

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 85

Introduced by Wayne, 13.

Read first time January 10, 2019

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to cities; to provide for a rental housing
- 2 inspection program for a city of the metropolitan class or a city of
- 3 the primary class as prescribed; and to provide a duty for the
- 4 Revisor of Statutes.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. For purposes of sections 1 to 6 of this act:

2 (1) City means any city of the metropolitan class or city of the
3 primary class; and

4 (2) Housing agency has the same meaning as in section 71-1575.

5 Sec. 2. Any city which enacts and administers a local building or
6 construction code under section 71-6406 shall adopt a rental housing
7 inspection program to enforce the relevant provisions of such local
8 building or construction code for all residential rental property within
9 the corporate limits of the city. The enforcement procedures for a rental
10 housing inspection program adopted pursuant to this section shall be
11 designed to improve housing conditions. The city shall make reasonable
12 efforts to prevent unreasonable displacement of tenants from residential
13 rental property when enforcing such program.

14 Sec. 3. A rental housing inspection program adopted under section 2
15 of this act shall include:

16 (1) A requirement that all residential rental property within the
17 corporate limits of the city be registered with the city, except for any
18 such property that is owned by a housing agency or inspected or caused to
19 be inspected by a housing agency to enforce housing quality standards
20 required by the United States Department of Housing and Urban
21 Development;

22 (2) A requirement that all residential rental property within the
23 corporate limits of the city be inspected at least once within a three-
24 year cycle, except as provided in section 4 of this act or for any such
25 property that is owned by a housing agency or inspected or caused to be
26 inspected by a housing agency to enforce housing quality standards
27 required by the United States Department of Housing and Urban
28 Development;

29 (3) A supplemental system of inspections of residential rental
30 property upon receipt of any complaints; and

31 (4) A procedure for owners of residential rental property to appeal

1 adverse decisions under the rental housing inspection program.

2 Sec. 4. A rental housing inspection program adopted under section 2
3 of this act may include:

4 (1) A schedule of annual registration fees, which fees may vary
5 depending on the type of dwelling, dwelling unit, or other pertinent
6 factors;

7 (2) A schedule of fines for failure to comply with registration
8 requirements, including fines and interest for late payments;

9 (3) A schedule of inspection fees for any reinspection required in
10 addition to a regular inspection of any residential rental property; and

11 (4) A provision allowing for less frequent inspections of
12 residential rental properties with a history of code compliance and
13 responsiveness to prior code complaints.

14 Sec. 5. For multi-unit residential rental properties, a rental
15 housing inspection program adopted under section 2 of this act may
16 provide for inspections to be conducted on a random sampling of all units
17 of such property instead of inspecting all units of such property.

18 Sec. 6. (1) The city may enforce the collection of unpaid fees and
19 unpaid fines assessed or levied under any schedule adopted pursuant to
20 section 4 of this act by filing a civil action in any court of competent
21 jurisdiction.

22 (2) Unpaid fees and unpaid fines assessed or levied under any
23 schedule adopted pursuant to section 4 of this act shall become a lien on
24 the applicable property upon the recording of a notice of such lien in
25 the office of the register of deeds of the county in which the applicable
26 property is located. The lien created under this subsection shall be
27 subordinate to all other prior recorded liens on the applicable property.

28 Sec. 7. The Revisor of Statutes shall assign sections 1 to 6 of
29 this act to Chapter 19.