



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 1128

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 20, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill would allow public housing agencies to accept rental payments without waiving the right to evict the tenant for a default of the lease. Under the Public Housing Program, public housing authorities are required by federal housing regulations to provide the tenant with a 14-day notice period. In the normal course of events, following a grace period and 14-day notice period, the soonest a public housing agency (PHA) can expect to file on that notice and have a court date in the first or second week of the following month. Thus, for nearly every eviction action, due to federal regulations, the public housing program loses at least two months of rent.

Also, if a low-income tenant is able to make a partial payment one week and pay the rest the next week, the PHA must refuse that partial payment or vacate the 14-day notice and start the time period over. This bill may allow a PHA to stave off some evictions by accepting partial payments of the 14-day period, leaving less for a tenant to pay at the end of the notice period.

Further, under the Public Housing Program, the PHA may not terminate any public housing lease unless it is for good cause as defined by federal regulations. There is, in effect, an endless lease, leaving "for cause" actions as the only avenue for removing criminal tenants. If a tenant commits a criminal act and a PHA tries to evict a tenant for that criminal activity, the PHA must refuse the tenant's payment of rent. By the time the PHA gathers the necessary information, serves the tenant notice, then compiles all necessary evidence to file the case, the public housing agency cannot realistically expect a court date for month or more, while the tenant is accruing rent and late fee charges. If the public housing agency wins the criminal case, the tenant will vacate with a significant unpaid balance. If the PHA does not win, the tenant will be reinstated, but will be at least two months behind in rent.

LB 1128 will protect the public interest in a safe and efficient public housing program and is consistent with the stated purposes of the Housing Agency Act.

Principal Introducer:

Senator Brad Ashford