien
created under this section shall be subordinate to all liens on the
applicable property recorded prior to the time the notice of such lien
under this section is recorded.