

AMENDMENTS TO LB434

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 76-1431, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           76-1431 (1) Except as provided in the Uniform Residential Landlord  
6 and Tenant Act, if there is a noncompliance with section 76-1421  
7 materially affecting health and safety or a material noncompliance by the  
8 tenant with the rental agreement or any separate agreement, the landlord  
9 may deliver a written notice to the tenant specifying the acts and  
10 omissions constituting the breach and that the rental agreement will  
11 terminate upon a date not less than thirty days after receipt of the  
12 notice if the breach is not remedied in fourteen days, and the rental  
13 agreement shall terminate as provided in the notice subject to the  
14 following. If the breach is remediable by repairs or the payment of  
15 damages or otherwise and the tenant adequately remedies the breach prior  
16 to the date specified in the notice, the rental agreement will not  
17 terminate. If substantially the same act or omission which constituted a  
18 prior noncompliance of which notice was given recurs within six months,  
19 the landlord may terminate the rental agreement upon at least fourteen  
20 days' written notice specifying the breach and the date of termination of  
21 the rental agreement.

22           (2) If rent is unpaid when due and the tenant fails to pay rent  
23 within seven calendar ~~three~~ days after written notice by the landlord of  
24 nonpayment and his or her intention to terminate the rental agreement if  
25 the rent is not paid within that period of time, the landlord may  
26 terminate the rental agreement.

27           (3) Except as provided in the Uniform Residential Landlord and

1 Tenant Act, the landlord may recover damages and obtain injunctive relief  
2 for any noncompliance by the tenant with the rental agreement or section  
3 76-1421. If the tenant's noncompliance is willful, the landlord may  
4 recover reasonable attorney's fees.

5 (4) Notwithstanding subsections (1) and (2) of this section or  
6 section 25-21,221, a landlord may, after five days' written notice of  
7 termination of the rental agreement and without the right of the tenant  
8 to cure the default, file suit and have judgment against any tenant or  
9 occupant for recovery of possession of the premises if the tenant,  
10 occupant, member of the tenant's household, guest, or other person who is  
11 under the tenant's control or who is present upon the premises with the  
12 tenant's consent, engages in any violent criminal activity on the  
13 premises, the illegal sale of any controlled substance on the premises,  
14 or any other activity that threatens the health or safety of other  
15 tenants, the landlord, or the landlord's employees or agents. Such  
16 activity shall include, but not be limited to, any of the following  
17 activities of the tenant, occupant, member of the tenant's household,  
18 guest, or other person who is under the tenant's control or who is  
19 present upon the premises with the tenant's consent: (a) Physical assault  
20 or the threat of physical assault; (b) illegal use of a firearm or other  
21 weapon or the threat of illegal use of a firearm or other weapon; (c)  
22 possession of a controlled substance if the tenant knew or should have  
23 known of the possession, unless such controlled substance was obtained  
24 directly from or pursuant to a medical order issued by a practitioner  
25 legally authorized to prescribe while acting in the course of his or her  
26 professional practice; or (d) any other activity or threatened activity  
27 which would otherwise threaten the health or safety of any person or  
28 involving threatened, imminent, or actual damage to the property.

29 (5) Subsection (4) of this section does not apply to a tenant if the  
30 violent criminal activity, illegal sale of any controlled substance, or  
31 other activity that threatens the health or safety of other tenants, the

1 landlord, or the landlord's employees or agents, as set forth in  
2 subsection (4) of this section, is conducted by a person on the premises  
3 other than the tenant and the tenant takes at least one of the following  
4 measures against the person engaging in such activity:

5 (a) The tenant seeks a protective order, restraining order, or other  
6 similar relief which would apply to the person conducting such activity;  
7 or

8 (b) The tenant reports such activity to a law enforcement agency in  
9 an effort to initiate a criminal action against the person conducting the  
10 activity.

11 Sec. 2. Original section 76-1431, Reissue Revised Statutes of  
12 Nebraska, is repealed.