

AMENDMENTS TO LB256

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Vacant Property Registration Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) Vacant properties have the potential to create a host of
7 problems for Nebraska communities, including a propensity to foster
8 criminal activity, create public health problems, and otherwise diminish
9 quality of life;

10 (2) Vacant properties have the potential to reduce the value of area
11 properties, increase the risk of property damage through arson and
12 vandalism, and discourage neighborhood stability;

13 (3) Vacant properties represent unrealized economic growth in
14 Nebraska communities;

15 (4) A vacant property registration ordinance allows a municipality
16 to discourage property vacancy, maintain unoccupied buildings, provide a
17 data base of vacant properties and their owners, and assess fees for the
18 increased public costs associated with vacant properties;

19 (5) Fees imposed under a vacant property registration ordinance have
20 the potential to benefit the owners of vacant properties by helping to
21 finance additional government services to protect the value and security
22 of such properties; and

23 (6) Enactment of a vacant property registration ordinance is a
24 proper exercise of governmental authority to protect the public health,
25 safety, and welfare of community residents and a valid regulatory scheme.

26 Sec. 3. The purposes of the Vacant Property Registration Act are to
27 promote the health, safety, and welfare of Nebraska residents by

1 providing authority for municipalities to enact vacant property
2 registration ordinances. Such ordinances will allow communities to
3 identify and register vacant properties, collect fees to compensate for
4 the public costs of vacant properties, plan for the rehabilitation of
5 vacant properties, and encourage the occupancy of vacant properties.

6 Sec. 4. For purposes of the Vacant Property Registration Act:

7 (1) Evidence of vacancy means any condition or circumstance that on
8 its own or in combination with other conditions or circumstances would
9 lead a reasonable person to believe that a residential building or
10 commercial building is vacant. Such conditions or circumstances may
11 include, but are not limited to:

12 (a) Overgrown or dead vegetation, including grass, shrubbery, and
13 other plantings;

14 (b) An accumulation of abandoned personal property, trash, or other
15 waste;

16 (c) Visible deterioration or lack of maintenance of any building or
17 structure on the property;

18 (d) Graffiti or other defacement of any building or structure on the
19 property; or

20 (e) Any other condition or circumstance reasonably indicating that
21 the property is not occupied for residential purposes or being used for
22 the operation of a lawful business;

23 (2) Municipality means a city of the first class, city of the second
24 class, or village;

25 (3) Owner means the person, persons, or entity shown to be the owner
26 or owners of record on the records of the register of deeds;

27 (4) Residential building means a house, a condominium, a townhouse,
28 an apartment unit or building, or a trailer house; and

29 (5) Vacant means that a residential building or commercial building
30 exhibits evidence of vacancy.

31 Sec. 5. Under the Vacant Property Registration Act, a municipality

1 may adopt a vacant property registration ordinance which applies to any
2 type of either residential or commercial buildings or both, located
3 within the corporate limits of the municipality, except that a vacant
4 property registration ordinance shall not apply to property owned by the
5 federal government, the State of Nebraska, or any political subdivision
6 thereof. A vacant property registration ordinance shall create a city-
7 wide vacant property registration data base and clearly designate a
8 program administrator.

9 Sec. 6. (1) Owners of vacant property subject to a vacant property
10 registration ordinance adopted pursuant to section 5 of this act shall be
11 required to register such property with the program administrator if the
12 property has been vacant for one hundred eighty days or longer. A vacant
13 property registration ordinance registration form shall be in either
14 paper or electronic form, and the following information shall be
15 required:

16 (a) The name, street address, mailing address, telephone number,
17 and, if applicable, the facsimile number and email address of the
18 property owner and his or her agent;

19 (b) The street address and parcel identification number of the
20 vacant property;

21 (c) The transfer date of the instrument conveying the property to
22 the owner; and

23 (d) The date on which the property became vacant.

24 (2)(a) A vacant property registration ordinance may require payment
25 of a fee one hundred eighty days after initial registration of the vacant
26 property pursuant to subsection (1) of this section or three hundred
27 sixty days after the property becomes vacant, whichever is sooner, and
28 may require the payment of supplemental registration fees at intervals
29 not more frequently than every six months thereafter for as long as the
30 property remains on the vacant property registration data base. The
31 initial registration fee shall be not more than two hundred fifty dollars

1 for a residential property and not more than one thousand dollars for a
2 commercial property. A supplemental registration fee shall be not more
3 than double the previous fee amount, with a maximum supplemental
4 registration fee of ten times the initial registration fee amount.
5 Registration fees may be refundable for the year preceding the date on
6 which the property becomes occupied.

7 (b) A vacant property registration ordinance shall provide an
8 exemption to the registration and fee requirements for vacant property
9 that is advertised in good faith for sale or lease.

10 (c) A vacant property registration ordinance may provide exemptions
11 to the registration and fee requirements, including, but not limited to,
12 for vacant property:

13 (i) Only considered to be a seasonal residence;

14 (ii) Damaged by fire, weather, an act of God, or vandalism;

15 (iii) Under construction or renovation;

16 (iv) Where the owner is temporarily absent, but who has demonstrated
17 his or her intent to return; and

18 (v) Which is subject to divorce, probate, or estate proceedings.

19 Sec. 7. (1) A vacant property registration ordinance shall:

20 (a) Provide that a subsequent owner or owners of property subject to
21 the ordinance will assume the obligations of the previous owner or
22 owners;

23 (b) Provide for removal of the property from the vacant property
24 registration database when the property is no longer vacant;

25 (c) Require submission of an owner plan for occupancy of the
26 property; and

27 (d) Provide that owners have the right to prior notice and to appeal
28 adverse decisions of the municipality or the program administrator. Such
29 notice shall be sent by certified mail to the registered owner at the
30 address maintained in the county assessor's office at least ten days
31 prior to such adverse decision.

1 (2) A vacant property registration ordinance may allow the program
2 administrator or his or her designee to inspect the interior and exterior
3 of the vacant property upon registration and at one-year intervals
4 thereafter. A vacant property registration ordinance may provide for
5 municipal fines for failure to comply with its requirements. A
6 municipality may enforce the collection of vacant property registration
7 fees by civil action in any court of competent jurisdiction. Unpaid
8 vacant property registration fees and unpaid fines for any violation of a
9 vacant property registration ordinance shall become a lien on the
10 applicable property upon the recording of a notice of such lien in the
11 office of the register of deeds of the county in which the applicable
12 property is located. The lien created under this section shall be
13 subordinate to all liens on the applicable property recorded prior to the
14 time the notice of such lien under this section is recorded.

15 Sec. 8. The provisions of the Vacant Property Registration Act
16 shall be supplemental and in addition to any other laws of the State of
17 Nebraska relating to vacant property.

18 Sec. 9. The Revisor of Statutes shall assign sections 1 to 8 of
19 this act to Chapter 19.