

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 208

Introduced by Bostar, 29.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to counties; to define a term; to prohibit a
- 2 county from prohibiting the use of property as a short-term rental
- 3 as prescribed; to provide for regulation of short-term rentals; and
- 4 to provide a duty for the Revisor of Statutes.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section, short-term rental
2 means a residential property, including a single-family dwelling or a
3 unit in a condominium, cooperative, or time-share, that is rented wholly
4 or partly for a fee for a period not longer than thirty consecutive days.

5 (2) Except as provided in subsection (5) of this section, a county
6 shall not adopt or enforce an ordinance, resolution, or other regulation
7 that expressly or effectively prohibits the use of a property as a short-
8 term rental.

9 (3) A county may adopt or enforce an ordinance, resolution, or other
10 regulation that specifically regulates property used as a short-term
11 rental only if the county demonstrates that the primary purpose of the
12 ordinance, resolution, or other regulation is to protect the public's
13 health and safety. An ordinance, resolution, or other regulation
14 authorized by this subsection includes:

15 (a) Requirements addressing:

16 (i) Fire and building codes;

17 (ii) Health and sanitation;

18 (iii) Traffic control; and

19 (iv) Solid or hazardous waste and pollution control; and

20 (b) Requirements regarding the designation of an emergency contact
21 for the property.

22 (4) A county may adopt or enforce an ordinance, resolution, or other
23 regulation that imposes a sales tax or an occupation tax on short-term
24 rentals if the tax is otherwise permitted by applicable law.

25 (5) A county may adopt or enforce an ordinance, resolution, or other
26 regulation that limits or prohibits the use of a short-term rental only
27 if the law limits or prohibits the use of a short-term rental for the
28 purpose of:

29 (a) Housing sex offenders;

30 (b) Operating a structured sober living home or similar enterprise;

31 (c) Selling illegal drugs;

1 (d) Selling alcohol or another activity that requires a permit or
2 license under the Nebraska Liquor Control Act; or

3 (e) Operating a sexually oriented business.

4 (6) A county shall apply an ordinance, resolution, or other
5 regulation regulating land use to a short-term rental in the same manner
6 as another similar property. An ordinance, resolution, or other
7 regulation described by this subsection includes:

8 (a) Residential use and other zoning matters;

9 (b) Noise and other nuisances; and

10 (c) Property maintenance.

11 (7) This section shall not be construed to affect regulations of a
12 private entity, including a homeowners association organized under the
13 Condominium Property Act or the Nebraska Condominium Act.

14 Sec. 2. The Revisor of Statutes shall assign section 1 of this act
15 to Chapter 23.