

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 433**

Introduced by Hansen, M., 26; Linehan, 39.

Read first time January 18, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant
- 2 Act; to amend section 76-1416, Reissue Revised Statutes of Nebraska;
- 3 to change provisions relating to the return of security deposits and
- 4 damages; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 76-1416 (1) A landlord may not demand or receive security, however  
4 denominated, in an amount or value in excess of one month's periodic  
5 rent, except that a pet deposit not in excess of one-fourth of one  
6 month's periodic rent may be demanded or received when appropriate, but  
7 this subsection shall not be applicable to housing agencies organized or  
8 existing under the Nebraska Housing Agency Act.

9 (2) Upon termination of the tenancy, property or money held by the  
10 landlord as prepaid rent and security may be applied to the payment of  
11 rent and the amount of damages which the landlord has suffered by reason  
12 of the tenant's noncompliance with the rental agreement or section  
13 76-1421. The balance, if any, and a written itemization shall be  
14 delivered or mailed to the tenant within fourteen days after the date of  
15 termination of the tenancy. If no mailing address or instructions are  
16 provided by the tenant to the landlord, the landlord shall mail, by  
17 first-class mail, the balance of the security deposit to the tenant's  
18 last-known mailing address ~~demand and designation of the location where~~  
19 ~~payment may be made or mailed.~~

20 (3) If the landlord fails to comply with subsection (2) of this  
21 section, the tenant may recover, in addition to any amount the property  
22 and money due him or her, liquidated damages of one times the periodic  
23 rent, plus costs and reasonable attorney's fees.

24 (4) This section does not preclude the landlord or tenant from  
25 recovering other damages to which he or she may be entitled under the  
26 Uniform Residential Landlord and Tenant Act, however, a tenant shall not  
27 be liable for damages directly related to the tenant's removal from the  
28 premises by order of any governmental entity as a result of the premises  
29 not being fit for habitation due to the negligence or neglect of the  
30 landlord.

31 (5) The holder of the landlord's interest in the premises at the

1 time of the termination of the tenancy is bound by this section.

2 Sec. 2. Original section 76-1416, Reissue Revised Statutes of  
3 Nebraska, is repealed.