

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 756**

Introduced by Morfeld, 46.

Read first time January 03, 2018

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to municipalities; to define terms; to
- 2 prohibit ordinances and other regulations prohibiting short-term
- 3 rentals of residential property as prescribed; and to provide a duty
- 4 for the Revisor of Statutes.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) For purposes of this section:

2           (a) Municipality means a city or village; and

3           (b) Short-term rental means a residential property, including a  
4 single-family dwelling or a unit in a condominium, cooperative, or time-  
5 share, that is rented wholly or partly for a fee for a period not longer  
6 than thirty consecutive days.

7           (2) A municipality may not adopt or enforce an ordinance or other  
8 regulation that expressly or effectively prohibits the use of a property  
9 as a short-term rental.

10          (3) A municipality may adopt or enforce an ordinance or other  
11 regulation that specifically regulates property used as a short-term  
12 rental only if the municipality demonstrates that the primary purpose of  
13 the ordinance or other regulation is to protect the public's health and  
14 safety. An ordinance or other regulation authorized by this subsection  
15 includes:

16          (a) Requirements addressing:

17           (i) Fire and building codes;

18           (ii) Health and sanitation;

19           (iii) Traffic control; and

20           (iv) Solid or hazardous waste and pollution control; and

21          (b) Requirements regarding the designation of an emergency contact  
22 for the property.

23          (4) A municipality may adopt or enforce an ordinance or other  
24 regulation that limits or prohibits the use of a short-term rental only  
25 if the law limits or prohibits the use of a short-term rental for the  
26 purpose of:

27           (a) Housing sex offenders;

28           (b) Operating a structured sober living home or similar enterprise;

29           (c) Selling illegal drugs;

30           (d) Selling alcohol or another activity that requires a permit or  
31 license under the Nebraska Liquor Control Act; or

1           (e) Operating a sexually oriented business.

2           (5) A municipality shall apply an ordinance or other regulation  
3 regulating land use to a short-term rental in the same manner as another  
4 similar property. An ordinance or other regulation described by this  
5 subsection includes:

6           (a) Residential use and other zoning matters;

7           (b) Noise and other nuisances; and

8           (c) Property maintenance.

9           (6) This section may not be construed to affect regulations of a  
10 private entity, including a homeowners association organized under the  
11 Condominium Property Act or the Nebraska Condominium Act.

12           Sec. 2. The Revisor of Statutes shall assign section 1 of this act  
13 to Chapter 18.