

LEGISLATIVE BILL 617

Approved by the Governor May 8, 1993

Introduced by Coordsen, 32

AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend sections 69-2302 and 69-2311, Revised Statutes Supplement, 1992; to redefine terms; to change provisions relating to self-service storage units and facilities; and to repeal the original sections.

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

Section 1. That section 69-2302, Revised Statutes Supplement, 1992, be amended to read as follows:

69-2302. For purposes of the Disposition of Personal Property Landlord and Tenant Act:

(1) Landlord shall mean the owner, lessor, or sublessor of furnished or unfurnished premises, including self-service storage units or facilities, for rent or his or her agent or successor in interest;

(2) Owner shall mean one or more persons, jointly or severally, in whom is vested (a) all or part of the legal title to property or (b) all or part of the beneficial ownership and a right to present use and enjoyment of premises and shall include a mortgagee in possession;

(3) Premises shall mean a building or a distinct portion of a building, the facilities and appurtenances in such building, and the grounds, areas, and facilities held out for the use of tenants generally or the use of which is promised to the tenants;

(4) Reasonable belief shall mean the knowledge or belief a prudent person should have without making an investigation, including any investigation of public records, except that when the landlord has specific information indicating that such an investigation would more probably than not reveal pertinent information and the cost of such an investigation would be reasonable in relation to the probable value of the personal property involved, reasonable belief shall include the actual knowledge or belief a prudent person would have if such investigation were made;

(5) Reasonable costs of storage shall include:

(a) Reasonable costs actually incurred, the reasonable value of labor actually provided, or both in removing personal property from its original location on the vacated premises to the place of storage, including disassembly and transportation; and

(b) Reasonable storage costs actually incurred which shall not exceed the fair rental value of the space reasonably required for the storage of the personal property; and

(6) Tenant shall mean a person entitled under a rental agreement to occupy any premises for rent or storage uses to the exclusion

of others; whether such premises are used as a dwelling unit or self-service storage unit or facility or not.

Sec. 2. That section 69-2311, Revised Statutes Supplement, 1992, be amended to read as follows:

69-2311. A residential landlord shall surrender to a residential tenant or to a residential tenant's duly authorized representative any personal property not owned by the landlord which has been left on the premises after the tenant has vacated the residential premises and the return of which has been requested by the tenant or by the authorized representative of the tenant if:

(1) The tenant requests in writing, within fourteen days of vacating the premises, the surrender of the personal property and the request includes a description of the personal property held by the landlord and specifies the mailing address of the tenant;

(2) The landlord or the landlord's agent has control or possession of such personal property at the time the request is received;

(3) The tenant, prior to the surrender of the personal property by the landlord and upon written demand by the landlord, tenders payment of all reasonable costs associated with the landlord's removal and storage of the personal property. The landlord's demand for payment of reasonable costs associated with the removal and storage of personal property shall be in writing and shall either be mailed to the tenant at the address provided pursuant to subdivision (1) of this section or shall be personally presented to the tenant or to the tenant's authorized representative within five days after the actual receipt of the tenant's request for surrender of the personal property, unless the property is returned first. The demand shall itemize all charges, specifying the nature and amount of each item of cost; and

(4) The tenant agrees to claim and remove the personal property at a reasonable time mutually agreed upon by the landlord and tenant but not later than seventy-two hours after the tender provided for under subdivision (3) of this section.

This section shall not apply to the rental of a self-service storage unit or facility.

Sec. 3. That original sections 69-2302 and 69-2311, Revised Statutes Supplement, 1992, are repealed.