

## LEGISLATIVE BILL 256

Approved by the Governor March 21, 2018

Introduced by Briese, 41; Blood, 3.

A BILL FOR AN ACT relating to cities and villages; to adopt the Vacant Property Registration Act; and to provide a duty for the Revisor of Statutes.  
Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Vacant Property Registration Act.

Sec. 2. The Legislature finds and declares that:

(1) Vacant properties have the potential to 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 have the potential to 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 have the potential to 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. 3. 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. 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) Municipality means a city of the first class, city of the second class, or village;

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

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

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

Sec. 5. Under the Vacant Property Registration Act, a municipality may adopt a vacant property registration ordinance which applies to any type of either residential or commercial buildings or both, located within the corporate limits of the municipality, 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 adopted pursuant to section 5 of this act shall be required to register such property with the program administrator if the property has been vacant for one hundred eighty days or longer. 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, telephone number, and, if applicable, the facsimile number and email address of the property owner and

his or her agent;

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

(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 is no longer vacant.

(b) A vacant property registration ordinance shall provide an exemption to the registration and fee requirements for vacant property that is advertised in good faith for sale or lease.

(c) A vacant property registration ordinance may provide exemptions to the registration and fee requirements, including, but not limited to, for vacant property:

(i) Only considered to be a seasonal residence;

(ii) Damaged by fire, weather, an act of God, or vandalism;

(iii) Under construction or renovation;

(iv) Where the owner is temporarily absent, but who has demonstrated his or her intent to return; and

(v) Which is subject to divorce, probate, or estate proceedings.

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 prior notice and to appeal adverse decisions of the municipality or the program administrator. Such notice shall be sent by certified mail to the registered owner at the address maintained in the register of deeds' office at least ten days prior to such adverse decision.

(2) A vacant property registration ordinance may allow the program administrator or his or her designee to inspect the interior and exterior of the vacant property upon registration and at one-year intervals thereafter for so long as the property remains on the vacant property registration data base. 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 subsection shall be subordinate to all liens on the applicable property recorded prior to the time the notice of such lien under this subsection is recorded.

Sec. 8. The provisions of the Vacant Property Registration Act shall be supplemental and in addition to any other laws of the State of Nebraska relating to vacant property.

Sec. 9. The Revisor of Statutes shall assign sections 1 to 8 of this act to Chapter 19.