

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 453

Introduced by McKinney, 11; Cavanaugh, J., 9.

Read first time January 15, 2021

Committee:

- 1 A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant
- 2 Act; to amend sections 76-1419 and 76-1435, Reissue Revised Statutes
- 3 of Nebraska; to require landlords to comply with rental registration
- 4 ordinances as prescribed; to change provisions relating to certain
- 5 remedies; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 76-1419, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1419 (1) The landlord shall:

4 (a) Substantially comply, after written or actual notice, with the
5 requirements of the applicable minimum housing codes materially affecting
6 health and safety and also comply with any rental registration ordinances
7 adopted in the city or village in which the dwelling unit is located;

8 (b) Make all repairs and do whatever is necessary, after written or
9 actual notice, to put and keep the premises in a fit and habitable
10 condition;

11 (c) Keep all common areas of the premises in a clean and safe
12 condition;

13 (d) Maintain in good and safe working order and condition all
14 electrical, plumbing, sanitary, heating, ventilating, air conditioning,
15 and other facilities and appliances, including elevators, supplied or
16 required to be supplied by him or her;

17 (e) Provide and maintain appropriate receptacles and conveniences
18 for the removal of ashes, garbage, rubbish, and other waste incidental to
19 the occupancy of the dwelling unit and arrange for their removal from the
20 appropriate receptacle; and

21 (f) Supply running water and reasonable amounts of hot water at all
22 times and reasonable heat except where the building that includes the
23 dwelling unit is not required by law to be equipped for that purpose, or
24 the dwelling unit is so constructed that heat or hot water is generated
25 by an installation within the exclusive control of the tenant and
26 supplied by a direct public utility connection.

27 If there exists a minimum housing code applicable to the premises,
28 the landlord's maximum duty under this section shall be determined by
29 subdivision (1)(a) of this section. The obligations imposed by this
30 section are not intended to change existing tort law in the state.

31 (2) The landlord and tenant of a single-family residence may agree

1 that the tenant perform the landlord's duties specified in subdivisions
2 (1)(e) and (1)(f) of this section and also specified repairs, maintenance
3 tasks, alterations, and remodeling, but only if the transaction is in
4 writing, for good consideration, entered into in good faith and not for
5 the purpose of evading the obligations of the landlord.

6 (3) The landlord and tenant of a dwelling unit other than a single-
7 family residence may agree that the tenant is to perform specified
8 repairs, maintenance tasks, alterations, or remodeling only if:

9 (a) The agreement of the parties is entered into in good faith and
10 not for the purpose of evading the obligations of the landlord and is set
11 forth in a separate writing signed by the parties and supported by
12 adequate consideration; and

13 (b) The agreement does not diminish or affect the obligation of the
14 landlord to other tenants in the premises.

15 (4) Notwithstanding any provision of the Uniform Residential
16 Landlord and Tenant Act, a landlord may employ a tenant to perform the
17 obligations of the landlord.

18 Sec. 2. Section 76-1435, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 76-1435 (1) Subject to subsection (2) of this section, if If the
21 rental agreement is terminated, the landlord is entitled to possession
22 and may have a claim for rent and a separate claim for actual damages for
23 breach of the rental agreement and reasonable attorney's fees as provided
24 in subsection (3) of section 76-1431.

25 (2) The remedies in this section shall only be available if the
26 landlord is in compliance with any rental registration ordinances adopted
27 in the city or village in which the dwelling unit is located, as required
28 in subdivision (1)(a) of section 76-1419.

29 Sec. 3. Original sections 76-1419 and 76-1435, Reissue Revised
30 Statutes of Nebraska, are repealed.