

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 540

Introduced by Walz, 15.

Read first time January 19, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to civil rights; to amend sections 18-1724,
2 20-113, 20-126.01, 20-127, 20-129, 20-130, 20-131.02, 20-132,
3 20-134, 20-139, 20-301, 20-303, 20-313, 20-317, 20-318, 20-319,
4 20-320, 20-321, 20-322, and 20-325, Reissue Revised Statutes of
5 Nebraska, and sections 20-126, 20-128, 20-131.01, and 20-131.04,
6 Revised Statutes Cumulative Supplement, 2020; to change terminology
7 related to disability; to prohibit discrimination in places of
8 public accommodation on the basis of disability; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 18-1724, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 18-1724 Notwithstanding any other law or laws heretofore enacted,
4 all cities and villages in this state shall have the power by ordinance
5 to define, regulate, suppress, and prevent discrimination on the basis of
6 race, color, creed, religion, ancestry, sex, marital status, national
7 origin, familial status as defined in section 20-311, disability handicap
8 as defined in section 17 of this act, or 20-313, age, ~~or disability~~ in
9 employment, public accommodation, and housing and may provide for the
10 enforcement of such ordinances by providing appropriate penalties for the
11 violation thereof. It shall not be an unlawful employment practice to
12 refuse employment based on a policy of not employing both husband and
13 wife if such policy is equally applied to both sexes.

14 Sec. 2. Section 20-113, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 20-113 Any incorporated city may enact ordinances and any county may
17 adopt resolutions which are substantially equivalent to the Age
18 Discrimination in Employment Act, the Nebraska Fair Employment Practice
19 Act, the Nebraska Fair Housing Act, and sections 20-126 to 20-143 and
20 48-1219 to 48-1227 or which are more comprehensive than such acts and
21 sections in the protection of civil rights. No such ordinance or
22 resolution shall place a duty or liability on any person, other than an
23 employer, employment agency, or labor organization, for acts similar to
24 those prohibited by section 48-1115. Such ordinance or resolution may
25 include authority for a local agency to seek an award of damages or other
26 equitable relief on behalf of the complainant by the filing of a petition
27 in the district court in the county with appropriate jurisdiction. The
28 local agency shall have within its authority jurisdiction substantially
29 equivalent to or more comprehensive than the Equal Opportunity Commission
30 or other enforcement agencies provided under such acts and sections and
31 shall have authority to order backpay and other equitable relief or to

1 enforce such orders or relief in the district court with appropriate
2 jurisdiction. Certified copies of such ordinances or resolutions shall be
3 transmitted to the commission. When the commission determines that any
4 such city or county has enacted an ordinance or adopted a resolution that
5 is substantially equivalent to such acts and sections or is more
6 comprehensive than such acts and sections in the protection of civil
7 rights and has established a local agency to administer such ordinance or
8 resolution, the commission may thereafter refer all complaints arising in
9 such city or county to the appropriate local agency. All complaints
10 arising within a city shall be referred to the appropriate agency in such
11 city when both the city and the county in which the city is located have
12 established agencies pursuant to this section. When the commission refers
13 a complaint to a local agency, it shall take no further action on such
14 complaint if the local agency proceeds promptly to handle such complaint
15 pursuant to the local ordinance or resolution. If the commission
16 determines that a local agency is not handling a complaint with
17 reasonable promptness or that the protection of the rights of the parties
18 or the interests of justice require such action, the commission may
19 regain jurisdiction of the complaint and proceed to handle it in the same
20 manner as other complaints which are not referred to local agencies. In
21 cases of conflict between this section and section 20-332, for complaints
22 subject to the Nebraska Fair Housing Act, section 20-332 shall control.

23 Any club which has been issued a license by the Nebraska Liquor
24 Control Commission to sell, serve, or dispense alcoholic liquor shall
25 have that license revoked if the club discriminates because of race,
26 color, religion, sex, familial status as defined in section 20-311,
27 disability ~~handicap~~ as defined in section 17 of this act ~~20-313~~, or
28 national origin in the sale, serving, or dispensing of alcoholic liquor
29 to any person who is a guest of a member of such club. The procedure for
30 revocation shall be as prescribed in sections 53-134.04, 53-1,115, and
31 53-1,116.

1 Sec. 3. Section 20-126, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 20-126 It is the policy of this state to encourage and enable ~~blind,~~
4 ~~visually handicapped, deaf or hard of hearing, or physically disabled~~
5 persons with disabilities to participate fully in the social and economic
6 life of the state and to engage in remunerative employment.

7 Sec. 4. Section 20-126.01, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 20-126.01 For purposes of sections 20-126 to 20-131, ~~physically~~
10 ~~disabled person means a person with a physical disability~~ has the same
11 meaning as in 42 U.S.C. 12102, as such section existed on January 1, 2021
12 ~~other than hearing impairment, blindness, or visual handicap.~~

13 Sec. 5. Section 20-127, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 20-127 (1) A person with a disability ~~blind, visually handicapped,~~
16 ~~deaf or hard of hearing, or physically disabled person~~ has the same right
17 as any other person to the full and free use of the streets, highways,
18 sidewalks, walkways, public buildings, public facilities, and other
19 public places.

20 (2) A person with a disability ~~blind, visually handicapped, deaf or~~
21 ~~hard of hearing, or physically disabled person~~ is entitled to full and
22 equal accommodations, advantages, facilities, and privileges of all
23 common carriers, airplanes, motor vehicles, railroad trains, motor buses,
24 street cars, boats, any other public conveyances or modes of
25 transportation, hotels, lodging places, places of public accommodation,
26 amusement, or resort, and other places to which the general public is
27 invited, subject only to the conditions and limitations established by
28 law and applicable alike to all persons.

29 (3) A person with a disability ~~totally or partially blind person,~~
30 ~~deaf or hard of hearing person, or physically disabled person~~ has the
31 right to be accompanied by a service animal, especially trained for the

1 purpose, and a bona fide trainer of a service animal has the right to be
2 accompanied by such animal in training in any of the places listed in
3 subsection (2) of this section without being required to pay an extra
4 charge for the service animal. Such person shall be liable for any damage
5 done to the premises or facilities or to any person by such animal.

6 (4) A person who is totally or partially blind ~~person~~ has the right
7 to make use of a white cane in any of the places listed in subsection (2)
8 of this section.

9 Sec. 6. Section 20-128, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 20-128 In addition to the provisions of sections 28-1313 and
12 28-1314, the driver of a vehicle approaching a ~~totally or partially blind~~
13 pedestrian who is totally or partially blind and carrying a cane
14 predominantly white or metallic in color or using a service animal, ~~or a~~
15 pedestrian who is deaf or hard of hearing, or a physically disabled
16 pedestrian with a disability who is using a service animal shall take all
17 necessary precautions to avoid injury to such pedestrian, and any driver
18 who fails to take such precautions shall be liable in damages for any
19 injury caused such pedestrian. A ~~totally or partially blind~~ pedestrian
20 who is totally or partially blind and not carrying such a cane or using a
21 service animal, ~~or a~~ pedestrian who is deaf or hard of hearing, or a
22 physically disabled pedestrian with a disability who is not using a
23 service animal in any of the places, accommodations, or conveyances
24 listed in section 20-127 shall have all of the rights and privileges
25 conferred by law upon other persons, and the failure of a ~~totally or~~
26 ~~partially blind~~ pedestrian who is totally or partially blind to carry
27 such a cane or to use a service animal, ~~or the failure of a~~ pedestrian
28 who is deaf or hard of hearing, or of a physically disabled pedestrian
29 with a disability to use a service animal in any such places,
30 accommodations, or conveyances does not constitute and is not evidence of
31 contributory negligence.

1 Sec. 7. Section 20-129, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 20-129 (1) Any person or agent of such person who denies or
4 interferes with admittance to or enjoyment of the public facilities
5 enumerated in section 20-127 or otherwise interferes with the rights of a
6 person who is totally or partially blind, deaf or hard of hearing, or who
7 has a disability ~~physically disabled person~~ under section 20-127 or
8 sections 20-131.01 to 20-131.04 is guilty of a Class III misdemeanor.

9 (2) Any person or agent of such person who denies or interferes with
10 admittance to or enjoyment of the public facilities enumerated in section
11 20-127 or otherwise interferes with the rights of a bona fide trainer of
12 a service animal when training such animal under section 20-127 is guilty
13 of a Class III misdemeanor.

14 Sec. 8. Section 20-130, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 20-130 Each year, the Governor shall take suitable public notice of
17 October 15 as White Cane Safety Day and ~~He shall~~ issue a proclamation
18 ~~in which he:~~

19 (1) Commenting ~~Comments~~ upon the significance of the white cane;

20 (2) Calling ~~Calls~~ upon the citizens of the state to observe the
21 provisions of sections 20-126 to 20-131 and to take precautions necessary
22 to the safety of people with disabilities ~~the disabled~~;

23 (3) Reminding ~~Reminds~~ the citizens of the state of the policies with
24 respect to people with disabilities ~~the disabled~~ set forth in sections
25 20-126 to 20-131 and urges the citizens to cooperate in giving effect to
26 them; and

27 (4) Emphasizing ~~Emphasizes~~ the need of the citizens to be aware of
28 the presence of people with disabilities ~~disabled persons~~ in the
29 community and to keep safe and functional for people with disabilities
30 ~~the disabled~~ the streets, highways, sidewalks, walkways, public
31 buildings, public facilities, other public places, places of public

1 accommodation, amusement and resort, and other places to which the public
2 is invited, ~~and to offer assistance to disabled persons upon appropriate~~
3 ~~occasions.~~

4 Sec. 9. Section 20-131.01, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 20-131.01 It is the intent of the Legislature that ~~blind persons,~~
7 ~~visually handicapped persons, deaf or hard of hearing persons, and other~~
8 ~~physically disabled persons~~ with disabilities shall be entitled to full
9 and equal access to all housing accommodations offered for rent, lease,
10 or compensation in this state.

11 Sec. 10. Section 20-131.02, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 20-131.02 For purposes of sections 20-131.01 to 20-131.04, unless
14 the context otherwise requires:

15 (1) Housing accommodations means any real property which is used or
16 occupied or is intended, arranged, or designed to be used or occupied as
17 the home, residence, or sleeping place of one or more human beings.
18 Housing accommodations does not include any single-family residence in
19 which the owner lives and in which any room is rented, leased, or
20 provided for compensation to persons other than the owner or primary
21 tenant; and

22 (2) Disability has the same meaning as in 42 U.S.C. 12102, as such
23 section existed on January 1, 2021 ~~Physically disabled person means a~~
24 ~~person with a physical disability other than hearing impairment,~~
25 ~~blindness, or visual handicap.~~

26 Sec. 11. Section 20-131.04, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 20-131.04 Every ~~totally or partially blind person, deaf or hard of~~
29 ~~hearing person, or physically disabled person~~ with a disability who has a
30 service animal or obtains a service animal shall have full and equal
31 access to all housing accommodations with such animal as prescribed in

1 sections 20-131.01 to 20-131.04. Such person shall not be required to pay
2 extra compensation for such animal. Such person shall be liable for any
3 damage done to such premises by such animal. Any person who rents,
4 leases, or provides housing accommodations for compensation to any
5 ~~totally or partially blind person, deaf or hard of hearing person, or~~
6 ~~physically disabled~~ person with a disability who has or obtains a service
7 animal shall not charge an additional deposit for such animal.

8 Sec. 12. Section 20-132, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 20-132 All persons within this state shall be entitled to a full and
11 equal enjoyment of any place of public accommodation, as defined in
12 sections 20-132 to 20-143, without discrimination or segregation on the
13 grounds of race, color, sex, religion, national origin, disability, or
14 ancestry.

15 Sec. 13. Section 20-134, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 20-134 Any person who directly or indirectly refuses, withholds
18 from, denies, or attempts to refuse, withhold, or deny, to any other
19 person any of the accommodations, advantages, facilities, services, or
20 privileges, or who segregates any person in a place of public
21 accommodation on the basis of race, creed, color, sex, religion, national
22 origin, disability, or ancestry, shall be guilty of discriminatory
23 practice and shall be subject to the penalties of sections 20-132 to
24 20-143.

25 Sec. 14. Section 20-139, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 20-139 The Nebraska Fair Housing Act and sections 20-123, 20-124,
28 and 20-132 to 20-143 shall be administered by the Equal Opportunity
29 Commission, except that the State Fire Marshal shall administer the act
30 and sections as they relate to accessibility standards and specifications
31 set forth in sections 81-5,147 and 81-5,148. The county attorneys are

1 granted the authority to enforce such act and sections 20-123, 20-124,
2 and 20-132 to 20-143 and shall possess the same powers and duties with
3 respect thereto as the commission. If a complaint is filed with the
4 county attorney, the commission shall be notified. Powers granted to and
5 duties imposed upon the commission pursuant to such act and sections
6 shall be in addition to the provisions of the Nebraska Fair Employment
7 Practice Act and shall not be construed to amend or restrict those
8 provisions. In carrying out the Nebraska Fair Housing Act and sections
9 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power
10 to:

11 (1) Seek to eliminate and prevent discrimination in places of public
12 accommodation because of race, color, sex, religion, national origin,
13 familial status as defined in section 20-311, disability handicap as
14 defined in section 17 of this act ~~20-313~~, or ancestry;

15 (2) Effectuate the purposes of sections 20-132 to 20-143 by
16 conference, conciliation, and persuasion so that persons may be
17 guaranteed their civil rights and goodwill may be fostered;

18 (3) Formulate policies to effectuate the purposes of sections 20-132
19 to 20-143 and make recommendations to agencies and officers of the state
20 or local subdivisions of government in aid of such policies and purposes;

21 (4) Adopt and promulgate rules and regulations to carry out the
22 powers granted by the Nebraska Fair Housing Act and sections 20-123,
23 20-124, and 20-132 to 20-143, subject to the provisions of the
24 Administrative Procedure Act. The commission shall, not later than one
25 hundred eighty days after September 6, 1991, issue draft rules and
26 regulations to implement subsection (3) of section 20-336, which
27 regulations may incorporate regulations of the Department of Housing and
28 Urban Development as applicable;

29 (5) Designate one or more members of the commission or a member of
30 the commission staff to conduct investigations of any complaint alleging
31 discrimination because of race, color, sex, religion, national origin,

1 familial status, disability handicap, or ancestry, attempt to resolve
2 such complaint by conference, conciliation, and persuasion, and conduct
3 such conciliation meetings and conferences as are deemed necessary to
4 resolve a particular complaint, which meetings shall be held in the
5 county in which the complaint arose;

6 (6) Determine that probable cause exists for crediting the
7 allegations of a complaint;

8 (7) Determine that a complaint cannot be resolved by conference,
9 conciliation, or persuasion, such determination to be made only at a
10 meeting where a quorum is present;

11 (8) Dismiss a complaint when it is determined there is not probable
12 cause to credit the allegations;

13 (9) Hold hearings, subpoena witnesses and compel their attendance,
14 administer oaths, take the testimony of any person under oath, and in
15 connection therewith require for examination any books or papers relating
16 to any matter under investigation or in question before the commission;
17 and

18 (10) Issue publications and the results of studies and research
19 which will tend to promote goodwill and minimize or eliminate
20 discrimination because of race, color, sex, religion, national origin,
21 familial status, disability handicap, or ancestry.

22 Sec. 15. Section 20-301, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 20-301 Sections 20-301 to 20-344 and section 17 of this act shall be
25 known and may be cited as the Nebraska Fair Housing Act.

26 Sec. 16. Section 20-303, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 20-303 For purposes of the Nebraska Fair Housing Act, the
29 definitions found in sections 20-304 to 20-317 and section 17 of this act
30 shall be used.

31 Sec. 17. Section 20-313, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 ~~20-313~~ Disability has the same meaning as in 42 U.S.C. 12102, as
3 such section existed on January 1, 2021. ~~Handicap shall mean, with~~
4 ~~respect to a person:~~

5 ~~(1) A physical or mental impairment which substantially limits one~~
6 ~~or more of such person's major life activities;~~

7 ~~(2) A record of having such an impairment; or~~

8 ~~(3) Being regarded as having such an impairment.~~

9 Disability ~~Handicap~~ shall not include current, illegal use of or
10 addiction to a controlled substance as defined in section 28-401.

11 Sec. 18. Section 20-317, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 20-317 Restrictive covenant shall mean any specification limiting
14 the transfer, rental, or lease of any housing because of race, creed,
15 religion, color, national origin, sex, disability ~~handicap~~, familial
16 status, or ancestry.

17 Sec. 19. Section 20-318, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 20-318 Except as exempted by section 20-322, it shall be unlawful
20 to:

21 (1) Refuse to sell or rent after the making of a bona fide offer,
22 refuse to negotiate for the sale or rental of or otherwise make
23 unavailable or deny, refuse to show, or refuse to receive and transmit an
24 offer for a dwelling to any person because of race, color, religion,
25 national origin, disability, familial status, or sex;

26 (2) Discriminate against any person in the terms, conditions, or
27 privileges of sale or rental of a dwelling or in the provision of
28 services or facilities in connection therewith because of race, color,
29 religion, national origin, disability, familial status, or sex;

30 (3) Make, print, publish, or cause to be made, printed, or published
31 any notice, statement, or advertisement with respect to the sale or

1 rental of a dwelling that indicates any preference, limitation, or
2 discrimination based on race, color, religion, national origin,
3 disability handicap, familial status, or sex or an intention to make any
4 such preference, limitation, or discrimination;

5 (4) Represent to any person because of race, color, religion,
6 national origin, disability handicap, familial status, or sex that any
7 dwelling is not available for inspection, sale, or rental when such
8 dwelling is in fact so available;

9 (5) Cause to be made any written or oral inquiry or record
10 concerning the race, color, religion, national origin, disability
11 handicap, familial status, or sex of a person seeking to purchase, rent,
12 or lease any housing;

13 (6) Include in any transfer, sale, rental, or lease of housing any
14 restrictive covenants or honor or exercise or attempt to honor or
15 exercise any restrictive covenant pertaining to housing;

16 (7) Discharge or demote an employee or agent or discriminate in the
17 compensation of such employee or agent because of such employee's or
18 agent's compliance with the Nebraska Fair Housing Act; and

19 (8) Induce or attempt to induce, for profit, any person to sell or
20 rent any dwelling by representations regarding the entry or prospective
21 entry into the neighborhood of a person or persons of a particular race,
22 color, religion, national origin, disability handicap, familial status,
23 or sex.

24 Sec. 20. Section 20-319, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 20-319 (1) Except as exempted by section 20-322, it shall be
27 unlawful to:

28 (a) Discriminate in the sale or rental of or otherwise make
29 unavailable or deny a dwelling to any buyer or renter because of a
30 disability handicap of:

31 (i) The buyer or renter;

1 (ii) Any person associated with the buyer or renter; or

2 (iii) A person residing in or intending to reside in the dwelling
3 after it is so sold, rented, or made available; or

4 (b) Discriminate against any person in the terms, conditions, or
5 privileges of sale or rental of a dwelling or in the provision of
6 services or facilities in connection with a dwelling because of a
7 disability handicap of:

8 (i) Such person;

9 (ii) Any person associated with such person; or

10 (iii) A person residing in or intending to reside in the dwelling
11 after it is so sold, rented, or made available.

12 (2) For purposes of this section, discrimination shall include:

13 (a) A refusal to permit, at the expense of the ~~handicapped~~ person
14 with a disability, reasonable modifications of existing premises occupied
15 or to be occupied by the person if the modifications may be necessary to
16 afford the person full enjoyment of the premises, except that in the case
17 of a rental, the landlord may, when it is reasonable to do so, condition
18 permission for a modification on the renter agreeing to restore the
19 interior of the premises to the condition that existed before the
20 modification, reasonable wear and tear excepted;

21 (b) A refusal to make reasonable accommodations in rules, policies,
22 practices, or services when such accommodations may be necessary to
23 afford the ~~handicapped~~ person with a disability equal opportunity to use
24 and enjoy a dwelling; and

25 (c) In connection with the design and construction of covered
26 multifamily dwellings for first occupancy after September 1, 1991, a
27 failure to design and construct the dwellings in such a manner that:

28 (i) The public use and common use portions of the dwellings are
29 readily accessible to and usable by people with disabilities ~~handicapped~~
30 ~~persons~~;

31 (ii) All the doors designed to allow passage into and within all

1 premises within the dwellings are sufficiently wide to allow passage by
2 people using handicapped persons in wheelchairs; and

3 (iii) All premises within the dwellings contain the following
4 features of adaptive design:

5 (A) An accessible route into and through the dwelling;

6 (B) Light switches, electrical outlets, thermostats, and other
7 environmental controls in accessible locations;

8 (C) Reinforcements in bathroom walls to allow later installation of
9 grab bars; and

10 (D) Kitchens and bathrooms such that a ~~handicapped~~ person in a
11 wheelchair can maneuver about the space.

12 (3) Compliance with the appropriate requirements of the American
13 National Standards Institute standard for buildings and facilities
14 providing accessibility and usability for ~~physically handicapped~~ people
15 with disabilities, ANSI A117.1, shall satisfy the requirements of
16 subdivision (2)(c)(iii) of this section.

17 (4)(a) If a political subdivision has incorporated into its laws the
18 design and construction requirements set forth in subdivision (2)(c) of
19 this section, compliance with such laws shall be deemed to satisfy the
20 requirements.

21 (b) A political subdivision may review and approve new constructed
22 covered multifamily dwellings for the purpose of making determinations as
23 to whether the design and construction requirements are met.

24 (c) The commission shall encourage but may not require political
25 subdivisions to include in their existing procedures for the review and
26 approval of new constructed covered multifamily dwellings determinations
27 as to whether the design and construction of the dwellings are consistent
28 with the design and construction requirements and shall provide technical
29 assistance to political subdivisions and other persons to implement the
30 requirements.

31 (d) Nothing in this section shall be construed to require the

1 commission to review or approve the plans, designs, or construction of
2 all covered multifamily dwellings to determine whether the design and
3 construction of the dwellings are consistent with the design and
4 construction requirements.

5 (5)(a) Nothing in subsection (4) of this section shall be construed
6 to affect the authority and responsibility of the commission or a local
7 agency certified pursuant to section 20-332 to receive and process
8 complaints or otherwise engage in enforcement activities under the
9 Nebraska Fair Housing Act.

10 (b) Determinations by the commission or a political subdivision
11 under subdivision (4)(a) or (b) of this section shall not be conclusive
12 in enforcement proceedings under the act.

13 (6) For purposes of this section, covered multifamily dwellings
14 shall mean:

15 (a) Buildings consisting of four or more units if such buildings
16 have one or more elevators; and

17 (b) Ground floor units in other buildings consisting of four or more
18 units.

19 (7) Nothing in this section shall be construed to invalidate or
20 limit any law of a political subdivision or other jurisdiction in which
21 this section is effective that requires dwellings to be designed and
22 constructed in a manner that affords people with disabilities ~~handicapped~~
23 ~~persons~~ greater access than is required by this section.

24 (8) Nothing in this section shall require that a dwelling be made
25 available to an individual whose tenancy would constitute a direct threat
26 to the health or safety of other individuals or whose tenancy would
27 result in substantial physical damage to the property of others.

28 Sec. 21. Section 20-320, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 20-320 (1) It shall be unlawful for any person or other entity whose
31 business includes engaging in transactions related to residential real

1 estate to discriminate against any person in making available such a
2 transaction or in the terms or conditions of such a transaction because
3 of race, color, religion, sex, disability ~~handicap~~, familial status, or
4 national origin.

5 (2) For purposes of this section, transaction related to residential
6 real estate shall mean any of the following:

7 (a) The making or purchasing of loans or providing other financial
8 assistance:

9 (i) For purchasing, constructing, improving, repairing, or
10 maintaining a dwelling; or

11 (ii) Secured by residential real estate; or

12 (b) The selling, brokering, or appraising of residential real
13 property.

14 (3) Nothing in this section shall prohibit a person engaged in the
15 business of furnishing appraisals of real property from taking into
16 consideration factors other than race, color, religion, national origin,
17 sex, disability ~~handicap~~, or familial status.

18 Sec. 22. Section 20-321, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 20-321 It shall be unlawful to deny any person access to or
21 membership or participation in any multiple listing service, real estate
22 brokers organization, or other service, organization, or facility
23 relating to the business of selling or renting dwellings or to
24 discriminate against any person in the terms or conditions of such
25 access, membership, or participation on account of race, color, religion,
26 national origin, disability ~~handicap~~, familial status, or sex.

27 Sec. 23. Section 20-322, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 20-322 (1) Nothing in the Nebraska Fair Housing Act shall prohibit a
30 religious organization, association, or society or any nonprofit
31 institution or organization operated, supervised, or controlled by or in

1 conjunction with a religious organization, association, or society from
2 limiting the sale, rental, or occupancy of a dwelling which it owns or
3 operates for other than commercial purposes to persons of the same
4 religion or from giving preferences to such persons unless membership in
5 such religion is restricted on account of race, color, national origin,
6 disability handicap, familial status, or sex.

7 (2) Nothing in the act shall prohibit a private club not in fact
8 open to the public, which as an incident to its primary purpose or
9 purposes provides lodgings which it owns or operates for other than
10 commercial purposes, from limiting the rental or occupancy of such
11 lodging to its members or from giving preference to its members.

12 (3) Nothing in the act shall prohibit or limit the right of any
13 person or his or her authorized representative to refuse to rent a room
14 or rooms in his or her own home for any reason or for no reason or to
15 change tenants in his or her own home as often as desired, except that
16 this exception shall not apply to any person who makes available for
17 rental or occupancy more than four sleeping rooms to a person or family
18 within his or her own home.

19 (4)(a) Nothing in the act shall limit the applicability of any
20 reasonable local restrictions regarding the maximum number of occupants
21 permitted to occupy a dwelling, and nothing in the act regarding familial
22 status shall apply with respect to housing for older persons.

23 (b) For purposes of this subsection, housing for older persons shall
24 mean housing:

25 (i) Provided under any state program that the commission determines
26 is specifically designed and operated to assist elderly persons as
27 defined in the program;

28 (ii) Intended for and solely occupied by persons sixty-two years of
29 age or older; or

30 (iii) Intended and operated for occupancy by at least one person
31 fifty-five years of age or older per unit. In determining whether housing

1 qualifies as housing for older persons under this subdivision, the
2 commission shall develop regulations which require at least the following
3 factors:

4 (A) The existence of significant facilities and services
5 specifically designed to meet the physical or social needs of older
6 persons or, if the provision of such facilities and services is not
7 practicable, that such housing is necessary to provide important housing
8 opportunities for older persons;

9 (B) That at least eighty percent of the units are occupied by at
10 least one person fifty-five years of age or older per unit; and

11 (C) The publication of and adherence to policies and procedures
12 which demonstrate an intent by the owner or manager to provide housing
13 for persons fifty-five years of age or older.

14 (c) Housing shall not fail to meet the requirements for housing for
15 older persons by reason of:

16 (i) Persons residing in the housing as of September 6, 1991, who do
17 not meet the age requirements of subdivision (b)(ii) or (iii) of this
18 subsection if succeeding occupants of the housing meet the age
19 requirements; or

20 (ii) Unoccupied units if the units are reserved for occupancy by
21 persons who meet the age requirements.

22 (5) Nothing in the act shall prohibit conduct against a person
23 because such person has been convicted by any court of competent
24 jurisdiction of the illegal manufacture or distribution of a controlled
25 substance as defined in section 28-401.

26 Sec. 24. Section 20-325, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 20-325 The commission shall:

29 (1) Make studies with respect to the nature and extent of
30 discriminatory housing practices in representative urban, suburban, and
31 rural communities throughout the state;

1 (2) Publish and disseminate reports, recommendations, and
2 information derived from such studies, including an annual report to the
3 Legislature to be submitted electronically:

4 (a) Specifying the nature and extent of progress made statewide in
5 eliminating discriminatory housing practices and furthering the purposes
6 of the Nebraska Fair Housing Act, obstacles remaining to achieving equal
7 housing opportunity, and recommendations for further legislative or
8 executive action; and

9 (b) Containing tabulations of the number of instances and the
10 reasons therefor in the preceding year in which:

11 (i) Investigations have not been completed as required by
12 subdivision (1)(b) of section 20-326;

13 (ii) Determinations have not been made within the time specified in
14 section 20-333; and

15 (iii) Hearings have not been commenced or findings and conclusions
16 have not been made as required by section 20-337;

17 (3) Cooperate with and render technical assistance to state, local,
18 and other public or private agencies, organizations, and institutions
19 which are formulating or carrying on programs to prevent or eliminate
20 discriminatory housing practices;

21 (4) Electronically submit an annual report to the Legislature and
22 make available to the public data on the age, race, color, religion,
23 national origin, disability handicap, familial status, and sex of persons
24 and households who are applicants for, participants in, or beneficiaries
25 or potential beneficiaries of programs administered by the commission. In
26 order to develop the data to be included and made available to the public
27 under this subdivision, the commission shall, without regard to any other
28 provision of law, collect such information relating to those
29 characteristics as the commission determines to be necessary or
30 appropriate;

31 (5) Adopt and promulgate rules and regulations, subject to the

1 approval of the members of the commission, regarding the investigative
2 and conciliation process that provide for testing standards, fundamental
3 due process, and notice to the parties of their rights and
4 responsibilities; and

5 (6) Have authority to enter into agreements with the United States
6 Department of Housing and Urban Development in cooperative agreements
7 under the Fair Housing Assistance Program. The commission shall further
8 have the authority to enter into agreements with testing organizations to
9 assist in investigative activities. The commission shall not enter into
10 any agreements under which compensation to the testing organization is
11 partially or wholly based on the number of conciliations, settlements,
12 and reasonable cause determinations.

13 Sec. 25. Original sections 18-1724, 20-113, 20-126.01, 20-127,
14 20-129, 20-130, 20-131.02, 20-132, 20-134, 20-139, 20-301, 20-303,
15 20-313, 20-317, 20-318, 20-319, 20-320, 20-321, 20-322, and 20-325,
16 Reissue Revised Statutes of Nebraska, and sections 20-126, 20-128,
17 20-131.01, and 20-131.04, Revised Statutes Cumulative Supplement, 2020,
18 are repealed.