

AMENDMENTS TO LB85

(Amendments to Standing Committee amendments, AM66)

Introduced by Wayne, 13.

1 1. Strike amendment 1 and insert the following new amendment:

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

4 Section 1. The Legislature finds that the enforcement of local  
5 building and construction codes is a matter of state concern,  
6 particularly in larger cities which contain a large number of residential  
7 rental properties. The state provides guidelines for the adoption of  
8 local building and construction codes under the Building Construction Act  
9 and regulates the landlord and tenant relationship through the Uniform  
10 Residential Landlord and Tenant Act. Recognizing the need to safeguard  
11 life, health, property, and the public welfare through the appropriate  
12 enforcement of local building and construction codes, the Legislature  
13 hereby declares the necessity of establishing minimum requirements for  
14 cities of the metropolitan class to enforce such codes through a  
15 proactive rental housing inspection program.

16 Sec. 2. For purposes of sections 1 to 7 of this act:

17 (1) City means any city of the metropolitan class;

18 (2) Housing agency has the same meaning as in section 71-1575; and

19 (3) Newly constructed residential rental property means (a) a  
20 single-family or multi-unit residential rental property that was  
21 constructed within the past five years or (b) a non-residential rental  
22 property that was converted into multi-unit residential rental property  
23 within the past five years. For purposes of this subdivision, a rental  
24 property shall be considered constructed or converted on the date of  
25 issuance of an occupancy permit by the city.

26 Sec. 3. Any city which enacts and administers a local building or

1 construction code under section 71-6406 shall adopt a rental housing  
2 inspection program to enforce the relevant provisions of such local  
3 building or construction code for all residential rental property within  
4 the corporate limits of the city. The enforcement procedures for a rental  
5 housing inspection program adopted pursuant to this section shall be  
6 designed to improve housing conditions. The city shall make reasonable  
7 efforts to prevent unreasonable displacement of tenants from residential  
8 rental property when enforcing such program.

9       Sec. 4. (1) A rental housing inspection program adopted under  
10 section 3 of this act shall include:

11       (a)(i) A requirement that all residential rental property within the  
12 corporate limits of the city be registered with the city. Such  
13 registration shall include:

14       (A) The name, street address, telephone number, email address, and  
15 identification of the type of entity if applicable, of the owner of the  
16 residential rental property;

17       (B) If different than the owner of the residential rental property,  
18 the name, street address, telephone number, email address, and  
19 identification of the type of entity if applicable, of the local property  
20 manager of the residential rental property;

21       (C) If applicable, the name, street address, telephone number, and  
22 email address of any other alternate contact person acting on behalf of  
23 the owner of the residential rental property;

24       (D) The identity of the residential rental property, including  
25 parcel number, physical street address or addresses, and full mailing  
26 address or addresses if different than the physical street address or  
27 addresses;

28       (E) The number of separate rental dwelling units, if applicable, on  
29 the residential rental property; and

30       (F) Any such other information required by the city;

31       (ii) Registration information shall be made publicly available in

1 both printed and electronic form; and

2 (iii) The city shall not charge a fee for such registration;

3 (b) A requirement that all residential rental property within the  
4 corporate limits of the city be inspected at least once within a four-  
5 year cycle, except as provided in section 5 of this act, and except for  
6 any such property that is:

7 (i) Newly constructed residential rental property;

8 (ii) Owned or managed by a housing agency;

9 (iii) Inspected or caused to be inspected by a housing agency to  
10 enforce housing quality standards required by the United States  
11 Department of Housing and Urban Development for properties rented under a  
12 voucher program or other rental assistance program under section 8 of the  
13 United States Housing Act of 1937; or

14 (iv) A qualified low-income building or buildings, as such term is  
15 defined in section 42 of the Internal Revenue Code of 1986, as amended;

16 (c) A supplemental system of inspections of residential rental  
17 property upon receipt of any complaints;

18 (d) A procedure for owners of residential rental property to appeal  
19 adverse decisions under the rental housing inspection program; and

20 (e) An educational component to educate owners of residential rental  
21 property on issues related to rental property ownership, including, but  
22 not limited to, their responsibilities under the rental housing  
23 inspection program and a tenant's rights under the Uniform Residential  
24 Landlord and Tenant Act.

25 (2)(a) The city shall comply with the requirements of subdivisions  
26 (1)(a), (c), (d), and (e) of this section no later than one year  
27 following the effective date of this act.

28 (b) For residential rental property which has had a code violation  
29 within the three years prior to the effective date of this act that was  
30 not remedied, the city shall comply with the requirements of subdivision  
31 (1)(b) of this section no later than two years following the effective

1 date of this act.

2 (c) For residential rental property with three or more rental units  
3 that has not had a code violation within the three years prior to the  
4 effective date of this act that was not remedied, the city shall comply  
5 with the requirements of subdivision (1)(b) of this section no later than  
6 three years following the effective date of this act.

7 (d) For residential rental property with less than three rental  
8 units that has not had a code violation within the three years prior to  
9 the effective date of this act that was not remedied, the city shall  
10 comply with the requirements of subdivision (1)(b) of this section no  
11 later than four years following the effective date of this act.

12 Sec. 5. A rental housing inspection program adopted under section 3  
13 of this act may include:

14 (1) A schedule of inspection fees for any inspections or  
15 reinspections required in any residential rental property;

16 (2) A schedule of fines for failure to comply with local building  
17 and construction code requirements, including fines and interest for late  
18 payments; and

19 (3) A provision allowing for a one-time, three-year waiver of  
20 regular inspections as required under subdivision (1)(b) of section 4 of  
21 this act for residential rental properties which have had no code  
22 violations within the three years prior to the effective date of this  
23 act.

24 Sec. 6. For multi-unit residential rental properties, a rental  
25 housing inspection program adopted under section 3 of this act may  
26 provide for inspections to be conducted on a random sampling of all units  
27 of such property instead of inspecting all units of such property.

28 Sec. 7. (1) A city may enforce the collection of unpaid fees and  
29 unpaid fines assessed or levied under any schedule adopted pursuant to  
30 section 5 of this act by filing a civil action in any court of competent  
31 jurisdiction.

1           (2) Unpaid fees and unpaid fines assessed or levied under any  
2 schedule adopted pursuant to section 5 of this act shall become a lien on  
3 the applicable property upon the recording of a notice of such lien in  
4 the office of the register of deeds of the county in which the applicable  
5 property is located. The lien created under this subsection shall be  
6 subordinate to all other prior recorded liens on the applicable property.

7           Sec. 8. The Revisor of Statutes shall assign sections 1 to 7 of  
8 this act to Chapter 14.