

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 914

Introduced by Hunt, 8; Hansen, M., 26.

Read first time January 10, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Mobile Home Landlord and Tenant Act; to
2 amend sections 76-1485, 76-1486, and 76-14,101, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to the return of
4 rental deposits, damages, and the period of time relating to a
5 written notice of termination of a rental agreement; and to repeal
6 the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-1485, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1485 (1) A landlord shall, within fourteen ~~thirty~~ days from the
4 date of termination of the tenancy ~~or receipt in writing of the tenant's~~
5 ~~mailing address or delivery instructions, whichever is later,~~ return the
6 rental deposit to the tenant or furnish to the tenant a written statement
7 showing the specific reason for withholding all or any portion of the
8 rental deposit. If no mailing address or instructions are provided by the
9 tenant to the landlord, the landlord shall mail, by first-class mail, the
10 balance of the security deposit to be returned, if any, and the written
11 itemization of the amount of the security deposit not returned to the
12 tenant's last-known mailing address. If the mailing is returned as
13 undeliverable, or if the returned balance of the security deposit remains
14 outstanding thirty days after the date of the mailing, the landlord
15 shall, not later than sixty days after the date of the mailing, remit the
16 outstanding balance of the security deposit to the State Treasurer for
17 disposition pursuant to the Uniform Disposition of Unclaimed Property
18 Act. The landlord may withhold from the rental deposit only such amounts
19 as are reasonable:

20 (a) To remedy a tenant's default in the payment of rent or of other
21 funds due to the landlord pursuant to the rental agreement; and

22 (b) To restore the mobile home space to its condition at the
23 commencement of the tenancy, ordinary wear and tear excepted.

24 (2) A tenant shall not be liable for damages directly related to the
25 tenant's removal from the premises by order of any governmental entity as
26 a result of the premises not being fit for habitation due to the
27 negligence or neglect of the landlord.

28 (3) (2) In an action concerning the rental deposit, the burden of
29 proving, by a preponderance of the evidence, the reason for withholding
30 all or any portion of the rental deposit shall be on the landlord.

31 Sec. 2. Section 76-1486, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 76-1486 A landlord who fails to provide a written statement as
3 required by section 76-1485 shall forfeit all rights to withhold any
4 portion of the rental deposit. In an action to recover property and money
5 due to him or her by a landlord, the tenant may recover court costs and
6 reasonable attorney's fees. In addition, if the landlord's failure to
7 comply with section 76-1485 is willful and not in good faith, the tenant
8 may recover an amount equal to one month's periodic rent or two times the
9 amount of the security deposit, whichever is less, as liquidated damages
10 ~~If no mailing address or instructions are provided to the landlord within~~
11 ~~one year from the termination of the tenancy, the rental deposit shall~~
12 ~~revert to the landlord and the tenant shall be deemed to have forfeited~~
13 ~~all rights to the rental deposit.~~

14 Sec. 3. Section 76-14,101, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 76-14,101 (1) If there is a noncompliance with section 76-1493
17 materially affecting health and safety or a material noncompliance by the
18 tenant with the rental agreement, the landlord may deliver a written
19 notice to the tenant specifying the acts and omissions constituting the
20 breach and that the rental agreement will terminate upon a date not less
21 than thirty days after receipt of the notice. Only in the event the
22 breach is remediable by repairs or the payment of damages and the tenant
23 adequately remedies the breach or takes reasonable steps to remedy it
24 prior to the date specified in the notice, the rental agreement shall not
25 terminate.

26 (2) If rent is unpaid when due and the tenant fails to pay rent
27 within seven ~~five~~ days after written notice by the landlord of nonpayment
28 and of the landlord's intention to terminate the rental agreement if the
29 rent is not paid within that period of time, the landlord may terminate
30 the rental agreement.

31 (3) A landlord may recover damages, obtain injunctive relief, or

1 recover possession of the mobile home space by an action in forcible
2 detainer for any material noncompliance by the tenant with the rental
3 agreement or section 76-1493.

4 (4) The remedy provided in subsection (3) of this section shall be
5 in addition to any right of a landlord arising under subsection (1) of
6 this section.

7 Sec. 4. Original sections 76-1485, 76-1486, and 76-14,101, Reissue
8 Revised Statutes of Nebraska, are repealed.