

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 246

Introduced by DeBoer, 10; Cavanaugh, J., 9.

Read first time January 11, 2021

Committee:

- 1 A BILL FOR AN ACT relating to landlord and tenant; to amend sections
2 25-21,219, 76-1441, and 76-14,101, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to the applicability of
4 forcible entry and detainer and actions for possession under the
5 Uniform Residential Landlord and Tenant Act and the Mobile Home
6 Landlord and Tenant Act; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,219, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 25-21,219 The district and county courts shall have jurisdiction
4 over complaints of unlawful and forcible entry into lands and tenements
5 and the detention of the same and of complaints against those who, having
6 a lawful and peaceable entry into lands or tenements, unlawfully and by
7 force hold the same. If the court finds that an unlawful and forcible
8 entry has been made and that the same lands or tenements are held by
9 force or that the same, after a lawful entry, are held unlawfully, the
10 court shall cause the party complaining to have restitution thereof. The
11 court or the jury, as the situation warrants, shall inquire into the
12 matters between the two litigants such as the amount of rent owing the
13 plaintiff and the amount of damage caused by the defendant to the
14 premises while they were occupied by him or her and render a judgment or
15 verdict accordingly. This section shall not apply to actions for
16 possession of any premises subject to the provisions of the Uniform
17 Residential Landlord and Tenant Act or the Mobile Home Landlord and
18 Tenant Act.

19 Sec. 2. Section 76-1441, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 76-1441 (1) The person seeking possession shall file a complaint for
22 restitution with the clerk of the district or county court. The complaint
23 shall contain (a) the specific statutory authority under which possession
24 is sought; (b) the facts, with particularity, on which he or she seeks to
25 recover; (c) ~~(b)~~ a reasonably accurate description of the premises; and
26 (d) ~~(e)~~ the requisite compliance with the notice provisions of the
27 Uniform Residential Landlord and Tenant Act. The complaint may notify the
28 tenant that personal property remains on the premises and that it may be
29 disposed of pursuant to section 69-2308 or subsection (5) of section
30 76-1414. The complaint may also contain other causes of action relating
31 to the tenancy, but such causes of action shall be answered and tried

1 separately, if requested by either party in writing.

2 (2) The person seeking possession pursuant to subsection (4) of
3 section 76-1431 shall include in the complaint the incident or incidents
4 giving rise to the suit for recovery of possession.

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

7 76-14,101 (1) If there is a noncompliance with section 76-1493
8 materially affecting health and safety or a material noncompliance by the
9 tenant with the rental agreement, the landlord may deliver a written
10 notice to the tenant specifying the acts and omissions constituting the
11 breach and that the rental agreement will terminate upon a date not less
12 than thirty days after receipt of the notice. Only in the event the
13 breach is remediable by repairs or the payment of damages and the tenant
14 adequately remedies the breach or takes reasonable steps to remedy it
15 prior to the date specified in the notice, the rental agreement shall not
16 terminate.

17 (2) If rent is unpaid when due and the tenant fails to pay rent
18 within five days after written notice by the landlord of nonpayment and
19 of the landlord's intention to terminate the rental agreement if the rent
20 is not paid within that period of time, the landlord may terminate the
21 rental agreement.

22 (3) A landlord may recover damages, obtain injunctive relief, or
23 recover possession of the mobile home space ~~by an action in forcible~~
24 ~~detainer~~ for any material noncompliance by the tenant with the rental
25 agreement or section 76-1493 by bringing an action for possession in the
26 manner described in sections 76-1440 to 76-1447.

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

30 Sec. 4. Original sections 25-21,219, 76-1441, and 76-14,101,
31 Reissue Revised Statutes of Nebraska, are repealed.