

Transcript Prepared by Clerk of the Legislature Transcribers Office

Judiciary Committee March 8, 2023

Rough Draft

WAYNE: Welcome, welcome, welcome, welcome, welcome. Let's get this party started. Good afternoon and welcome to the Judiciary Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. I serve as the Chair of the Judiciary Committee. We'll start off by having committee members and staff to self-introductions, starting with my right. Senator Geist.

GEIST: Good afternoon. Suzanne Geist, District 25, which is the southeast side of Lincoln and Lancaster County.

ANGENITA PIERRE-LOUIS: Angenita Pierre-Louis, committee clerk.

DeBOER: Hi everyone, I'm Wendy DeBoer. I represent District 10 in northwest Omaha.

HOLDCROFT: Good afternoon. Rick Holdcroft, District 36, west and south Sarpy County.

IBACH: Teresa Ibach, District 44, southwest Nebraska, eight counties.

WAYNE: Also assisting us is our committee pages Logan Brtek from Norfolk, who is a political science and criminology major at UNL; and Isabel Kolb from Omaha, who is a political science and pre-law major. This afternoon we will be hearing six bills and they will be taken up in the order outside of the committee room. You'll see senators come and go. Typically, they are testifying in another bill that they have in a different hearing. On the tables at the side of the room, you'll find a blue testifier sheet. If you are planning on testifying today, please fill out the blue form, hand it to the page before you come up so we can keep accurate records. If you hear testimony or maybe don't want to testify but want to have your presence be known and your position be known, at the same table is a gold sheet. I would encourage you to fill out the gold sheet so we can keep things moving in a timely manner. Also a note, it's the Legislature's policy that all letters to the committee must-- letters of record to the committee must be received by the noon prior day of the hearing. Any handouts submitted by the testifiers will be a part of the record as exhibits. If you have handouts, please have ten copies. If you don't have ten copies prior to your testimony, please give them-- give your copy to the committee page so we can make ten copies for the committee. Testimony for each bill will begin with the introducer's opening statement. After the opening statement, you will hear from those who

support the bill called proponents and those in opposition, then followed by those speaking in the neutral capacity. The introducer of the bill will be given the opportunity to make closing remarks if they wish to do so. When you begin your testimony, please state and spell your name for the record. We will be using the three minute light system. When you begin the light on the table will be green, a yellow means you have one minute left. If it's red, we ask you to wrap up your final thoughts. I would like to remind everyone, including senators, to please turn off or silence your cell phones. And with that, we will start with LB248. Senator Vargas. And while he's coming up, just so people know, I am leaving today early. My wife scheduled the end-of-the-year basketball party for my daughter's team and I happen to be the coach so I probably should be there. So I'll leave about 5:00 today. It's not that I don't think this is important, but my daughter comes a little first sometimes and this is one of those times, so. Thank you, Senator Vargas. Welcome.

VARGAS: Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is-- thank you very much-- my name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7 and the communities of downtown and south Omaha in the Nebraska Legislature. For those who have previously served on this committee, you may remember LB248 as LB1020 or LB196 in previous years. Put simply, LB248 will prohibit discrimination based on source of income under the Fair Housing Act. Source of income is defined in this bill to include income from Social Security, child support, foster care subsidies, alimony, veterans benefits, or any other form of federal, state, or local public general assistance or housing assistance. Source of income discrimination is seen primarily with Housing Choice Vouchers, commonly referred to as Section 8. I'll give a brief background on Section 8 just to make sure we're on the same page about what is now and how it works. Section 8 is the federal government's major program for assisting very low-income families, the elderly and the disabled to afford decent, safe, and sanitary housing in the private market. Decent, safe, and sanitary housing. Participants find their own housing in the private market after receiving a voucher from the local public housing agency. The agency uses then federal funds for the vouchers to pay landlords directly the portion of the rent that the voucher that they received covers on behalf of the participating family. Now if you're eligible for a voucher, the process is generally as follows: you apply, you go through a background check, then you're interviewed and placed on the waitlist. Once you receive a voucher, you have 60 days to find a place to live that accepts Section 8. If you find a place to live, the

portion of your rent that is covered by the voucher is paid directly to the landlord and the tenant is responsible for paying the remainder of the rent on time each month to the landlord. This goes directly to the landlord. A couple of additional notes that I think are important for the context of this bill. First, Section 8 is public assistance, but is different than programs like Medicaid and SNAP. In those programs if you're eligible, you get the benefits. But for Section 8 there are a limited number of vouchers available, and the number available doesn't even come close to meeting the need. I'm going to give you an example that highlights the need in just the Omaha area. In September 2019, the Omaha Housing Authority opened up its Section 8 voucher list for one day to accept up to 1,000 applicants. They received roughly 10,000 calls. I want to take a moment to acknowledge up front some of the pushback that we will likely receive in this hearing. First, I want to reinforce that even though landlords would no longer be able to hold a no Section 8 policy or not discriminate against Section 8 specifically because those funds are federal funds, they wouldn't be able to discriminate against Section 8 or any of these other forms of income, they can still run their business like it's intended to, which is they can use regular screening mechanisms. For those of you that might be a landlord yourself, you can use regular screening mechanisms, you can include rental and tenant history, you can use background checks, you can use credit history. We're not forcing them to accept any tenant except-- we're not forcing to, to accept any tenant that holds a voucher. We're merely opening up the possibility for families that do hold vouchers and preventing them from being disqualified solely on the fact and the basis that Section 8 income is covering part of the rent. That's the only thing. That means if somebody is applying for Section 8, they're using the voucher, they can't be turned away because they're using a Section 8 voucher from being eligible. They can be turned away for all the other normal, everyday reasons that you might determine that somebody isn't a quality tenant. Second, landlords can still charge their regular rents and security deposits. And another tick in the pro column here is that rent payments from the vouchers are reliable and voucher holders have an incentive to maintain their unit and pay rent on time. The incentive being on a waitlist, is, is that being on a waitlist this long and the threat of the loss of the housing subsidy, if they damage the rental unit or don't pay rent on time or are evicted, those are significant threats and are incentive for people to follow suit with this. The third argument we often hear against banning source of income discrimination is that landlords find the paperwork and the inspection processes of a federal program like Section 8 onerous and

not worth their time. And I'm not here to say that the programs run perfectly, I'll be the first to say that it is not, but there's changes that need to be happening at the federal level, and there's changes that happen every single year in terms of updates. There's clearly more that needs to be done. But I would submit that the reason for the inspections is to ensure that units are safe for tenants. And I don't think legislators could or should be persuaded that safety measures should be foregone when there are public tax dollars in the welfare of families involved. The fourth argument we always hear is that Section 8 tenants ruin rental properties and landlords are left to come up with the funds to repair these units. LB248 addresses this exact concern by creating the Landlord Guarantee Program, which appropriates \$50,000 to provide grants to reimburse landlords for unpaid rent or damages. This is entirely new language that we haven't included in the past. I'd like to acknowledge, however, that a very similar program exists in the city of Omaha, and it is very underutilized. Which leads me to believe that this argument may not be founded in reality, but rather in misplaced blame. Nonetheless, we still reacted and put this language in as a reaction to their concerns. We acknowledge some of the concerns of landlords and others. It is critical that we address the reasons for LB248 and answer the question about what is necessary to prohibit housing discrimination based on source of income? I talked earlier about a few of those reasons, a long process of waitlists, the number of families needing voucher assistance far exceeding the availability. Those are the process reasons and a much larger systemic and individual reasons that are play-- at play and relevant to the context here. Now in 2015, HUD did a-- published a new rule on affirmatively furthering fair housing that requires housing agencies to, quote unquote, take meaningful actions to address significant disparities in housing needs and an access to opportunity replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. To accomplish this, housing authorities must conduct an assessment of fair housing to better understand local and regional fair housing issues, set priorities and goals, increase accountability in their planning processes. HUD's AFFH rule includes the policy of overcoming patterns of segregation and the denial of access to opportunity that are part of this nation's history. This housing assessment, this picture paints a very bleak picture when we talk about housing. It acknowledges decades-long of redlining practices. These were federally supported segregation practices in 1968 with the

Fair Housing Act, but many of these things still are in effect. Minority populations are more concentrated in east Omaha, for one example, where over 90 percent-- west of 72nd, 90 percent of the residents, west of 72nd are white or Caucasian. Source of income discrimination is what we're discussing here and trying to eliminate with LB248. It is identified specifically as a contributing factor of segregation and notably as a barrier to housing for the disabled and differently-abled community. The report talks about disparities across the opportunities because of the impact of segregation of housing issues, noting black, Hispanic, and Native students. We consider all these things work together, and it's led us to where we are right now. Federally sanctioned redlining policies led to segregated communities that still exist today. These disparities are clear. We need to make sure that we're doing everything we can, because in a nutshell intergenerational poverty is and the state of Nebraska is perpetuating it by allowing this type of discrimination based on source of income. There's a lot of research out there that shows that this is going to impact long-term earnings, child educational achievement lifetime earnings, and the likelihood of ending up in our justice system is in housing. But here's the last thing, some context about source of income discrimination bans and the impact they've had across the country. So far, 11 states, including our middle of the country neighbors, Oklahoma and North Dakota, as well as over 50 cities and counties, have enacted laws that do what we're trying to do here today. These laws cover about one in three voucher holders across the country. And a recent report says that these two major outcomes: first, voucher holders in areas with nondiscrimination protections, like what I'm asking, are about twice as likely to succeed in the vouchers to lease a unit; and, second, some areas with nondiscrimination protections voucher holders are able to live in lower poverty neighborhoods than before, leading to desegregation and more opportunities. We see this nationally that source of income nondiscrimination laws can address these concerns. Landlords can still use their regular screening history for tenants, they can still charge regular security deposits and rents, they're insured payment for rent every single month. Tenants have more housing options and more success actually using these vouchers. Communities are less segregated and, again, the Landlord Guarantee Program makes sure that we're accessing funds should any unpaid rent or damages be in place. Last thing I'll say is I appreciate this committee. You've heard this argument before. Every year that we do this, more and more states and municipalities enact these types of nondiscrimination laws into place. And what it's doing is making sure that programs that currently exist in federal law

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are working more effectively and getting enacted and making it easier for people to have housing on the books. That's what this is about. Thank you very much. I'm happy to answer any questions.

DeBOER: Thank you, Senator Vargas. Senator DeKay has a question.

DeKAY: Thank you. Thank you, Senator Vargas, for bringing this today. When you're talking about the vouchers, is that a percentage for the rent or, or do the percentages, can they change or are they all a constant number?

VARGAS: So there will be some individuals talking about the different changes in, in these HUD vouchers. What I can tell you is they don't always-- they're not always covering the full amount. I would say that that is very, very typical but they are being paid directly to landlords. And, you know, depending on whatever the landlords are charging for the rent that's a factor in it, but they can charge whatever they want. But this program is working across the country. Working doesn't mean it's perfect, it doesn't mean it's necessarily bad. The intent is to make the program work better and what we can do to make it work better so that we don't have to start new housing programs is pass this nondiscrimination source of income law.

DeKAY: Well, I appreciate that. I was just wondering if it was, like, 50 percent of what the rental price was, 40 percent or where that landed in or if it's liquid where it could change from, like, 30 to 50 depending on a tenant or whatever.

VARGAS: It's much more sustainable than that but, obviously, people's income overall for low-income families does change in terms of their portion but there will be other people that speak to that.

DeKAY: OK. Thank you.

DeBOER: Thank you, Senator DeKay. Other questions from the committee? I don't see any. Are you going to stick around for close?

VARGAS: I will try. Yeah.

DeBOER: All right. Thank you. We'll have our first proponent testifier, please. First proponent. Welcome.

ALICIA CHRISTENSEN: Hi. Good afternoon, Chairperson DeBoer and members of the Judiciary Committee. I am Alicia Christensen, A-l-i-c-i-a C-h-r-i-s-t-e-n-s-e-n, director of policy and advocacy at Together,

which provides services and supports to individuals and families experiencing food and housing insecurity. We are a proponent of LB248 because people deserve the same access to safe, affordable housing no matter what lawful source of income they use to pay rent. Housing policies that comprehensively address housing insecurity and homelessness create economic and social benefits for everyone. Because housing plays such an important role in community well-being, federal programs provide housing assistance to help Nebraskans pay rent for safe homes. How we pay for something shouldn't determine what we can buy. Shoppers paying with cash don't enjoy a wider selection at the grocery store than those paying with a check. But right now, housing assistance programs like Housing Choice Vouchers, commonly known as Section 8, SSDI, and others, can be used to their full potential. Right now, a tenant using housing assistance is subject to different screening criteria than any other applicant. Together's case managers have firsthand experience with the barriers of this incomplete housing policy. In 2022, case managers assisted with over 700 individual housing searches for participants who relied on housing assistance to afford rent from those living on the streets, in vehicles, or in emergency shelters to households facing a crisis that threatens their families' ability to remain in their home. Our current policy approach means that this is a much more difficult procedure than when-- I'm sorry, it's much more difficult when a tenant uses housing assistance. These housing searches consume more time, energy, and funds than they would if all households had the same opportunities to rent safe, affordable housing. It's frustrating because we have the tools to help the households find stability and exit homelessness but we're unable to use them effectively. LB248 will allow households and service organizations to use housing assistance programs to their full potential by giving everyone the chance, an equal chance to rent a home regardless of how they pay. Therefore, we urge this committee to advance and support LB248 because it will ensure fairness for all Nebraskans seeking safe and affordable housing. I'm open to any questions if you have any.

DeBOER: Thank you. Are there any questions for this testifier? I don't see any today, but thank you for being here.

ALICIA CHRISTENSEN: Thank you.

DeBOER: Let's have our next proponent testifier, please. Welcome.

JOSEPHINE LITWINOWICZ: Thank you, Chairwoman DeBoer and members of the committee. I got-- oh, can you wait, can you wait just a second to

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turn on the light? I got, I got elephants for some of you. OK. Now please, thank you. I apologize. OK, please turn on the light. Hi, my name is Josephine Litwinowicz, L-i-t-w-i-n-o-w-i-c-z, and I support this bill on the heels of what Senator Vargas said, you know, there was a part in there that triggered me because I was homeless once in my wheelchair, and that's an interesting story, but a month and a half probably, and then I was rescued. I had to make-- you know, I put a couple of slashes in my wrist, you know, a few staples and some stitches and so I was in the mental ward and, see, I couldn't even act on my own behalf at the time to try to find something. So I was in the mental ward and I got a beautiful person from Lutheran Family Services, OK, so she helped me, you know, she was calling everybody and the only-- because everything's all booked up, the only place that she ended up calling are the ones that didn't have a waiting list. And that's not many and, plus, there's not a lot of places anyway. And so what happened was it, it took, you know, it took ten days, but that's just because she was an animal and it was the turn of the month. But, you know, if, if I would have-- if, if, if I would have been discriminated against based on my disability income, I'm just saying, because that would have been a huge problem. And I don't know, I think I, I got my voucher used just before the 60 days. I'm not sure I think so. But, you know, my voucher would have expired and if some landlord-- because I've always been in buildings, you know, with a bigger, with bigger buildings where you don't have that problem I suppose, typically. And so, yeah, if I would have been discriminated against and I had to get a new voucher even though you can accelerate your, you know, you could actually move up your place in the list if you go through this, you know, budgeting or, you know, education program. But that would have been insane. And I knew other people when I was at the mental ward because I was there for a while. I, I-- the couple of times I've gone, there's been people that are every time waiting, just waiting for, you know, a place to go, you know. And so I've seen that. And so it's kind of, it's kind of personal to me, just like with bill number three today. Thank you, everybody. Any, any questions?

DeBOER: Thank you. Are there any questions for this testifier? I don't see any today. Thank you so much for being here.

JOSEPHINE LITWINOWICZ: Thank you, Senator. I did get the monkeys for some of you. I mean, the, the elephants.

DeBOER: We'll have our next proponent testifier. Welcome.

TUT KAILECH: How is everyone doing? My name is Tut Kailech, T-u-t K-a-i-l-e-c-h. I am here on behalf of NeighborWorks Lincoln in support of LB248. Chair Wayne is not here, but distinguished members of the Judiciary Committee, at NeighborWorks Lincoln we open doors for people to achieve their dreams of homeownership, as well as those who are committed to strong and inclusive neighborhoods. Thirty-six years of doing this work has shown us that communities are stronger when everyone has safe, affordable housing. Maslow's Hierarchy of Needs provides additional perspective here. The world-renowned sociologist intentionally place physiological needs, such as food, clothing, warmth and shelter at the foundation of the pyramid and, intuitively, I think we all understand that no great structure, in this case communities, can be built on a cracked foundation. In the case of today's hearing, those cracks equate to vulnerable residents that remain housing insecure because they rely upon voucher-based housing assistance. The Lincoln Housing Authority distributes about 28,000, 28,000 vouchers, and there is an eight-month wait to appear on that list. But as I have indicated, simply having a voucher does not ensure a safe, affordable home because at least 20 percent of Lincoln's voucher holders are not able to use them due to a source of income discrimination by local landlords, a practice which is still legal in Nebraska. This practice further exacerbates the severe of-- the severe shortage of affordable housing in Lincoln, which we understand to exceed 17,000 housing units. So universal acceptance of vouchers would help the Lincoln community solve almost a third of its shortage overnight since apartments renting for less than \$1,000 a month account for 5,000 units so voucher recipients have educated themselves. They ask for help. They verify their need. They waited nearly a year and have inquired about a dozen apartments or homes within their budget, only to be denied because of their source of income. Our work in-- our work in the community building program at NeighborWorks causes us to hear many devastating stories of people being denied on the basis of their voucher. This includes people with disabilities, single parents, marginalized members of the racial minority populations. In our experience, less formal households or landlords often misunderstand the voucher approval process and stigmatize recipients as a result. This leads to landlords missing out on the subsidized income that comes with the voucher. According to, according to Shelterforce, voucher recipients are more financially stable than their unsubsidized counterparts, not less. Studies show that when well-kept, subsidized properties are located near the other market-rate units and developments, they do not cause any loss in property values or increase in crime. Overall, there is little to

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distinguish properties that rent to voucher holders from those renting to low-income tenants.

DeBOER: Sir, sorry, your red light is on.

TUT KAILECH: Oh, sorry, I wasn't--

DeBOER: That's OK. Let's see if there are any questions.

TUT KAILECH: I'll take any questions. Yeah.

DeBOER: Let's see if there are any questions for you. We have your written testimony. Thank you. Are there any questions for this testifier? I don't see any. Thank you so much--

TUT KAILECH: Thank you.

DeBOER: --for being here. We'll have our next proponent. Sorry, I just got to be-- we got a full room, we got to stay on the lights today. Welcome.

KASEY OGLE: Thank you. Members of the Judiciary Committee, my name is Kasey Ogle, and I'm a senior staff attorney with Nebraska Appleseed for Collective Impact Lincoln. I'm here today on behalf of Collective Impact Lincoln in support of LB248, and we support 248-- LB248 because it ensures that those who rely on vouchers or other forms of rental assistance are able to use that money to pay rent. Senator DeKay, to answer your question earlier, I did want to answer that, that vouchers are designed so that a tenant who uses them pays-- I don't remember if it's 30 or 33 percent of their income, and then the voucher covers the rest of the cost. So it's a sliding scale based on the tenant's income.

DeKAY: All right. Thank you.

KASEY OGLE: Yeah. Nationally, at least 20 percent of voucher recipients are unable to use them because so few landlords accept vouchers as a form of payment. And voucher success rates in Lincoln are currently running at about 74 percent. That is 26 percent of voucher holders or voucher recipients in Lincoln are unsuccessful in finding housing that will accept their voucher. LB248 helps voucher recipients be able to successfully use their vouchers. And studies show that housing voucher recipients are 12 percent more likely to be successful in using their voucher, which cuts the voucher failure rate in half. You'll likely hear from those opposed to this bill that it

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will force them to comply with Housing Choice Voucher inspection requirements. But this is not the case. This bill prohibits landlords from refusing to rent to a tenant because they would use a voucher to help them pay their rent but it does not require landlords to ensure their units comply with inspection requirements. If a unit fails the inspection required by the Section 8 program, landlords will have the opportunity to fix the problems. If they do not, the Housing Authority will not authorize the tenant to rent in a substandard unit using a federal subsidy. While it would be in the landlord's interest to ensure that the unit meets basic quality standards the bill doesn't force compliance, and the inspection required by the Housing Choice Voucher Program ensures that a federally subsidized rental unit meets basic housing quality standards outlined by the federal government. You may hear that these housing quality standards are difficult to navigate and ensure that a unit passes on first inspection, but inspection standards are available for landlords to review. And the most common inspection problem, as reported by the Lincoln Housing Authority, is a problem with a smoke alarm. So these are basic, basic health and safety standards to which every tenant is entitled. And for these reasons, we would urge the committee to advance LB248.

DeBOER: Thank you. Are there questions for this testifier? I, I would go over something with you here. So the Housing Choice Voucher Program, so that's the Section 8, requires that there be an inspection. Does that have to-- so I'm a landlord, I accept the voucher tenant, and then after I accept them does-- is that when the inspection would happen?

KASEY OGLE: Yes, I--

DeBOER: When does the inspection happen?

KASEY OGLE: --I believe it's a process where the tenant would apply. The landlord would express interest and then there would be some negotiations, not exactly negotiations with the Housing Authority, because there's a standard contract that the Housing Authority will use and also these housing-- or these inspection points. So there will be an inspection of the unit as long as everything checks out, then the contract would be signed between the Housing Authority and the landlord to ensure that the landlord receives payment.

DeBOER: What's the timeline on that? How long does that whole process usually take?

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KASEY OGLE: I couldn't speak to that.

DeBOER: You don't know. OK.

KASEY OGLE: I'm sorry.

DeBOER: I'll ask someone that. But let's say that they fail the inspection if something is improper. So then what happens next if something doesn't work out and they fail the inspection?

KASEY OGLE: There-- sorry, Senator, there, there is a chance to-- for a reinspection. So there's a, a chance to fix whatever the issues are and then have a reinspection. I'm not sure if there's a second reinspection allowed or not. I, I don't remember that off the top of my head.

DeBOER: OK. So let's say that the landlord fails it, does the landlord-- can the landlord just say, OK, I failed it, it was nice, we tried, go on your merry way, we're not going to make it work or does the landlord have to try to fix it?

KASEY OGLE: I think under this bill it might be-- I think, I think that is a bit of a question--

DeBOER: OK.

KASEY OGLE: --whether they would have to try again and whether-- I think the idea of the bill is that landlords would not be able to discriminate based on this source of income. And if they refused to come into compliance with the housing standards, there is a point at which the housing authority will say we won't allow a tenant to rent to that unit and I think there would be a question of how much sort of back and forth has to happen before the Housing Authority decides not to, not to pursue a, a relationship with that landlord.

DeBOER: OK. All right. Thank you.

KASEY OGLE: Yeah.

DeBOER: Any other questions? Thank you for being here.

KASEY OGLE: Thank you.

DeBOER: Next proponent.

CAROLYN POSPISIL: Hi, my name is Carolyn Pospisil, P-o-s-p-i-s-i-l. I'm with the Housing Foundation for Sarpy County and more specifically to the conversation today I'm with Bellevue Housing Authority and housing in our respective programs. I have prepared statements which I've also submitted via writing, but in the interest of time today and the questions that have been answered so far or asked so far I would like to be able to answer those and then-- and, and also answer any other questions you have. As a representative of the Housing Authority and a former member of such other committees for that, I think I can give some answers that apply to the entire state as well as the HUD programs. Our waiting list was-- a question was asked about waiting lists, our waiting lists are open in Sarpy County every two to three years. In a two-hour period, we take as many names as possible. Last time the waiting list was open, we took 1,000 names in two hours, roughly, and we have 400 vouchers in our system. And two to three years is what it's going to take to go through those names. Of our, of our persons that we serve, 50 percent are fixed income so are receiving some sort of Social Security or, or other disability payments. Forty-five percent of our families are working families. That does about 5 percent of our persons who are claiming minimal or no income. We do review those claiming minimal income quarterly and income or rent is then a sliding scale based on that. Rent is based on a sliding scale, and to address your question, Senator, that is for 30 to 40 percent of their income. Thirty percent is the base for our fixed-income families and 40 percent people can go up to if they're working. As far as the question about inspections, inspections are done after a unit has been approved as a Section 8 unit. So it would have to have been identified already as someone who wants to rent it. Unfortunately, we don't have the time to do pre-inspections in order to keep things going. We can answer general questions, though, before someone rents. The process for us, once someone takes assistance or once a unit is found, once a unit is found, it takes about ten days for us to process everything on our side. The question was also asked about second inspections. We do allow for-- HUD, in general, does allow for second and third inspections if they want to. The question was asked if people can do that inspection and then decide they don't want to do the program, landlords do have that option if they choose. We try and encourage them not to, but they do have that. To take one of the misnomers out of these conversations, 70 percent of our families are working families that applied for the vouchers and 30 percent were fixed income. We don't allow anyone to start a program if they're claiming zero income so they have to show where money is

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coming from to pay their regular bills before we allow them to receive assistance.

DeBOER: Thank you. Are there any questions? Senator DeKay.

DeKAY: Thank you. You say you take up to 2,000 or 1,000 calls in two hours to fill those vouchers?

CAROLYN POSPISIL: We do them online and then we take as many names as we can take in that time and then we send them all pre-applications. There are-- go ahead, I'm sorry.

DeKAY: And when those applications get filled somewhere down the line, two, three, four months, whatever, down the road, if a unit comes available, is it the next person in line or how do you fill them?

CAROLYN POSPISIL: We operate from a waiting list so someone applies for, applies for the voucher. As we get to the name on the waiting list, we, we do a criminal background check and then at that point we bring them in for a voucher briefing where we explain all the rules. At that point, they receive their voucher and they use that. It takes us about two to three years to go through the list that we have. From 1,000 names, we qualified 750 people, and that takes us about three years. Did that answer your question?

DeKAY: Yep.

CAROLYN POSPISIL: OK.

DeKAY: Thank you.

DeBOER: Thank you, Senator DeKay. Other questions? OK. So let me ask you mine then just to be clear about it. So typically, what I remember from this hearing in the past is that there was a complaint that in order to be a Section 8 housing unit for rent, you have to reach a-- what I think I remember in the past has been said is a pretty high standard of, of good shape, I guess.

CAROLYN POSPISIL: There is a minimum housing quality standard that's required to be met. And for the most part, that comes down to something that's safe. There's very few things we've ever rejected for that were anything above what you would all have for a standard unit. And as far as safety is concerned the most common one we see, the comment was made was about smoke detectors, and that is-- has been it. The only thing we require is for our smoke detectors is they have to

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be working and HUD does require a carbon monoxide and those are available at Menards or wherever you want to go that are combined units anymore, so.

DeBOER: And you said the process takes about ten days so somebody would come in and apply and then it would take about ten days?

CAROLYN POSPISIL: We issue them their voucher and at that point they can do the search. The ten days comes into once they find a unit and a landlord that has-- a landlord has screened them and wants to take them as a tenant, it takes about ten days to, to go through the inspection process and then us to get them back out, back out the door.

DeBOER: And at any point the landlord can say this is getting too difficult for me, I, I want to get out of this because--

CAROLYN POSPISIL: That's correct.

DeBOER: --I don't want to, I don't want to fix whatever it is or it's going to be too hard for me to fix whatever it is you say I have to fix.

CAROLYN POSPISIL: Correct.

DeBOER: OK. All right. Are there--

HOLDCROFT: I do have a question.

DeBOER: Senator Holdcroft.

HOLDCROFT: Thank you, Vice Chair DeBoer. Can you tell me what's your chain of command? I mean, who do you work for? How do you get your funding?

CAROLYN POSPISIL: Funding comes directly from HUD. We are a pass-through to the landlords. It's our job to administer the program according to HUD's rules and regulations.

HOLDCROFT: And who do you report to?

CAROLYN POSPISIL: Myself, I report to a board. Our board is appointed by-- and every board in Nebraska is appointed by either the jurisdiction. So it's appointed by the mayor's office, by city council, or by county commissioners.

HOLDCROFT: OK. Thank you very much.

CAROLYN POSPISIL: Yes.

DeBOER: Thank you, Senator Holdcroft. Other questions for this testifier? I do not see any. Thank you so much.

CAROLYN POSPISIL: Thank you.

DeBOER: Let's have our next proponent.

SCOTT JACKSON: Good afternoon, my name is Scott Jackson, S-c-o-t-t J-a-c-k-s-o-n. Dear committee, I work for Heartland Family Service as a permanent supportive housing case manager. I'm writing today in favor of-- support of LB248 on behalf of our agency and the clients we serve. Throughout-- through our housing and supportive services program, we serve individuals and families experiencing homelessness. We assist our clients in identifying affordable housing and provide financial assistance to subsidize rental costs with the goal of clients achieving financial independence on their own. Our clients face many barriers, including lack of available and affordable housing, landlords and property owners unwilling to collaborate with clients receiving financial assistance, and clients with criminal history or poor rental history. In certain instances, landlords and property owners simply refuse to work with housing programs altogether. Landlords and property owners also incorporate income guidelines requiring individuals to have three times the rent for a monthly income. This is an example of income discrimination our clients face preventing clients from finding safe and affordable, stable housing. This practice is unfair and perpetuates the stigma of individuals who need, who need housing. LB248 also supports landlords and property owners. LB248 also gives them the opportunity to pursue unpaid rent and damages with the Landlord Guarantee Program. It also allows-- oops, excuse me. The fear of damages and unpaid rent should not prevent current and future landlords from working with, with housing and financial assistance program. LB248 allows individuals the opportunity to pursue housing without fear of discrimination due to their income. It also provides a chance for individuals to break the cycle of homelessness and allows individuals to meet the basic human right to housing. LB248 will prevent homelessness by allowing individuals to move into housing from the shelter and the streets. LB248 promotes housing stability for folks coming off the street and to hopefully live independent in the community. By passing the income discrimination bill together, we can close the gap between affordable

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housing and the number of individual-- individuals who need housing. It supports landlords and property owners. We ask that you ask-- we ask that you vote this bill out of committee and pass it on the floor. Thank you for your time and I'll take any questions you may have.

DeBOER: Thank you. Are there any questions for this testifier? I do not see any. Thank you so much for being here.

SCOTT JACKSON: Thank you.

DeBOER: Let's have our next proponent. Welcome.

ANDREW FARIAS: Howdy, all. My name is Andrew Farias. That is A-n-d-r-e-w F-a-r-i-a-s, and I'm the policy fellow with the Asian Community and Cultural Center here in Lincoln. Today, we are testifying in support of LB248 to ban source of income discrimination in Nebraska. The Asian Center is a nonprofit organization that supports and empowers all immigrants and refugees through programs and services. For over 30 years, our organization has served the Lincoln area by increasing the stability of immigrant and refugee families who face economic and cultural barriers to self-sufficiency as new Americans. In 2022, we served 1,735 clients who spoke 31 native languages and were from 36 different nationalities, including Vietnamese, Chinese, Karen, Latin, Sudanese, Yazidi, Afghan, Ukrainian, and so many other populations. This includes individuals who are second- and third-generation immigrants, but also new arrivals who have escaped religious persecution, ethnic cleansing, and war. These are folks who have sought better lives for themselves and their families because they have heard from other community members about how great it is to live in Nebraska. Upon arrival to our state, many immigrants and refugees that we serve receive rental assistance in the form of a housing voucher. This is because some of our clients arrive in the United States with little to no money. They literally have the clothes on their backs and whatever else they could carry in a few suitcases. We have dedicated staff of case managers who support clients in settling into the United States. This includes learning the basics of the English language, securing employment, and supporting their family here in Nebraska, as well as those that they have back in their home country. They do their best to ensure that these new Americans have the resources they need to work toward self-sufficiency. But the barriers of landlords discriminating based on housing vouchers makes it much more challenging to work towards this goal of not relying on assistance. When we have clients who are able to find housing with the voucher, that means there is one less

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worry for them. They can focus on acclimating to life in the United States and also building a better life for themselves and their family. Everyone deserves quality, safe, and affordable housing that is free from discrimination based off of their source of income in Nebraska. LB248 will help promote housing stability and ensure that immigrants and refugees feel welcome in our state. Therefore, we urge the committee to advance LB248 to General File. Thank you.

DeBOER: Thank you. Are there questions for this testifier? I don't see any. Thank you so much for being here. Let's have our next proponent.

SCOUT RICHTERS: Good afternoon, my name is Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, here on behalf of ACLU of Nebraska in support of LB248. We want to thank Senator Vargas and the committee for its time today. The overarching goal of the ACLU with respect to housing justice is to end barriers to fair housing and ensure fair housing opportunities for women with a particular focus on women of color, women with minor children, and survivors of domestic violence as these groups disproportionately face barriers to fair housing opportunities. Housing justice is a priority area and goal of the ACLU because we know that one's home is central to all aspects of their life. If someone doesn't have housing stability, advocacy for their rights while at school or on the job, for example, don't mean much. LB248 as you would-- as you've heard, would provide critical protections against housing discrimination based on a potential tenant's source of income, as well as create the Landlord Guarantee Program. Again, as you've heard, as the law stands now, landlords can deny housing applications simply because applicant uses income originating from areas such as Social Security, child support payments, or Section 8 vouchers. This legislation would rightfully prohibit this harmful practice and ensure that no tenant is denied housing due to the origin of their rent money. We are already accustomed to antidiscrimination provisions in housing and this simply adds another protected characteristic to our already existing scheme. So with that, we reiterate our thanks to Senator Vargas for bringing this legislation and I'm happy to answer any questions for you.

DeBOER: Are there any questions for this testifier? I will ask you. So I think one of the things in the past that folks have said is that a landlord might get into trouble because they're, they're denying a person for some other reason but they're worried because they have a voucher that they're going to be said to be doing it for that reason. Is there some legal mechanism for, for that to sort of be sorted out or, or what's--

SCOUT RICHTERS: Yes.

DeBOER: --can you speak to the, the way in which the, the legal practice would work on that? Because you're a lawyer, right?

SCOUT RICHTERS: Yes.

DeBOER: Yeah. Can you speak to the legal practice in this area?

SCOUT RICHTERS: Right. So as I said, we already have those protected characteristics in the law and, yeah, there is-- would be a whole legal process that someone would go through where proof would be required to show the evidence of that discrimination and they would have the opportunity to rebut that as well. So there are already built-in protections where a landlord wouldn't be on the hook just because they were accused of, of this kind of discrimination.

DeBOER: So there would have to be some sort of evidence that it was about that and not about some other reason?

SCOUT RICHTERS: Correct.

DeBOER: And who has the burden of proof to show that, that it was about that?

SCOUT RICHTERS: It would be the person bringing the charge of discrimination.

DeBOER: OK.

SCOUT RICHTERS: Yes.

DeBOER: All right. Thank you.

SCOUT RICHTERS: Thank you.

DeBOER: Are, are there other questions? I don't see any. Thank you.

SCOUT RICHTERS: OK. Thank you.

DeBOER: Next proponent.

SCOTT MERTZ: Good afternoon, my name is Scott Mertz. It's S-c-o-t-t M-e-r-t-z. I'm the director of Legal Aid of Nebraska's Housing Justice Project and I have over 13 years experience representing low-income tenants in Nebraska. I want to thank you for providing us the

opportunity to appear today and support LB248 and I want to extend thanks to Senator Vargas for both introducing this bill and inviting Legal Aid of Nebraska to testify today. Legal Aid of Nebraska is the only statewide nonprofit law firm that provides free legal services to low-income Nebraskans, low-income tenants across the state. In my written remarks, I have some numbers in here that reflects how dire and, and serious the need is for, for support for housing here in Nebraska. In 2022, Legal Aid Nebraska closed 12,701 individual cases, and of those 2,823 cases were related to housing and preservation of housing. So that's over 20 percent of the work that we do involve somebody at risk over the loss of their housing. And we know that only a small fraction of our clients in those cases actually have a Section 8 Housing Choice Voucher. But we also know that the majority of all of our clients are actually eligible for subsidized housing and is eligible for, for the vouchers. Eighty-four percent of all of our cases involve people living below 125 percent of the federal poverty line and 31 percent below 50 percent. That's deep poverty. And these are individuals who should be accessing the Section 8 Housing Choice Voucher Program, but, but are not. The program, the Section 8 voucher program is designed providing relief to our cost burdened Nebraskans who are renting from private landlords that's providing subsidized rent to low-income families. The relief provided by the Section 8 voucher is frustrated when the burdened tenants face the burden of having to relocate and secure housing in a market where so much of the renters will not accept Section 8 rental vouchers. And we can just see this through the public record when people advertise on Craigslist, on Facebook, people are told not to come here and apply because they will not accept a Section 8 Housing Choice Voucher family. This, this, this is counter to the entire purpose of this program, which is to keep people in need housed and keep them housing secure. The money afforded with the Section 8 program is designed to ensure that people who are low income can still provide money to the landlords and keep the landlord solvent and to keep their businesses profitable as well. It's supposed to be a two-way beneficial arrangement between the tenants and the landlords. It is our belief that every Nebraskan deserves quality, affordable housing without the constant dread of an eviction and a loss of housing over them. When a Section 8 recipient, in particular, is facing eviction not only face the burden of having to leave their homes, but to find a home that will take the, the voucher of which there are so few and that's what we're facing day to day. Thank you.

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DeBOER: Thank you. Let's see if there are questions. I'll just ask you--

SCOTT MERTZ: Yes.

DeBOER: --sort of what I asked the last testifier because it sounds like maybe you interact with some of these kinds of lawsuits on a daily basis. So if we pass this bill and someone thinks that they have been discriminated against based on source of income, what would a lawsuit look like in that case? They would bring the lawsuit and then if the landlord had said, no, it's because I don't think you're going to be able to pay the remainder of the cost that, that is assigned to you under the voucher or under the, the rent, how would that go then at that point?

SCOTT MERTZ: As was discussed previously, there is a burden on the person bringing the suit to, to, to prove up their claim. But this already exists as we have a number of protected classes in both state and federal law so that individuals could bring cases because they perceive that they have been denied housing due to their, their gender, their religion, their race, their family status. Variety of classes exist right now that are protected. It is not resolved in some deluge or flood or frivolous or unnecessary lawsuits right now but you still have to have merit. There still has to be facts that are proved up in any, any discrimination case.

DeBOER: So there hasn't been a, a-- whenever one of these protected classes is passed, have, have there been a deluge of lawsuits?

SCOTT MERTZ: I, I, I would have to say I'm not-- we're not certainly bringing them at Legal Aid Nebraska, certainly, and I, I, I don't believe that the state is in turn flooded with a lot of discrimination claims, certainly not to any extent that's unmanageable or, or proof that these are, are meritless cases.

DeBOER: OK. Thank you.

SCOTT MERTZ: Thank you.

DeBOER: Any other questions? I don't see any. Thank you.

SCOTT MERTZ: Thank you.

DeBOER: Next proponent. Welcome.

ERIN FEICHTINGER: Thanks for having me. Welcome to landlord/tenant day. Vice Chair DeBoer, members of the Judiciary Committee, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. As I said, welcome to landlord/tenant day. As some members of this committee know, this is the third iteration of this specific bill and I've heard it said by past committee members about this specific day in Judiciary Committee. Didn't we fix all this yet? And the answer to that is no. Much like property taxes, school funding, criminal justice reform, we talk about them time and time again in front of this committee, in front of other committees, because they are important enough. Everyone knows there is an affordable housing crisis in this state. We could walk over to Appropriations Committee and hear more about it. It's easier to focus, I think, on the bricks-and-mortar aspect of that affordable housing crisis because that solution seems simple. I mean, it's not simple. We know it's not simple, but it certainly seems that way. We just build more housing. But there are two parts to the affordable housing crisis, the housing itself and the people who live in it. And it's that second part that we're addressing here today. Opponents to this bill and to all the other bills, they will say that there are unintended consequences of these bills, that this will raise the cost of housing, which the landlords will in turn be forced to pass on to tenants, which will start us down the slippery slope of collapsing the affordable rental market in Nebraska entirely. Increasing the safety and accessibility of housing will not collapse the rental market, increasing the stability of families and communities will not collapse the rental market. They will talk about unintended consequences. I want to talk about the intended consequences of allowing for source of income discrimination. Women had 75 percent of households served by HUD rental assistance programs. For those 75 percent of female-led households attempting to use the vouchers in the free market source of income discrimination means they could and often do lose the voucher by not being able to use it. It's worth noting that housing assistance also helps to reduce domestic violence, provides critical support for survivors. And opponents to this bill and all of its past iterations have testified that the paperwork is too onerous or the habitability requirement is too bothersome, and that people who are receiving housing assistance are just not good tenants because they are poor and they have nothing to lose. We would argue that the benefits accrue to society from the housing stability resulting from choices in the free market and the safety of housing far outweigh a problem with paperwork. We would argue that far from being bad tenants with nothing to lose, voucher recipients have worked harder than most to provide

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for their families' long-term housing stability. Passing LB248 will not ruin landlords and the affordable housing market. It will give Nebraska families a better chance of success. We would once again urge this committee support of this bill and please do not hesitate to ask me any questions and I will answer them to the best of my ability.

DeBOER: Are there questions from the committee? Senator McKinney.

McKINNEY: Thank you, Senator DeBoer. And thank you, Ms. Feichtinger. I remember being a kid and we were on Section 8 and I remember there were times where my mom would be calling around trying to see, trying to find a place, a place to rent. And I remember those phone conversations because she would have them on speaker a lot of times and the responses she would get from landlords was super offensive a lot of times. And do you view housing discrimination by, by source of income as a form of redlining because it's not just based on race, it's kind of redlining based on your socioeconomic position?

ERIN FEICHTINGER: Yeah, it's an interesting question. I know that Senator Vargas mentioned in his opening that source of income discrimination has been identified as one of the ways that we can overcome this decades of housing discrimination in this country. And that's true. We know that the idea behind something like a Housing Choice Voucher is to allow tenants the ability to participate in the free market to move to neighborhoods of better opportunity, whether that's economic or it has better schools. And we also know that the majority of public housing assistance right now is being used in exactly the way that it's not intended, which is to say continuing to be segregated into what HUD would define as racially and ethnically concentrated areas of poverty. Your district, Senator Vargas' district, both of these places are where most of it's being used so I think that it does serve to, to perpetuate that form of housing discrimination, certainly.

McKINNEY: Thank you.

DeBOER: Thank you, Senator McKinney. Are there other questions for this testifier? I don't see any. Thank you for being here. Next proponent.

CARINA McCORMICK: Hi, my name is Carina McCormick, C-a-r-i-n-a M-c-C-o-r-m-i-c-k, and I'm going to try really hard to only compliment things that were said and not repeat it. I do have a unique experience that I would like to share. I'm testifying as myself to be clear but I

have extensive experience with the South of Downtown Community Development Organization here in Lincoln. Actually, we're sitting in it and which I've just been appointed president of and I've been involved with that for several years and we have tried so many things to increase housing stability in this neighborhood. The neighborhood we work in is the two lowest census tracts in Lincoln and we've even gone so far as to buy parcels of land and build buildings on it and get grants for that. But that process is extremely extensive, very labor intensive for the board, and also very slow in order to, you know, get the contractors and everything like that. And so it's, it's really not enough for nonprofits to try to work around this problem of the vouchers not being accepted, maybe way down the line, but there's also not enough land for nonprofits to come in and try to build new affordable housing or even private equity-driven groups, like, equity in terms of, like, they're trying to be socially just not, not investment equity. And, you know, we, we have progress we're really excited about but that's going to be several years from now. We are making sure that it will accept Section 8. But, you know, there's only so much we can do. Meanwhile, all of these existing apartments are sitting here that are part of the tools that are available, that are well-researched, and are decided to be necessary. And, you know, the senators here, you all make these policies and this has been proven as an essential policy tool but the independent actions of the landlords who refuse to accept the vouchers are thwarting the ability of policy to be implemented and the, the implication of that is that people cannot have safe homes that give their children the stability that they need to learn and grow. I'm sure other people are going to, you know, either have or will give more research about that stability and that's what we all want. And I just really want us to think of these vouchers as something that's been established as an effective tool that somebody else is coming in and stopping that policy from being able to be implemented and it hurts everyone.

DeBOER: All right. Thank you. Are there questions for this testifier? I don't see any today. Thank you for being here. Next proponent.

JAIME GIBSON: Hello. Good afternoon, my name is Jaime Gibson. It is J-a-i-m-e G-i-b-s-o-n. I am here to represent the Bellevue Housing Agency serving Sarpy County. I am the Section 8 director. Today, I have a letter from one of our current tenants who is also our resident advisor on our board. She states that LB248 is a bill I support because it recognizes the increasing issue of legal discrimination towards single parents, large families, gender, race, elderly, disabled, low and very low income. By not passing this essential bill,

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Nebraska is basically banning the populations I mention from living in Nebraska or they are to be homeless in our great state. Being denied affordable and safe housing is a pox on what Nebraska promotes locally, nationally, and globally, the good life. I have a Section 8 choice voucher. I have used it in two Nebraska cities for about seven years. I have no criminal record, never a late rent payment or lease violations. I am a retired educator, college learning resource program, and assistant professor specializing in coaching special need learners at colleges and high schools. I have no vices. I serve my community as an advocate and educator for persons on, persons on seeking a Section 8 Housing Choice Voucher. Being retired, I live a quiet artist life. I am elderly, 74, and have multiple physical and medical disabilities. I would like to move from my current home to something more appropriate for my needs. I have made approximately 400 phone calls, PMs, texts or emails to property managers over the last three years seeking safe housing. Landlords have seemed eager to rent to me until I ask them if they accept Section 8. At that time, they become abrupt and tell me no and terminate our discussion. Please help me and other women and men who rely on Section 8 to live in safe and affordable housing. Thank you for taking the time to listen to us today and to take our needs of our constituents into priority. Thank you.

DeBOER: All right. Thank you. Are there questions for this testifier? Don't see any, thank you so much--

JAIME GIBSON: All right. Thank you.

DeBOER: --for being here. Next proponent.

JESS GIESEKE: Good afternoon, my name is Jess Gieseke. That's J-e-s-s G-i-e-s-e-k-e. I am a longtime resident of Lincoln, Nebraska, and I am a landlord. I'm here representing myself today, and I own a, an apartment building in the Historic Mount Emerald District. As a property owner, I put a lot of effort, time, and money into restoring my 120-year-old units and they are clean. They're very high-quality units. And in addition to being charming, they are furnished with energy-efficient appliances, on-site lounge, laundry, and secured entry. They are also affordable as I rent them out at about 80 percent of what would be considered fair market value. A household making the median income in my census block can afford to rent one of my units. By the way, that census block is actually below the median income, average median income of all of Lincoln, so. While being a landlord has hardly been an easy job, I've been very fortunate to have great

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tenants. In the past 12 years that I've owned my apartment building, I have returned over 85 percent of the security deposit dollars paid by renters and can count on one hand the number of times I've received a late payment. Regardless of their source of income, my tenants have taken great care of their apartments and they pay their rent on time. Over the years, my tenants have included indigenous persons, people of color, LGBTQ folks, individuals with disabilities, single men, expecting mothers, and a Catholic family. Under the federal Fair Housing Act, I would be prohibited from discriminating or denying them tenancy based on the above mentioned statuses. However, I could have easily denied any one of these tenants housing based on their source of income as not all have been regular W-2 reported employment income and as their role of main means of paying rent. I'm proud to say that I continue to uphold my obligation not to deny housing to tenants of protected classes, and I will never discriminate based on their source of income. When a, when a person with traditional employment compensation is their sole means of paying rent or given preferential treatment, housing inequity, lack of affordable housing, and gentrification are invited into urban neighborhoods. Low- to moderate-income residents have to seek out housing further away from accessible public transportation, schools, work service agencies, grocery stores, and other necessities. This discrimination makes life especially difficult for individuals with disabilities, single parents, people escaping domestic violence, the elderly, low income, and many people that rely on public assistance programs to help cover household expenses. It disproportionately affects historically marginalized communities, perpetuates housing insecurity within my community, and it puts financial stability further out of reach for a huge number of Nebraskans.

WAYNE: Thank you for your testimony. The clock is red. Any questions from the committee? Seeing none, thank you for being here today.

JESS GIESEKE: OK.

WAYNE: What are we on, proponents or opponents? First-- next proponent. Welcome to your Judiciary.

LIZZIE TURNER: Thank you. Hello, my name is Lizzie Turner. L-i-z-z-i-e T-u-r-n-e-r. You will be hearing from me later this afternoon in a different capacity but for now I am here sharing-- to share the testimony of a community member. This person wishes to remain anonymous due to safety concerns and requested that I share their story on their behalf. I am a person that has experienced source of

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income discrimination directly and I am sharing my story in support of LB248. This bill can save other Nebraskans from going through the grueling and demeaning process of searching desperately just trying to find one decent landlord who is willing to accept housing vouchers. I applied to the housing voucher program in October of 2021. I have been struggling due to my disability and had to leave work. I became homeless and had nowhere to live. When I applied for the voucher, I was originally told it would be an 18-month wait, but due to my disability I was moved up the list and received my voucher in January of 2022. Over the two months' time, I had to find a landlord that would accept my voucher. I spent all day, every day looking for and contacting properties. By the end of those two months, I had contacted about 200 different properties across the city of Lincoln. Only four or five of them were willing to take my voucher. One of them had a year long waiting list, another had no openings at all. One of these supposedly available units I got a tour of. It was an incredibly sketchy situation, he had no website or work email, but I was running out of options. The ceiling of this unit was caving down nearly two feet. It was filthy with crumbling walls and a stench of cat urine. He told me he would clean the carpets and tack up the ceiling, but it was obvious it was a bigger issue caused by water damage. The place should have been condemned. I remember being terrified, thinking that this would be the conditions I would have to live in. I thought maybe I should just keep living in my car. It would be better than this. Miraculously, I eventually found a livable unit. I had passed the building and saw it for rent sign outside. I called and was relieved that they would accept my voucher. It was clean and decent and had basic maintenance. I searched harder than anyone should have had to search. Out of the approximately 200 units I called, it was the only livable available apartment, apartment that would take my Section 8. It was just sheer luck that I found this one. The process of searching for a unit was incredibly burdensome and degrading. Many of these properties required a \$20 to \$40 application fee that is not covered by the voucher. When I would call to ask if they would accept Section 8, I was often met with smugness that was so demeaning. One person even asked me if I would use their unit to start a roach farm. The discrimination against voucher holders is very real. No one should have to go through this. There are a lot of injustices in this world, and I hope that this bill can help to alleviate some of that injustice so that all voucher users are able to secure safe, accessible housing and dignity. Please advance this bill. Thank you for your time.

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WAYNE: Oh, she is reading somebody else's testimony. Next proponent. Next proponent. Welcome to your Judiciary.

MICAH LEAMER: Hello. Thank you for having me. I'm speaking on behalf of-- or for myself, but also on behalf of, I guess, another community member who is a good friend of mine who didn't feel comfortable coming here because she is not-- social anxiety, I guess. So my, my friend was, was trafficked and she ended up in Lincoln and she ended up having-- being able to have a Section 8 voucher. And the-- I just want to talk about the very real discrimination that happens not just to her but to everybody because I've talked to other people that got Section 8 vouchers and it ended up being that she would just call places and that would be the first question out of her mouth was whether or not they took Section 8 vouchers. And it was, you know, every place that she looked at they all said, no, we don't take Section 8 vouchers, like-- and that's, like, that's the kind of open discrimination that this bill can, can alleviate or it can eliminate, basically, is that-- I mean, if, if-- you know, if it had been the case, like, if this law gets passed and something like that happened for her in the future, she wouldn't be suing somebody if there was one or two people that said no. But, like, nobody says yes and, and all the landlords feel safe and expecting that that's just the standard, you know, and so the other thing I wanted to, to mention is that the-- from what I understand about the, the process of going in and inspecting the units, what they're inspecting for are things that are already required under the law so if they're already compliant then there isn't a problem. It's just that we're not inspecting all the units anyway so it's not anything-- there's no surprises there, they're just requirements, you know. OK. Thank you.

WAYNE: Thank you. Any questions from the committee? Can you spell your name for the record [INAUDIBLE]?

MICAH LEAMER: Oh, I'm sorry. It's Micah, M-i-c-a-h, Leamer, L-e-a-m-e-r.

WAYNE: Thank you. Seeing no questions, thank you for being here.

MICAH LEAMER: OK. Thank you.

WAYNE: Next proponent. Next proponent. Oh, he tricked me. He got up and walked out so I thought he was coming up to-- oh, I fall for it every once in a while. Next proponent. Welcome.

JEFFREY OWUSU-ANSAH: Good afternoon, members of the Judiciary Committee. My name is Jeffrey Owusu-Ansah. That is J-e-f-f-r-e-y O-w-u-s-u-A-n-s-a-h. I am a student attorney for the Housing Justice Clinic at the University of Nebraska College of Law. I am testifying in support of LB248 in my personal capacity, as a student of the law, and an housing advocate. I support LB248 because it will help Nebraskans by decreasing the chance that families become homeless. As a country and as a state, we protect many groups from discrimination under the law. However, we still permit discrimination of housing based on a family's source of income. Through source of income discrimination, we, as a state, tolerate discrimination based upon not if someone could pay to access housing but how someone could pay, which should be irrelevant. Source of income discrimination has broad negative impacts on already extremely vulnerable populations, poor. Passing LB248 can only create positive opportunities. I am going to state three reasons why I urge this committee to support LB248. First, passing LB248 will have the direct benefit of decreasing homelessness in our state. Frequently, when I am working with a family on the brink of eviction, the facts are tragic, sickness, temporary job loss, or an unexpected bill. But often there's hope that they can get on their feet with some form of rental assistance. We've seen many occasions where money distributed from emergency rental assistance programs has repaired tenant and landlord relationships and kept them financially solvent. There's no reason a landlord should shun other housing subsidies like a housing voucher. Secondly, by supporting LB248, we can improve welfare across our state. In the past month, I have had the opportunity to represent tenants in eviction hearings at the Lancaster County Courthouse. In this short time, I represented families with young kids and I know that facing instability of this sort can disrupt children at an incredibly formative time in their lives. Finally, I support LB248 because source of income antidiscrimination laws can increase the chance that families find housing. To address some potential concerns, I want to highlight that this bill helps vulnerable renters without taking power away from landlords. LB248 would not prevent landlords from performing any other lawful screening of potential tenants. This means we can increase options for renters without decreasing income received by landlords. So at the end of the day, landlords can get paid and the state can decrease homelessness. I urge this committee to support LB248 and thank you for your time.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

JEFFREY OWUSU-ANSAH: Thank you.

WAYNE: Next proponent.

_____ : [INAUDIBLE]

WAYNE: Thanks for letting me know. Any other proponents? Any other proponents? Welcome. Go ahead, sir.

JALLAH BOLAY: My name is Jallah Bolay, J-a-l-l-a-h B-o-l-a-y. I'm glad to be here today and let me just say all [INAUDIBLE]. And I'm just going to compliment all of the profound points that most of the speakers have already made so I won't be going over most of them but to just give supportive points from where I come from. Where as a person who has been actively affected as a result of, I would say primarily retaliation, prosecution, and as a result of my religious principles and that of social transformative social views, I have come to have a personal experience, which is a key-- experience plays a key factor in giving a deeper understanding. When you walk in the shoes of people, you get to understand from a firsthand experience. And I would just say overall I do support every necessary initiative to decrease homelessness. Homelessness is something that nobody should really face. It is counterproductive of economy and it destroys hopes of our young people, especially. And like I said, I'm, I'm supporting every effort that's going to decrease, every effort necessary to decrease homelessness. I've seen a lot being out there as a person who has actively being affected as a result of homelessness, like I said, based on the fact that I've just mentioned, my religious principle as well as transformative social standards of views. Seeing how that interacting with other people who are homeless, I just think it's very terrible because it leads to a vicious cycle. If a person is homeless, they don't even have a chance to have a decent sleep, which makes them even more vulnerable and stuff [INAUDIBLE] with a lot of social crimes, which should even prevent them from even taking subsidies to get, get back on their feet. So every necessary measure that is necessary to prevent that is going to be very helpful for our state, because there are just so many worst thing-- worst things that goes on out there. Number one, for ladies, especially the female kids who are vulnerable, it just puts them very much at the, at the [INAUDIBLE] mercy of predators who are out there. And these are things that those-- that really add value to our society, our world needs hope and home plays a key role in that, and not just a home, a safe home. A home that is free from that of malicious intent, like-- and I also saw a couple of bills over there that's also going to help to, to have a

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clean slate for people who are out there who need to get back on their feet and get them out of the system, back within a system that's positive. So like I said, thank you all for your effort with much ado, let's look forward to work with [INAUDIBLE] society. And thank you all for the work you do and I'm going to stop it right here for now.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here today.

JALLAH BOLAY: Thank you.

WAYNE: Next proponent. Next proponent. Seeing none, we will move to opponents. First opponent.

RICK McDONALD: My name is Rick McDonald, R-i-c-k M-c-D-o-n-a-l-d. I'm president of the Metropolitan Omaha Property Owners Association in Omaha, Nebraska. We're opposed to this bill. I hear a lot so far today about the discrimination against the Section 8 people. From my organization, from the feedback I get, and my personal experience it's not the tenants it's the Section 8 program itself. It's very dysfunctional. It's poorly managed, and it's very hard to work through their system. In order to give you a couple of examples, personal cases just of my own. I've dealt with them for over 20 years. In the last couple of years, it's near to impossible to try and work with them. I had a rent coming from Section 8 that didn't show up. It's automatically deposited into your account. It doesn't show up, there's no letter, there's no phone call, no reason. All my properties that were Section 8 didn't get any rent paid. You call down there, you can't get through on the phone. If you leave a message, they don't call back. If you send an email, you don't hear from them. I've actually had to have some of my tenants try to contact their workers down there so I could ask questions. With that rent not being, they had me come in for a meeting. We had four meetings over the course of a month in order to find out what happened to it. They said you were overpaid \$500. They automatically deposited it in my account. So being overpaid by \$500, which I couldn't find, they kept all the rent on all the properties. Once we went through this, they said we're working on it. We're working on it. We're pushing the second month where they're not going to pay any rents on any properties because of this \$500, and you're talking thousands of dollars in rent I don't get for my business. In the end, they finally called me and said, well, our computer said we overpaid you by \$500. Turns out the computer was wrong. We didn't check it. Sorry about that. Let's move on. Last year, I had a property that couldn't pass inspection. They inspected it in

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February. The only issue they had, they said was touch up some of the paint on the outside. This is in February. They failed it. I touched up what I could. I wanted to do it right. I'm going to change some of the siding, anything that needs to, paint the whole house. He came back, reinspected, I said how did we do? He says you're going above and beyond what we asked. Thanks a lot. I got a letter a few days later. It failed. They came back out to reinspect it after I had done some more work on it and I said what's the issue? They failed it again. I said because of that one spot in the corner? I said it's 35 degrees outside, I'm wearing a winter coat, two stories up on a ladder, it's a 40-mile-an-hour wind, I'll get to that corner. He said that corner is not a problem, it's the new siding that you put on that hasn't been painted yet.

WAYNE: Thank you for your time. Thank you for your testimony. Any questions from the committee? Senator McKinney followed by Senator Geist.

McKINNEY: Thank you. Thank you for your testimony. Where are your rentals primarily located? In areas of high poverty or in areas of higher income?

RICK McDONALD: Mine are-- most of them are around the Crossroads area. If you know where that 72nd and Dodge Street area, they're not in south Omaha, they're not in east Omaha, they're not in north Omaha, pretty much west of 72nd Street.

McKINNEY: Do you have issues with people around your rental properties not wanting individuals that are on public assistance to, to live at your property?

RICK McDONALD: Do I have trouble with them?

McKINNEY: Yeah.

RICK McDONALD: No, the Section 8 people are great.

McKINNEY: No, I'm talking about the neighbors not wanting those individuals in those areas.

RICK McDONALD: I don't know most of the neighbors in those areas. I'll have a house, I don't-- excuse me, I don't know who is around it.

McKINNEY: So you never heard, heard any comments about why are you allowing people with Section 8 to live here?

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RICK McDONALD: Nobody has ever questioned me on that.

McKINNEY: All right. Thank you.

WAYNE: Senator Geist.

GEIST: I'm just curious. I know that, that you're going through the, the details of your inspection, but are there, are there things that you have to do to, to satisfy Section 8 housing that are over and above just regular housing or is it just that Section 8 is the minimum standard?

RICK McDONALD: They don't require me to do anything. If a city inspector came out, they said you need to do this, they're pretty much in line with them.

GEIST: OK.

RICK McDONALD: I don't have an issue most of the time if they have something on there that I need to do, I don't have a problem with it. I understand it. And for 20 years, I went through this. And you get to know the inspectors. You know what they expect and I can get through without an issue. My problems come up in the last couple of years with an inspector I've never dealt with. And over the last two years, this one inspector has never passed a property of mine and has never required the tenant to fix anything. And even my tenant said he doesn't like you. And I requested a different inspector so let's try a different inspector.

GEIST: Can you, can you-- if you request a different inspector, will a different one come out? Is that complied with or do--

RICK McDONALD: No, they say, no, we can't do that.

GEIST: OK.

RICK McDONALD: You get who you get. I've never dealt with this guy before but, you know, for 20 years it worked great for me. I promoted it all the time. Over the last several years, it's just gone downhill to-- they abated four months of my rent because of the paint on the outside and I-- how can you expect me to paint it in February or March? They said ask for an extension. I did. They gave me eight days, so.

GEIST: Yeah.

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RICK McDONALD: And I lost four months of their rent because of that. So it's always something with them and you can't function when you don't know when the rent is coming, you don't know if it's going to come.

GEIST: Right. Thank you.

RICK McDONALD: Yeah.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. Next opponent. Next opponent.

DENNIS TIERNEY: My name is Dennis Tierney, D-e-n-n-i-s T-i-e-r-n-e-y. Chair Wayne and Senators. LB248 creates another protected class of individual that is based on source of income. There's no such nationally recognized class of individual. This is a bad precedent and opens up the door for any one to apply to the Legislature to have themselves declared as protected class based on what they think are their unique circumstances of victimhood. The bill would result in discrimination claims being laid against landlords to discern that a prospective tenant is a poor risk because they don't have a stable source of income. This is akin to telling a bank or a car dealer that they have to give a loan to an individual without considering their ability to repay the loan. We all saw the disaster similar policies had on the financial industry in the 2008-2009 financial crisis. Specifically, this law forces landlords to accept voucher program individuals or risk being sued for discrimination. When this law was proposed in 2021, Chairman Lathrop asked the fair housing organization if a landlord doesn't have any Section 8 tenants would they sue that landlord on the basis that mere lack of Section 8 tenants proves discrimination? And they affirmed that they would sue on that basis. So just mere lack of Section 8 tenants proves you're discriminating. That's what the fair housing organization said. Senators, this law will result in significant increase in the cost of the residential rental business. There's already a crisis of lack of affordable housing and this law will result in more landlords leaving the business, and those remaining will be forced to increase rents to try to recoup these costs. This will result in less, not more, affordable housing. Many landlords with whom I spoken refuse Section 8 because they found OHA almost impossible to work with. Much like what Rick just said. I urge you to reject LB248. Instead of forcing landlords to accept a flawed OHA, force the administrators of the OHA to force-- to, to work with landlord groups to make it a more viable voluntary program that works for both the tenant and the landlord. Thank you.

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WAYNE: Thank you. Any questions? Senator DeBoer.

DeBOER: I do have a question for you. You mentioned the without considering their ability to pay, that, that, that forcing them to accept the vouchers is forcing them to accept it without the ability to pay. That's the piece that I wanted to ask you about. Wouldn't they have the voucher to pay and couldn't you also look at their total source of income to determine if they could cover the rest of the portion of that? My understanding is under this bill you would be able to, to still do a background check on the amount of income that they had.

DENNIS TIERNEY: Correct. You can.

DeBOER: OK.

DENNIS TIERNEY: But if you do that and your result is you don't have any Section 8 tenants you are going to get sued by the fair housing people because they said that the mere lack-- that's what they said in 2021. They said the mere lack of, of, of having Section 8 proves you're discriminating just by the lack of having Section 8 so they're going to sue you if you don't have any Section 8. That's what the fair housing people said in 2021.

DeBOER: We'll have to ask them. I think that that would maybe be evidence, maybe, but I don't think it would be proof but we'll, we'll definitely ask them.

DENNIS TIERNEY: Well, that's what they said in 2021.

DeBOER: Yeah. OK.

DENNIS TIERNEY: Chairman Lathrop asked them.

DeBOER: OK. Yeah.

DENNIS TIERNEY: You were there.

DeBOER: Yeah, I'm trying to remember back.

DENNIS TIERNEY: Yeah.

DeBOER: All right. Thank you.

DENNIS TIERNEY: Yep.

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WAYNE: OK, no other questions. Next opponent.

GENE ECKEL: Good afternoon.

WAYNE: Welcome.

GENE ECKEL: Good afternoon, Chairman Wayne, members of the Judiciary Committee. My name is Gene Eckel. That's G-e-n-e E-c-k-e-l. I'm a board member for the Apartment Association of Nebraska and the Commercial Property-- and the Nebraska Association of Commercial Property Owners appearing today on behalf of both associations in opposition to LB248. The Section 8 Housing Choice Voucher Program is a federal program regulated, controlled, and funded by the U.S. Department of Housing and Urban Development and it was created by Congress to be a voluntary program. The state of Nebraska, nor any of its cities or counties have any oversight or control over the program or the public housing agencies. In line with Congress's intent, both associations oppose legislations-- this legislation's mandate for housing providers in Nebraska to participate in a program due to the over burdensome rental requirements. The handout that I have handed-- that I've provided shows the difference between the standard leasing process and the process for the Housing Choice Voucher leasing. Some of the over burdensome regulatory requirements that a housing provider must comply with when participating in the voucher program include: the housing provider must enter into Housing Assistance Payments or HAP contract with the Housing Authority and comply with the added lease terms and administrative responsibilities contained in the HAP contract; delayed inspections by the Housing Authority of the housing prior to move in and annually; possible delay in rental payments at any point during the lease term without recourse due to federal budget appropriation delays, lengthy administrative processes, and even arbitrary withholding of payments by the Housing Authority; and lastly, mandated termination policies and procedures, including strict limits on when a housing provider may evict a resident for what-- and what reason they can do it so. Some of those who will testify after me can educate you on how these over burdensome regulations actually work as a disadvantage to individuals and families that use the housing vouchers. Instead of mandating participation in a federal program that is problematic, a better option to improve availability of rental housing for voucher holders would be to increase funding for the program and reducing the bureaucratic requirements associated with it. Currently, the U.S. House of Representatives and the U.S. Senate have introduced versions of the Choice in Affordable Housing Act, that is HR680 and S32. Both pieces of legislation seek to provide \$500 million

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for signing bonuses to landlords, provide bonuses for housing authorities, provide security deposit assistance, use neighborhood specific data to set rents fairly for landlords, and reduce inspection delays. We urge you to not advance LB248 to General File. Thank you for your time and I would be happy to answer any questions that I can, otherwise the people that can follow me can answer your questions for you.

WAYNE: Any questions from the committee? Seeing-- Senator McKinney.

McKINNEY: Thank you. Thank you for your testimony. So are you saying that with the assistance and things like that, it's too cumbersome for land-- landowners?

GENE ECKEL: The regulatory requirements that are controlled by HUD, the way they operate or the way they are funded by HUD makes it difficult for those programs to operate effectively. You've heard a lot today about the Housing Authority in Lincoln. That might work well. OHA, you're going to hear a lot of problems of that today.

McKINNEY: So is it hard for you to understand those processes or the processes are too lengthy?

GENE ECKEL: I'm going to defer to the people that are going to follow me so they can take you through the process because they have been in the industry for decades and have been working with Section 8 voucher programs for decades so I will let them answer those questions for you.

McKINNEY: Did you help write the standard, at least, for, for the Apartment Association?

GENE ECKEL: I review it.

McKINNEY: And if, if that-- so do you think tenants fully-- how long are they?

GENE ECKEL: What's that?

McKINNEY: How long are they?

GENE ECKEL: How many pages?

McKINNEY: Yes.

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GENE ECKEL: The lease itself is eight pages long.

McKINNEY: And, and that's-- so that's not-- so how long is the average piece of paperwork that you have to do or go through for a voucher for OHA?

GENE ECKEL: The HAP contract, I don't know how, how long that is. And again, depending on the program, though, if you're dealing with a HUD lease it's completely separate. And I don't recall how many pages that the HUD lease is. There's different leases, sometimes a landlord may be required to use the lease that's used by the, the Housing Authority. But again, I will let the people who follow me be able to answer that question for you. But the NEA [PHONETIC] lease that you're referring to is eight pages, the main part of the lease.

McKINNEY: So if on the other side, which you had to read through or sign or whatever, if it was eight pages, would that be too much or too little?

GENE ECKEL: I, I think it's just about right. I mean, obviously everyone needs to read a contract before you sign it, and they have the opportunity to take the time and read it. I don't think it's, it's complicated, but I think it's just about right. Eight pages isn't too long.

McKINNEY: So if it was less complicated you, you wouldn't have a problem with it.

GENE ECKEL: With-- less complicated with the lease?

McKINNEY: With whatever the voucher-- vouchers are for the program is.

GENE ECKEL: Well, our, our problem with the voucher program is-- well, first of all, I would say that the, the HAP contract and, and even the HUD lease needs to be updated. It's way behind the times. But I, I can't really-- I don't know if I'm answering your question. I apologize if I'm frustrating you, but we, we would not, we would not agree to the terms right now as they're written, especially on the HUD lease because they leave out a lot that would not-- for example, if, if a tenant or tenants, occupants are harassing other neighbors or the staff, that's not covered as a lease violation in the HUD lease. And according to state statute, it's violations under the lease or another section of the Landlord Tenant Act. But there are some things that are in that lease that are just so outdated that it really does not leave any protection for the landlord or the tenant.

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McKINNEY: So what, what protections are in it for the, the tenant when a landlord or a property manager is being rude and being offensive and harassing them?

GENE ECKEL: Well, if it's harassment then I think that's, that's something they could depending on what the harassment is about.

McKINNEY: But it's not always, it's not always harassment, though.

GENE ECKEL: True. But you mentioned that is one of your--

McKINNEY: Yeah.

GENE ECKEL: --examples. The, the-- depending on if someone is perhaps maybe of a protected class, they believe the harassment is based on that then they, they can seek redress under the Fair Housing Act in Nebraska or the federal Fair Housing Act. If it's something that they believe they're being harassed by the landlord and it's covered by the Landlord Tenant Act, they can seek redress from the Landlord Tenant Act.

McKINNEY: All right. Thank you.

GENE ECKEL: Sure.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

GENE ECKEL: Thank you, Senator.

WAYNE: Next proponent. I mean, opponent. Opponent. Welcome.

LYNN FISHER: Well, thank you, Senator Vargas or Senator Wayne, I'm sorry, and the members of the Judiciary. My name is Lynn Fisher, L-y-n-n F-i-s-h-e-r, and I represent the Statewide Property Owners Association and the Real Estate Owners and Managers Association here in Lincoln and I, I sent out this comment online, our basic statement. I, I think just to save time and not to recover all the same territory that you've heard, I would like to fill in a few gaps here in the testimony and answer a couple of questions that were asked earlier. So generally, we're opposed to LB248 as a private property rights issue for us to have business processes and choices on how to best fill our properties. And we have members who own properties and those that also manage for other owners. And as a group, we have some owners that choose not to accept Section 8. We have some that will accept Section

8. They, they really don't care either way. As a property manager, we can handle the processes for them and we have some that seek out Section 8 that actually try to put together a building or a group of buildings or units that they specifically seek out Section 8 tenants for, for obvious reasons, you know, the portion of the rent being guaranteed, etcetera. So it's a, it's a program that can be worked with, but it should be the choice of the owner. It's a private property rights choice. We ourselves serve on our own properties dozens and dozens of people in Section 8 and we're quite successful of that-- about that. We actually have on, on an ongoing basis, we have Section 8 eligible units that go unfilled with Section 8 tenants every month. We have many, many tenant-- tenants all the time that come to us with Section 8 vouchers. We're happy to help them. And there was a 20 percent nonfilled number that was thrown out there. And I would, I would say that that's based on folks who, who apply and for whatever reason don't, don't qualify on their application. It isn't that we turn them down based on Section 8 because we're, we're accepting that, but they're not always going to qualify. So maybe the people out there that aren't able to utilize their Section 8 vouchers, that's the reason for that. Also, if you're not aware, the Lincoln Housing Authority has several hundred properties that could be eligible for Section 8 that they choose not to utilize for that program, but they put them out on the open market and we have to compete with them in the open market on several of their-- several hundred of their units. So there's one solution, at least, in Lincoln-- the Lincoln area to put more units out there for the folks that are on the waiting list.

WAYNE: Thank you for your testimony.

LYNN FISHER: Sure. Any questions, I would be happy to answer any.

WAYNE: Any questions from the committee? Senator Geist.

GEIST: Quick one. So you're, you're talking about I'm just trying to be clear on are there additional requirements if you decide to accept Section 8 as a, as a landlord, are there additional requirements for you that make this a different consideration than it would be if you didn't accept Section 8?

LYNN FISHER: Well, yes, I mean, we've talked-- you've heard talk about the inspection process. There's the, the HAP agreement, which has certain different types of requirements and regulations than a standard lease even under the Landlord Tenant Act. So, for example, you know, for us to be able to give a rent increase, at least in

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Lincoln, we have to give a 60-day notice as opposed to standard 30-day notice required by the Landlord Tenant Act. In Omaha, they have a different program altogether. We do manage one Section 8 property in Omaha and we were unsuccessful in raising the rent for nearly two years because of their very difficult to understand regulations that we were not made aware of in the very beginning so that, that cost us probably a few thousand dollars.

GEIST: So do those costs then drive up your rent?

LYNN FISHER: They do, yeah. This, this program, this bill, if passed, will certainly increase our owner costs that have to be passed onto tenants, increased rents. Yeah.

GEIST: Which then kind of counteracts the whole intent.

LYNN FISHER: Yes.

GEIST: OK. Thank you.

WAYNE: Any other questions from the committee?

LYNN FISHER: Thank you.

WAYNE: Seeing none. At this rate, I might be able to drive to Lincoln-- I mean, drive to Omaha to my daughter's basketball party and come back. Welcome.

KORBY GILBERTSON: Good afternoon, Chairman Wayne, members of the committee. For the record, my name is Korby Gilbertson. It's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n, appearing today as registered lobbyist on behalf of the Nebraska Realtors Association. I'm going to take us in a little bit of a different direction. You've heard a lot about rental agreements and renters this afternoon. The realtors represent both commercial and residential practitioners who represent owners of as well as commercial, residential, and both single-family and multi-family investment properties throughout the state. We are concerned that this proposal might have some unintended consequences that you haven't-- hasn't-- haven't been discussed yet today. I'm going to give you an example, if you have a property owner that needs to sell their home and they decide they want to do a cash sale because they can't afford to do any of the repairs to the home and they choose not to do those repairs, if there would be an FHA or a VA loan, they would not be able to do that. They would be required under this to follow FHA or VA requirements and that would restrict them from how

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they could sell their home. So that is-- I'm going to cut off there because I know you have a long day ahead of you. So I'd be happy to answer any questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

KORBY GILBERTSON: Thank you.

WAYNE: Next opponent. Next opponent. Welcome.

KRISTY LAMB: Thank you. Good afternoon, committee. Thank you for your time. My name is Kristy Lamb, K-r-i-s-t-y L-a-m-b. I'm the vice president at NP Dodge Management Company and I'm also a member of the Institute of Real Estate Management and the local Apartment Association. Typical by context, we currently oversee about 4,000 apartments in the Lincoln, Omaha, and Council Bluffs area, and about 40 percent of those properties are dedicated to low-income and moderate-income housing. And we successfully work with about six different housing authorities presently and work with them as a part of that Housing Choice Voucher system. That being said, we are still opposed to LB248 for a number of reasons. We do believe we are a third-party management company, so we do believe wholeheartedly that our property owners should have the ability to choose on whether or not they would like to participate in that program, even though we are proponents of the program itself and would support any effort to increase the funding associated with those programs so that we can work with them to build more affordable and low-income housing in the communities as well. Specifically, the language in the bill, I see it first referenced potentially on, on page 5 where it uses the word "any." It requires the, the property owner to comply with any requirement of any federal, state, or local public assistance and housing program. And to one of the questions earlier, the participation in this program does-- it does require specific requirements, including execution of a contract between the property owner and the housing voucher provider. And so this gives the housing voucher provider 100 percent control over the terms and conditions of that contract and little recourse on the part of the property owner if they have concerns with the nature of that. We have heard about, obviously, inspections. I'm happy to answer questions on what that would look like in the timing of it. On average, we hold units on average an extra 30 to up to 60 days--

WAYNE: OK, I'll ask you--

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KRISTY LAMB: My warning-- an average of 30 to 60 days, why we kind of work through that process. I wish all housing providers-- I mean, not all of them are able to administer the program equally. You saw members of Bellevue Housing, they're actually really easy to work with. But unfortunately, if you're the largest housing voucher provider is one of the most difficult to work with, and it could be anywhere from restricting rent increases. I have five properties that haven't received their funds in, in three months, over \$10,000 easily between those five properties that we're still working through to get those funds. There's highly, like, large inconsistencies in inspection requirements and our ability to correct those. And we do have situations that often go above and beyond safe housing. We want to provide safe housing. That's what doing good business is to me. But some of the requirements go above and beyond that. So it just makes it really difficult for us to be able to work with them in the manner that's, I think, for the intent of the program, while still managing our fiduciary responsibility to our, to our property owners.

WAYNE: Thank you. Any questions from-- Senator DeBoer.

DeBOER: Thank you. So let me-- because I've heard this a few times, the contract that you're talking about that you would have to sign with the housing voucher provider. That's-- what do, what do they call that the--

KRISTY LAMB: It's called HAP contract--

DeBOER: HAP.

KRISTY LAMB: --a Housing Assistance Payments contract. So often we have our rental agreements with the you know, with the participants and then we have to sign a separate contract between the, the property owner and the housing voucher program provider.

DeBOER: And the concern is that it's a form contract that you have to sign and you may not like what's in the form?

KRISTY LAMB: Correct. It gives them one hundred control of the terms and conditions of that contract that we have to follow. Absolutely.

DeBOER: Which is kind of what you all do with tenants. They have to sign a form contract.

KRISTY LAMB: Correct. But they have a choice, right, of where they live and the terms and conditions of that contract and there's also

restrictions on what we can put in our leases within the bounds of Nebraska landlord/tenant law. But like, for example, like, kind of inconsistencies on those inspections, obviously we will always replace the smoke detector as a number one, I mean, that's, that's not a big deal. But we've had other situations where it's either damages caused by the resident where we'll fix it and then they repeatedly cause it or just their failure to allow the inspector in the unit will cause a unit to fail. And we have zero recourse other than issuing those residents a lease violation for failure to comply. But eventually, once that is abated there's no recourse for us to recoup those funds regardless of what caused the failed housing inspection. There was a question earlier on timing. Yes, on that initial inspection, if there's something in the unit-- we have a couple of new construction affordable housing projects in the Omaha area where one of the bedrooms doesn't meet the HUD requirements for egress, but it does meet certain code requirements. So the only way that we can use those three-bedroom apartments is to offer them to voucher participants if they have a two bedroom that still fits under our three-bedroom rates where we have to lower the rate for that three bedroom so someone with a two-bedroom voucher could use it because it doesn't meet those minimum requirements in those particular cases. So we could say, we could back away and say, nope, this isn't going to work because that unit doesn't fit for that particular case. But when it comes up for the annual inspection, in a perfect world, that annual inspection would occur prior to the next renewal. But they're so far behind on their inspections, it usually occurs after we've already engaged them in a renewal process. And so if the unit fails then, then you could be in a situation where rent is 100 percent abated for the entire rest of the term of the contract and we don't have any recourse.

DeBOER: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

KRISTY LAMB: Thank you.

WAYNE: Next opponent. Next opponent. Welcome.

DANA STEFFAN: Good afternoon, my name is Dana Steffan, D-a-n-a S-t-e-f-f-a-n. I'm a residential property manager here in Lincoln. We only manage properties inside the city limits of Lincoln. And I have a problem with just the Lincoln Housing Authority and the way the program is administered here in town. We do have a lot of properties

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that are the old military housing base down in Air Park, the duplexes out there and the Lincoln Housing Authority does have quite a few of those. And I lose tenants to housing this word quite often for market rate rents. They're not renting to people with housing vouchers. They take tenants out of my property and put them in their properties because their rates are consistently \$200 to \$300 lower than ours. Their properties are kept better because they have staff and maintenance to take care of them. So my opposition is just the way the program is run or administered through the Lincoln Housing Authority. As a property management company, we have chosen not to accept Section 8 housing vouchers. We will take them if there is a current tenant in place and they apply and are approved for a voucher, we will go through the process and get them on board or if a property is purchased and the Section 8 tenant is in place already. At currently, we-- starting January 1, we required our tenants to have renters insurance, proof of renters insurance. I am still waiting for Lincoln Housing Authority to get back to me if that is going to be allowed at the least renewal for the few tenants that I do have on Section 8, it just holds up the whole program. And I guess that's-- I just wanted to let you know it has nothing to do with the tenants, Section 8 tenants, they're lovely. They pay their rent, they do great. It's the way the program is administered and I feel that they really have some work to do on that end before that it can be openly accepted by all landlords.

WAYNE: Thank you for being here. Any other questions from the committee? Seeing none, thank you.

DANA STEFFAN: Thank you for your time.

WAYNE: Next opponent. Welcome.

PIERCE CARPENTER: Thank you. I am pleased to speak before the committee. My name is Pierce Carpenter, P-i-e-r-c-e C-a-r-p-e-n-t-e-r. I've been a landlord for 36 years. I am opposed to LB248. Most of the information has already been given, but I did look up some stuff. So a typical fine for a housing-- fair housing problem is \$10,000 for the first offense and \$50,000 for the third offense. And then if it goes to court, you're probably looking at another \$70,000 or more. So, I mean, if you just average it out you would figure \$100,000 per case. If you get 100 cases in Omaha, that's-- what is that \$10 million. Omaha's annual rent roll with 96,000 units is about a billion. So that's basically a \$10 increase on the average if they were all \$1,000-a-month apartments, that would be a \$10 increase on all the apartments in Omaha to cover that. I mean, if you believe in the

market concept of, of the rental business, then if there are additional charges everybody is still going to try to get the same return. So the tenants are going to-- the tenant-- the good tenant-- the good tenants that are paying the rent are going to have to pay that. Second thing is one of the things-- when I read that bill I, I found it confusing and it was very annoying because my big question was can I still use my three times rent rule? So for example, if I have somebody with Section 8 come and they get an \$800 voucher and they're making \$1,200, does that mean that I can consider their income is \$2,000, which we always use three times the rent, so they wouldn't qualify because of the rent is \$800 they'd have to make \$2,400. So can you, can you use that three times rule? It's not clear in the, in the documentation and so my belief is you cannot use that rule. Let's see, I, I guess I had one other comment. I think Erin Feichtinger or something, said that this was the landlord/tenant day. It's really not. It's the landlord/housing advocate day because there's only, there's only one tenant here and the rest of them were housing advocates, people that are politically involved, people that have organizations that cater and make money off these tenants, people that have government programs in their pocket, and they want to profit by it. So that covers everything I wanted to say. So thank you for listening and if you have any questions, otherwise--

WAYNE: Thank you. Any questions from the committee? Senator McKinney.

PIERCE CARPENTER: Yes, sir, Mr.-- Senator McKinney.

McKINNEY: Thank you, Senator Wayne. And thank you for your testimony. So as a landlord, do you not make money off the tenants?

PIERCE CARPENTER: Yes.

McKINNEY: And do you not think that they, they have rights as well?

PIERCE CARPENTER: Yes.

McKINNEY: And do you not see an issue with denying them based on them taking public assistance?

PIERCE CARPENTER: I, I don't have a problem with where the money comes from. What I have a problem with is the Section 8 organization that causes you problems. I mean, the, the classical case in Section 8-- this is a story I heard from Paul Bujeski [PHONETIC], they, they tell you that we've discovered that your refrigerator, you're charging for it but yet your lease doesn't have it in it. So they don't pay rent on

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that unit and they don't pay rent on ten units or, or the five, the other units you got and then you call Section 8 and it takes three months to resolve. But if you're a company like Landmark Management where you got a lawyer that deals with Section 8 on a regular basis, when that happens that problem goes directly to that lawyer, that lawyer calls over to Section 8 and that problem is handled within a few days and they get their rent. Meanwhile, I wouldn't get five rents for three months. So, I mean, that type of a problem, plus accepting all of the, the issues in the HAP contract and the, the other peculiar things that they, they-- when I took Section 8, which has been like 15 years, they went through my contract and said you can't do this, can't do this, can't do this, can't do this. And it, it was tolerable and I went ahead and read it to them. And then at the end of the contract, I didn't get the check and I called and called and called and, finally, I found out the guy was moving out and they were, they were colluding and not telling me he was moving out. I've never dealt with them since then. It's not, it's not the money or the source of the money it's what they put you through to, to get it and the, and the, the high risk of, of really getting jerked around hard.

McKINNEY: So if-- would it be-- so would it be fair to say that your anger-- if your anger is with the entity that pushes out the vouchers or administers the program, shouldn't you take your anger out on them? And I say this because I think if you did that there wouldn't be a need for LB248 or these other bills. These bills come because tenants' rights are being violated and they have been discriminated against by land and property owners. As much as many say that it doesn't happen, it happens, so that's where I think you should channel your energy.

PIERCE CARPENTER: Yeah, I agree 100 percent that you're absolutely correct. The issue on the table, though, is you can't deal with Section 8. They won't deal with you. You have to deal with it and what you got is, you got a, a digital program. You either take them or you don't. And if you take them, then you've bought into Section 8 and you got to deal with Section 8. You can't really get after Section 8, they just-- they won't take your calls.

McKINNEY: But you still take the program.

PIERCE CARPENTER: If, if I could use my three times rent rule, I would rent to Section 8.

McKINNEY: But-- and it's, it's probably not for you, I, I, I find it really weird and crazy that landlords and property manager owners ask

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for three times the rent from people who are not even-- not making a lot of money. A lot of these individuals come from areas of poverty or low socioeconomic backgrounds where it might not be that easy to have three times the rent, but you ask it and then you say, oh, we offer, we offer affordable housing. But if you look at the median income of these areas where most of the renters are renting, that's impossible. So it-- I, I don't understand that, you, you want to use a policy to ask for three times the rent when in reality most of the people that are on public assistance most likely or it will be hard for them to come up with three times the rent so honestly, in translation, it feels like you're discriminating against them again because of their economic status.

PIERCE CARPENTER: Well, I mean, the whole screening process to get a good tenant takes those economics into consideration. If the situation was different and I couldn't find anybody to rent, yeah, I would reduce that three-- [RECORDER MALFUNCTION] But I'm not having that problem. And I would rather accept someone who has three times rent than somebody who has less. You know, the reason for that three times rent is if the guy drives to work and his car has a problem and he's only at two and a half times rent, he's got to spend a thousand bucks on the car, he will never catch up on the rent.

McKINNEY: So basically you're saying unless you're in an economic position where if you come into a hardship because of, for example, a car repair, that, that, that you should only be able to-- you should only rent to those people-- only rent to people who are making a substantial amount of money to where, if they end up in economic hardship, they can still pay the rent. That's the only people you want to rent to.

PIERCE CARPENTER: That's true. But we have, we have units that we rent for \$650, so that would--

McKINNEY: So where are the people who are not making that amount of money supposed to go?

PIERCE CARPENTER: You know, I--

McKINNEY: Homeless shelters? Living on the streets?

PIERCE CARPENTER: --I'm not providing a-- you know, I, I wish I could be, you know, a be all, end all. And just--

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McKINNEY: I'm not saying you have to, but I'm just saying that's the reality that we're left with. Either we figure out a way to house people who don't have the most, or we end up with a huge homeless population and people living on the streets and people complaining about crime, coming down to the jud-- coming down here saying we need to lock people up because they're homeless. Then people want to build and spend and waste taxpayer dollars on prisons and jails. That's the-- that's what we dealing with here. Thank you.

PIERCE CARPENTER: Yeah. Thanks for explaining that. I, I was not looking at it that way. I'll think about it. Thank you.

DeBOER: Thank you, Senator McKinney. Any other questions? Thank you for being here.

PIERCE CARPENTER: Thank you.

DeBOER: Let's take our next opponent. Welcome, sir.

SCOTT HOFFMAN: Yeah. My name is Scott Hoffman, H-o-f-f-m-a-n. Senator Vargas has brought this bill up several times before and I've testified each and every single time. And this, this year, I've noticed a difference in the language of the bill. And one of them, I've always testified, was that housing doesn't pay for damages. Well, now they've got the landlord guarantee. I just talked to a couple of my colleagues and the amount is \$50,000. I don't know if that is some sort of a joke or not, but I don't think the state should be participating in trying to bail out a federal program. And that is certainly not enough money. Nobody's actually even discussed about how much rent is paid by the housing. Is it in the millions? So how does 50K cover millions of dollars worth of paid HUD funds? So I'm concerned about that. And I know that's probably why he put it in there, because I've testified and [INAUDIBLE] tried to kill this bill every single year. Two is I want to echo the last person here, because I was going to bring that up, too. We have a lot of advocacy groups here. We have one gentleman that testified, could be more than that, could be an ADA situation. But I want to hear about tenants. Some people are testifying on behalf of somebody else. Senators, you're talking about creating a law that if one of us end up having to go to court, housing, that the proponents are on what we would refer to and some of your attorneys is hearsay. OK. We don't know, actually, what's going on, personally, from the tenants themselves. So I just, you know, got a problem with that, as far as funding, that is exactly why don't take, take housing. I've been doing this for 40 years, longer

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than-- more than any of you senators and sometimes, maybe even older than you are. But the, the situation here is once the-- going through all the red tape of trying to get people into your property and trying to find them a place to live, if it's on housing or whether they're making, in my situation, it's two and a half times the rent. And I have had people call me on housing. I've explained it to them. I said housing doesn't pay for damages. So-- and they, they were very understanding. OK. I can tell you right now I've got a vacant property I've been trying to rent and every one of them are coming from houses where people are selling their properties. I just got hit from the county assessor. You have another law that requires me to be assessed at 100 percent value. I'm looking at \$10,000 in additional taxes that I got to take out on my tenants and there's no way I'm going to be able to do that. Last time this happened, in 2019, I lost half my tenants. So we have an inflationary problem. Two, is the building costs-- building materials and trying to find people to work. I had to work on one of my properties for two years because I couldn't find anybody to help me. So we're having a real labor and building material cost of trying to keep these properties maintained, which could be another issue involved in even-- another bill I see about replacing lead or pipes that might be lead. You'd have to tear out ceilings, you'd have to, you'd have to run the plumber, You can run pecks. I had that done with one of my property. That's extensive amount of work. And how much time are you going to have to be able to do that? Thank you.

DeBOER: Thank you for your testimony. Let's see if there are any questions. Senator Geist.

GEIST: I have a question for you about when the Legislature gives housing for landlords or homebuilders or whoever, additional regulations that are over and above a safety standard, although they're all called safety standards, but some of them are over and above that.

SCOTT HOFFMAN: Minimum housing codes, yeah. Building codes, yeah.

GEIST: Do those cost you extra? Do those codes, do those requirements, do those generally add cost to your unit?

SCOTT HOFFMAN: Senator Geist, I can tell you, in the 40 years, I have never, ever had a building inspection issue on any of my properties, where they came in and said I had to do something. And we've got another bill that will testify. The bill involves a registration,

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which means they'll start to come in and see something that, you know, might have existed for decades, but this doesn't meet our minimum housing code. OK, so we fix it. Then we got to go hire somebody to go do it. That brings up our cost. OK. Who's supposed to pay for that, again? We're-- right now, my biggest tax deduction is property taxes. I mean, it's, it's given a new reason for a new tax deduction. I, I have no idea what I'm going to do this year as far as, you know, getting my tenants to pick up that bill. And I'm, I'm going to tell you right now, I'm probably going to be eating half of it. Absolutely.

GEIST: But generally, if things cost you more, you have to pass that cost on to your tenant.

SCOTT HOFFMAN: We can, but it's hard. Right now, usually-- say, for example, you've got a \$100,000 house. Years ago, we used to be able to use the 1 percent rule. OK. So if you had a \$100,000 house, you'd be looking at \$1,000 a month. Well, now those hundred thousand dollar houses are now \$130,000, \$140,000. So how do we raise the rent \$400 a month?

GEIST: Right.

SCOTT HOFFMAN: It's called a return of money. OK. And-- on your investment and with all these bills, I can tell you, the last ten years, I wasn't here for 30 years. In the last ten years, I'm going, Hey, wait a minute. We've gone from three days to seven days. We've gone to, you know, continuances. You know, we're just trying to get people out of property. The word here-- there's a four letter word. It's called move. OK. If you're not happy with your landlord, then find another place to move. And if he's violated some building codes, then that's what the building and safety is for and-- in that area. So-- but yeah.

GEIST: Thank you.

SCOTT HOFFMAN: You bet.

DeBOER: Thank you, Senator Geist. Other questions? I'll ask you one.

SCOTT HOFFMAN: Sure.

DeBOER: This is kind of a theme I'm hearing, is that one of the problems is not the Section 8 tenants, it's Section 8. Do you also agree with that?

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SCOTT HOFFMAN: I don't really call it discrimination. In my situations, my situations, I just don't want to participate in the program. And I think you heard a lot of testimony on that.

DeBOER: That's what I'm saying.

SCOTT HOFFMAN: Yeah.

DeBOER: Do you agree that the program, it's, it's not so much that you don't like the Section 8 tenants, it's that you don't like the program?

SCOTT HOFFMAN: The program, yeah. Years ago-- and I talked to a landlord today because I told her I was going to come down here and testify. Well, good luck. And I said-- and we talked about the, the housing paying for damages. And it's funny, because she said they used to. I go, I know. It's amazing that you know that. They used to pay for damages and then they, they retracted it. OK. Now, you, as a state, want to fund it with 50K? I mean, I'm sorry, that's a joke. I mean, you're, you're talking maybe a million dollars or more to cover lost rent damages. And-- you know, that-- that's another thing about getting into the, the, the amount of rent due and everything, whether it's two and a half or three times. Cars do break down, people need to buy food, buy clothes for their kids. That is computed into trying to devise how much people can afford if they have an issue or emergency that needs to be taken care of, outside of paying the rent.

DeBOER: So, so, what I was going to ask you--

SCOTT HOFFMAN: Sure.

DeBOER: --and I'll ask some of the others who might still be behind you, is what is the single biggest problem? So I've heard you guys come in and talk about this issue several years in a row and I finally got it through my thick skull that the problem is not the Section 8 tenants, it's Section 8 program. So what I want to know is how do I fix the Section 8 program, because it turns out that some of us have some of the ability to do that, so let's do that.

SCOTT HOFFMAN: Well--

DeBOER: So what's, what's--

SCOTT HOFFMAN: --the question here is recourse. OK. Recourse. What do we do? And I'm going to tell you right now, I had two tenants last

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year. One was senator for 3 years, one was a senator for 2 years. Ten years, they moved out and I said, hey, wait a minute. What are you doing with all your stuff here? You got to come get this. I told you not to smoke in there. You take off the picture, there is a big stain on the wall. [INAUDIBLE]. I spent almost a year--

DeBOER: That's--

SCOTT HOFFMAN: --but I'm just telling you, I-- the point is, I sued them for several thousand dollars, which was actually very minimal. And they paid me, after I had to take them to small claims and everything, which is also hard to do. But they claim it, because I knew where they worked.

DeBOER: OK.

SCOTT HOFFMAN: But that's the problem, is how do you go after somebody if they're being helped with the rent? But yet, how do you help them with the damages if in do-- if indeed it does occur?

DeBOER: So the damages are something that you would like to have fixed up.

SCOTT HOFFMAN: Well, it's-- easily, it could be several thousand dollars--

DeBOER: Perfect.

SCOTT HOFFMAN: --you know, carpet, holes in walls, windows, screens, everything, you know.

DeBOER: Perfect. That is, is an answer we'll look into then.

SCOTT HOFFMAN: All right.

DeBOER: Thank you.

SCOTT HOFFMAN: Thank you.

DeBOER: Any other questions for this testifier? I don't see any. Thank you for being here.

SCOTT HOFFMAN: Thank you.

DeBOER: Next opponent. Welcome.

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NATHAN HAUGEN: Thank you. For the record, Nathan Haugen, N-a-t-h-a-n H-a-u-g-e-n. I'm a small mom-and-pop landlord from Omaha. This is my first time ever being here in this building. It's quite the experience. And I can say that I have a, a Section 8 tenant living in one of my homes and until 3.5 years ago, I had no experience with the Section 8 program. I can echo some of the comments, with OHA and the difficulties-- unreturned phone calls, unreturned emails. I actually had to go find 17th and Harney, I believe, was where their office was at-- and actually walked in there to talk to somebody to answer my questions, to try to just learn about the program. There was one gentleman there who was very helpful at the time. And-- but I think that is-- I had to go to that length just to get the answers. And then-- but, you know, your emails and phone calls still go unanswered, with the program. And I would also say, too, that never having dealt with Section 8, it wasn't the fact that she was getting money from Section 8 that was my problem, it's, typically, the collections and other issues, you know, credit-wise that has to go on. But this, this particular applicant was, was stellar in every other aspect. So I gladly accepted her and she's still in the house today, 3.5 years later. And her house is impeccably clean every time I go over there for inspections, yearly inspections, sometimes for whatever reason they schedule them 6 months, 8 months apart. But, you know, I just comply with the inspection and don't really raise any issues. But with that, I just wanted to let you know that she's a fantastic tenant and I wish I had more just like her. I, I would take them if, if qualified.

DeBOER: Are there any questions for this testifier?

GEIST: May I ask one?

DeBOER: Senator Geist.

NATHAN HAUGEN: Senator Geist.

GEIST: I'm curious, so are you in opposition to this bill or are you for this bill?

NATHAN HAUGEN: Yes, I am in opposition. I don't think anyone should be forced to take-- because there's a slippery slope. And I think that's also been mentioned.

GEIST: Gotcha.

NATHAN HAUGEN: Yes.

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GEIST: OK. Thank you.

NATHAN HAUGEN: Yes. Thank you.

DeBOER: Other questions from the committee? I'll just ask you briefly, have you had any trouble with the Section 8, other than unreturned phone calls and I have that written down and unreturned emails, have you had other problems with working with the program, that you'd like to--

NATHAN HAUGEN: Sometimes there's payment issues, where they do mispay and then you have to sort that out. And that's where, a lot of times, some other issues happen.

DeBOER: OK. Thank you.

GEIST: I have one more. Sorry.

DeBOER: Oh. Senator Geist.

GEIST: Sorry. One more. And I've been meaning to ask all the people that have payment issues and I haven't, what do you do? Do you just pay that yourself, when you're not paid or your-- gentleman behind you-- or before, you said something about \$10,000. That wasn't paid for 3 months in a row. As a property owner, do you just pay that? Do you take out a loan? What do you do?

NATHAN HAUGEN: Absolutely. So I've got a line of credit with a bank and it's currently, you know, has a balance. And yeah, you just have to eat it and then, pay it back when you, hopefully, get the money.

GEIST: Wow. OK. Thank you.

DeBOER: Any other questions? All right. Thank you for being here.

NATHAN HAUGEN: Thank you.

DeBOER: Next opponent. Welcome.

SETH PERKINS: Thank you. Thank you for having me. I am Seth Perkins, that's S-e-t-h P-e-r-k-i-n-s. I am an executive vice president at Seldin Company in Omaha. And we are a third-party property management company and we are, similar to what Kristy said earlier, we, you know, are in favor of the housing voucher program and, and Section 8. We currently have nearly 4,000 affordable units that we manage in

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Nebraska, in Omaha, and throughout, and throughout the state. So, again, we, we don't have any issues or anything with generally accepting the, the voucher and with the program. What we are opposing with LB248 is forcing, you know, all landlords and owners to be a part of, of that program. A lot of it's similar to what many people have said earlier, because of the issues with the Section 8 program itself. So I won't go into a lot of those issues because we, we have the same type of stuff, with the way that it's ran, the-- even the payment standards. A lot of the times-- I wanted to kind of point out, you know, of the 4,000 units that we, we manage-- someone said earlier that, you know, we end every month with vacancy of those, approximately about 5 percent. So I think a lot of that is not that we're not accepting those people or they're not able to find some housing, maybe they're being denied for other reasons or maybe they're just not actively, you know, trying to find housing for those, but there is housing available. I can vouch for that, that we do end every month, again, with available units that will accept, accept the vouchers. I did want to state, some of my concerns are the increased fair housing suits that this could bring and that increased expense to the landlords to try to fight those. Somebody mentioned that it was on the person bringing those to the forefront, that would be on them to support of what was the fair housing discrepancy, but that does fall on the landlord or the owner to show that there was not that. And in many cases, you know, when we have fair housing and other issues, most of those go where they find no finding, but it does take a lot of resources and expense to, to fight those and to go through. So I would kind of focus on like, what many people said, trying to improve the housing authority or the voucher program and improve that process to make it a much easier and better system for the landlords. So I'm happy to answer any questions anyone may have.

WAYNE: Any questions from the committee? Senator DeKay. Oh, thought you had your hand up. Sorry. Seeing none, thank you for being here.

SETH PERKINS: Thank you.

WAYNE: Any other opponents? Opponents. Anybody testifying in the neutral, neutral capacity? Are you opponent?

PAULA GARDNER: Neutral.

WAYNE: Neutral. Come on up.

PAULA GARDNER: We're almost done.

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DeBOER: With one.

PAULA GARDNER: With this.

WAYNE: Welcome.

PAULA GARDNER: Thank you. So, good afternoon. My name is Paula Gardner, P-a-u-l-a G-a-r-d-n-e-r. I'm the executive director of the Nebraska Equal Opportunity Commission. I'm here today to speak in a neutral capacity on LB248 and to answer any questions that there may be. While it's difficult to know how many additional investigations passage of this bill could result in, we do our best to absorb any additional investigative work. As this is not a basis currently covered under federal law, we would not receive any federal reimbursement from HUD for these investigations, under our work share agreement. However, having a state law more expansive than federal law does not affect our substantial equivalency with HUD. It would be our hope that through our education outreach functions, we could educate respondents on this to help prevent this potential discrimination from occurring. I would like to note that the bill, in its current form, also is making an amendment to the public accommodations law, which is on page 3, line 8. It's possible that this occurred due to the PA law and housing law still being somewhat conflated and at one time, they were one law. They were separated. People paid close attention to the housing statutes, but kind of ignored the public accommodation statutes and so, they're very incomplete and inconsistent. Aside from other questions and concerns we have about how it's structured within the context of the current statutes, our biggest concern is the requirement for the NEOC to administer the Landlord Guarantee Program. And we did submit a fiscal note on this, as we're an investigative agency, we don't have staff trained or available to administer a grant program. And it's also unclear if the \$50,000 noted for appropriation is the grant money or if it's for something else. Our extremely lean budget does not have any extra money to provide to landlords or pay a staff member to develop and manage the program.

WAYNE: Senator DeBoer.

DeBOER: Thank you. I think you may have heard earlier that there was some discussion about whether a lack of Section 8 tenants within a landlord's portfolio, I guess we will call it, would be a prima facie case of discrimination on a, on a source of income. Can you speak to that issue?

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PAULA GARDNER: Yeah. I can talk about the investigative process, how that would work. So an individual could bring, to us, a claim of discrimination based on a protected class. So they would need to be a member of a protected class. They would need to have a housing harm. From that, we take that information and ask the respondent to respond to those allegations. It's a burden-shifting paradigm. So once we have that information back from the respondent, it shifts back to the complainant to explain why what the respondent is saying is not just incorrect, but that it's discriminatory. So simply not having Section 8 wouldn't in and of itself be an, an action of discrimination and we would look at all of the evidence before making a determination.

DeBOER: OK. So the simple act of not having Section 8 would not in and of itself--

PAULA GARDNER: Right. Because we would look at how many people have come to you with Section 8--

DeBOER: Right.

PAULA GARDNER: --and what is the reason why they were rejected. It-- was it because they had Section 8 or was it for other nondiscriminatory reason?

DeBOER: OK. Thank you.

WAYNE: Any other-- Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. I'm sorry. I, I missed the organization you represent.

PAULA GARDNER: Nebraska Equal Opportunity Commission, so we have jurisdiction over the Fair Housing Act.

HOLDCROFT: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. Next neutral testifier.

RANDY LENHOFF: Thank you, Chairman, members. My name is Randy Lenhoff and I'm talk-- coming here to talk to you as a-- in neutral position. I worked for Seldin Company for about 40 years and CIP in Lincoln before that. And I retired in 2016. When I retired, I decided that I wanted to work with a nonprofit. I got involved with St. Vincent de Paul Society in Omaha. And since then, we've moved our facility down

to 17th and IZard. We, we give out about 300 lunches a day, to anyone who wants to get in line. So you get down around-- between 11 and noon, you'll see people in line getting their lunches. I'm a little surprised. I came here to talk about the fact that I deal with some people all over town. And what we do-- the other thing we do is work to help prevent homelessness. We get-- we raise money and we try to avoid that. And a couple of things that I heard you say-- heard said today bother me a little bit, because I can tell you that because I worked in housing so long, like fair housing complaints do get investigated. They're not shared with the owner. And all a tenant has to prove is that they're a protected class. Then the owner has to prove that they didn't get discriminated against. So you got to understand that. And a lot of times, it's used-- then they are used as leverage because the owners don't get a copy of the report. That's in Nebraska law and that's in the federal law. So it puts the landlord at a disadvantage. And usually, that's used to leverage a dis-- a settlement with the owner. Because there can be \$50,000 from [INAUDIBLE] this one guy said here. So usually you settle those. And I've been on both sides-- or I've been on the other side of that, because all my years with Seldin and so, I have experience. So I think if you're going to do this, I think you need to put some guardrails on it. And there needs to be a right for both parties to see the investigative report. That would be number one. And then, the other thing is put some limits on how much they will be. The other thing I want to say before I forget, is St., St. Vincent de Paul and the people I talk to are people that we call near homeless. So we've got people I've helped who, who, you know, their rent is-- one lady I can think of, her rent was \$900 a month and she makes \$1,100 dollars a month on Social Security. So try and figure out how to live on that. I was able to find her, in one of the Seldin buildings that the gentleman was up here talking about, on affordable housing and it was a Section 8 on that property. And so we were able to get her moved in there very quickly with the help of their people. And she calls me about every six months and thanks me again for helping her. And we helped a lot of people like that, the society does. We raise somewhere between \$1 million and \$1.5 million a year. We have 500 volunteers in Omaha and all the money comes from private donations. So there's no federal help or anything. But I do think the city needs to-- a couple of things that need to be brought up at this committee is the city needs to work on providing house-- or transportation for people who, if you want to get people spread out, get them to other parts of town, you need to figure out a way to get them out there. Bus service is lousy.

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WAYNE: The red light's on. So let me see if there are any questions.

RANDY LENHOFF: And, and the city is also--

WAYNE: Sir. The red light's on.

RANDY LENHOFF: --OK.

WAYNE: Hold on one second. We'll probably get--

RANDY LENHOFF: Well--

WAYNE: --to you.

RANDY LENHOFF: --all right.

WAYNE: Any other questions from the committee? So what else should the city be doing?

RANDY LENHOFF: Well, they should, they should allow TIF west of 680. They don't. I mean, I was-- I talked to a guy this year who went in and was going to do an affordable housing. And so if you want to get this spread out, you need to get it out there. And the city said, no, we don't do it west of 680. The other thing I'd ask is somebody find out if anybody is doing any for 202 this year. I mean, there's 202 housing money out there, through the federal government. I helped do about three of those over the years. Two of them were in west Omaha and one was in north, north of downtown. But that money is out there and HUD provides it. And somebody from the city has to help a nonprofit to get it. And you can get 100 percent of the cost, but you got to put an application in. It's pretty, pretty difficult process. So you got to-- you have to have some patience. So anyway.

WAYNE: Thank you.

RANDY LENHOFF: Any questions from the committee? Seeing none, thank you for being here.

RANDY LENHOFF: All right. Thank you.

WAYNE: Next neutral testifier. Seeing none, as Senator Vargas comes up to close, we had 72 letters for the record, 35 in support and 30-- I'm sorry, 35 in support and 37 in opposition. Senator Vargas.

VARGAS: Look, we're adding more people to the ledger on both sides in the last couple of years. Thank you very much, Chairman Wayne, the

members of the Judiciary Committee. I think we heard a lot of testimony, so I don't want to rehash this. There's just a couple of things I wanted to address. The first is, once again, we don't want to stop or impede any of the everyday reasons why somebody would not be able to rent. There are valid reasons that exist, from their employment history, their credit history, rental history. You know, they could still set the cost to how much a security deposit is. This is all can be standardized-- this is-- these are reasons why individuals cannot be rented to. What we're trying to do is utilize a solution that's been, been implemented in states all over the country. Since the last time we introduced this, I actually didn't have updated data. I said-- like I said, 10 states or 11 states and 50 cities. We're now closer to nearly 20 states and 100 cities that have source of income discrimination bans on the books. In those areas, landlords are still effective. The point of the matter is I understand the concerns from individuals saying that they don't like Section 8 housing or there's things that are onerous. That's something that we clearly have to improve on in the federal government. I also understand that it is difficult and onerous for people trying to get Section 8 housing vouchers to jump through those hoops, even to then, have application fees and to spend years on a waiting list to then have such a minimal amount of housing units available for them to be able to even apply and have six months to be able to get into a housing unit. The point of the matter is we need to make sure that we're removing barriers and this is making sure that this is-- you cannot discriminate against somebody solely because of where your income is coming from. In this case, it would be a housing voucher. This doesn't, this doesn't present, discriminate against any other reason why the landlords would be able to say no to a tenant. And it's not forcing them, but we don't want to punish people for poor administration at the federal level. We want to make sure an existing program is working for individuals. We want to address homelessness, affordable housing and stop the, the large number of low-income families that are on this from being able to then have safe housing. That's what this does. So, happy to make-- we can add more than 50,000. Doesn't matter to me how much we put into it, if it's going to be-- pacify some of the concerns. But not doing something in this arena, which is, is-- it is a simple change that can have a significant impact. I appreciate your support and help. Hopefully, we can get this out of committee.

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WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. That will close the hearing on LB248, and we will open the hearing on LB175, Senator Dungan.

DeBOER: Oh, there he is. I see him.

WAYNE: Welcome.

DUNGAN: Good afternoon, Chair Wayne and members of the Judiciary Committee, Committee. I'm Senator George Dungan, G-e-o-r-g-e D-u-n-g-a-n. I represent the people of northeast Lincoln in Legislative District 26. Today, I am introducing LB175. LB175 is a bill to adopt the Residential Clean Slate Act. Under this act, the judicial action to evict tenants from a residential dwelling unit would automatically seal when that action results in a dismissal. To reiterate, this only applies to eviction cases that were dismissed. LB175 also applies to the following scenarios: the evict-- the eviction action ended in dismissal but the record, nonetheless, remained public for some reason; the eviction action resulted in a judgment against the tenant that was later reversed or vacated; the eviction action resulted in a judgment against the tenant and a writ restitution was issued but never executed, meaning the eviction was never carried out; or three or more years have passed since the eviction judgment was entered against the tenant and the writ for restitution of the premises was executed. Currently, if your case is dismissed essentially, the eviction remains on your record. It has a massive negative impact on people trying to find a place to live. When people can't find a place to live, they have to seek help elsewhere, which ultimately has an increased cost to our state and communities. When cases are dismissed for whatever reason, that charge should not remain on their record. We do not do that in other cases. If you're charged with a crime, for example now and ultimately, it's dismissed, we passed legislation that makes sure that is now sealed. This is what's happening to people whose eviction cases were dismissed or reversed. Essentially, they remain guilty of a crime they did not commit, to put it simply. You will probably hear from a lot of opponents today about how this infringes on their rights and denies them the ability to deny tenants based on their findings. One of the best things, I think, about LB175 is it strikes a balance between interests. For example, landlords are still allowed to inquire for references, for example, from previous landlords, assuring they have control over who they lease to and they have the ability to learn information about those they're working with. Ultimately, LB175 would allow tenants to obtain clean slate relief when they had faced

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wrongful eviction actions, have come to settlement agreements with their landlord or vacate the unit voluntarily, prior to an entry of judgment or have rehabilitated their rental history. Sealing such an eviction record would protect tenants from having their housing options arbitrarily limited, based on a judicial action that either did not result in an eviction or no longer accurately reflects the tenant's current course of conduct. Thank you for your time and consideration this afternoon. I would urge the committee to vote LB175 out of committee, and I'm happy to answer any questions you might have.

WAYNE: Any questions from the committee? Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. Thank you, Senator Dungan, for bringing this. Do you have some numbers, as far as how often this occurs?

DUNGAN: I don't. I'm guessing some of the people after me, who are more experts in the subject, might have more exact numbers. I do know that the vast majority of folks that I've worked in and around when we've been dealing with eviction cases, get these things resolved without a judgment happening. As you know, I used to work in the courthouse and I, I, I personally, did not work on eviction cases, but many of my friends and attorneys I know did. A lot of these cases, the eviction action is brought and then, ultimately, something is-- an agreement is reached or something is settled and then, the judgment, ultimately, is not made. But that eviction action still remains on your record. And so, what we're trying to do is ensure that individuals don't have that eviction follow them, despite the fact there was never actually a judgment or an eviction or writ executed on them. But I think if you ask that question to some folks after me, they might have more exact numbers for you.

HOLDCROFT: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

DUNGAN: Thank you.

WAYNE: First proponent. First proponent. Welcome.

DESTINY FANT: Good afternoon, Senator Wayne and other members of the Judiciary Committee. My name is Destiny Fant, D-e-s-t-i-n-y F-a-n-t, and I'm the tenant assistance project specialist within Together's

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Crisis Engagement Program. I am testifying today in support of LB175 as a concerned citizen and not on behalf of Together. Working in the community and within eviction court, I see on a daily basis the negative impact eviction filings have on the people who appear. Right now, even if an eviction is filed, it never goes away. It doesn't matter if the eviction was filed wrongfully, incorrectly or dismissed before the hearing date even came. For the cases that are heard before the court, a lot of times stipulations are made that the tenant agrees to and the property's attorney will vacate, vacate or dismiss the eviction. Currently vacating or dismissing the action does not matter. The filing still shows up on the tenant's permanent record and counts as a strike against them when attempting to locate alternate housing. Ultimately, the tenant is forced to settle for housing that is poorly maintained, unsafe and unhealthy because a majority of these types of properties do not run the checks that larger, more well-known properties run. As we have all seen, those properties tend to end up being condemned and the residents put out on the street, further exacerbating the already overwhelming homeless community. As for the other part of this bill, I'd like to speak from personal experience and put a face to the community that this affects: the sealing of rehabilitated rental history. I made a lot of dumb choices in my early twenties, which led to a very poor rental history, multiple evictions in the course of just a few years. Due to that, I struggled finding housing for my children and I eventually ended up homeless. Let's fast forward to 2023. Ten-plus years after my last eviction, I've established a very healthy rental history, five years or more with no evictions. I'm still unable to rent from anyone who is not a private property manager or owner. And my housing options are extremely limited to areas located in higher-crime communities, higher poverty and in areas that have little to no funding within the school zone districts. In conclusion, advancing LB175 would give families like mine and hundreds of others just like me, a chance at relocation and an opportunity to start over, without the eviction stigma following us and denying us the options of safe and affordable housing that so many others have. I encourage you to advance LB175 and I'd be happy to answer any questions you may have. Thank you.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next proponent.

LEE HEFLEBOWER: Good afternoon, Chair Wayne and, and, and members of the committee. My name is Lee Heflebower. L-e-e H-e-f-l-e-b-o-w-e-r. I'm the domestic violence and economic justice specialist at the Nebraska Coalition to End Sexual and Domestic Violence. I'm here to

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testify as a proponent of LB175 and support the adoption of the Residential Tenant Clean Slate Act on behalf of the Coalition and the 20 network programs across the state serving survivors of domestic violence, sexual assault and human trafficking. In the interest of your time, Senators, in addition to my written testimony-- copies of my written testimony, I've also provided the written testimony of one of our partner organizations, the Women's Fund of Omaha. Their testimony is very similar to ours, so we thought that would be a little more efficient. LB175 is critical in providing statewide support for people experiencing or fleeing gender-based violence or in need of safe, stable housing. Intimate partner violence is prevalent across our state, with approximately one in three women and one in four women experiencing intimate partner physical or sexual violence and/or stalking in their lifetimes. The rates of victimization statewide are similar across rural counties, as well as in our urban communities. The issues of domestic violence and evictions are intertwined and domestic violence survivors are often evicted from rental housing, as a result of the abuse against them. Abusers often use tactics of economic abuse, in addition to physical violence, to control their partners. These tactics include interfering with and controlling a survivor's employment, access to economic resources and ability to establish good credit. This can leave survivors without the ability to support themselves financially or to leave their situation. Survivors of domestic violence must often make a distinct choice between remaining in an abusive relationship or becoming homeless due to eviction. Survivors who do leave abusive relationships can find themselves denied future housing options because they have a previous eviction. Affordable, safe housing is important for survivors and their children to achieve economic stability and healing from the trauma they have experienced. For survivors, for survivors of past evictions, they are often shut out of the affordable housing market and their applications denied due to their rental history, leading to long-term housing instability and unsafe housing options. Adopting the Residential Tenant Clean Slate Act would support survivors in moving forward with lives free from violence and escaping cycles of homelessness. Sealing records for evictions, which occurred as a result of their experience as a victim of domestic violence, would eliminate that long-lingering effect of the abuse that they have suffered. Thank you for your time and consideration.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

LEE HEFLEBOWER: Thank you.

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WAYNE: Just want to remind everyone there is gold sheets if you want to make your position known and don't necessarily want to come up and repeat everything that was said-- being said before. Gold testifies sheets, you just fill it out and list your position and it does become part of the record. Next proponent. Next proponent. Welcome. Welcome.

KASEY OGLE: Hi. Chairperson Wayne and members of the Judiciary Committee, my name is Kasey Ogle. I'm a senior staff attorney at Nebraska Appleseed for Collective Impact Lincoln. That's K-a-s-e-y O-g-l-e. Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans and Collective Impact Lincoln is a partnership between Nebraska Appleseed and Civic Nebraska that works with residents of six Lincoln neighborhoods to build community, develop neighborhood leaders and take action on policy that's responsive to their needs. I'm here today on behalf of Collective Impact Lincoln in support of LB175. Collective Impact Lincoln advocates for better housing quality, more affordable housing and fair rental practices for low-paid Lincolniters. And we support LB175 because it will ensure that tenants who have faced eviction actions will not experience unreasonable barriers to housing. Eviction records are public records available to anyone who seeks out the information. These records are available to the public, regardless of whether the tenant prevailed, the case was dismissed or a writ of restitution was issued against the tenant. Eviction records are routinely used to screen tenants from seeking housing. Unfortunately, these screening methods are not very discerning. Often, they do not distinguish between cases in which the tenant prevailed and cases in which a writ of restitution was issued against the tenant. This means that the very fact that an eviction case was filed against the tenant can and does disqualify the tenant from future housing opportunities. Regardless of how an eviction case is resolved, the record of the case can cause barriers to housing for years. LB175 remedies this problem by creating a mechanism for sealing eviction records. It automatically seals eviction records if the tenant prevails or if the case is dismissed. It also removes the barrier-- or this removes the barrier to housing that an eviction filing can cause, regardless of the outcome. LB175 also allows for tenants who have a writ of restitution issued against them to apply to have the record sealed after three years. This process would ensure that tenants are not forever barred from housing opportunities because of a past eviction. While it would allow landlords to use more recent evictions as a screening tool, it would also allow for tenants, who have consistently demonstrated good rental practices for the last three years, to remove that barrier from

their future housing opportunities. Sealing eviction records in which a tenant had a writ of restitution issued against them would not be automatic. Tenants would have to petition the trial court to have the record sealed. The landlord in the case would be notified and have the opportunity to file an ejection-- objection and prove why the eviction should remain public. LB175 also ensures that tenants cannot be asked about eviction records that have been sealed and that sealed eviction records cannot be considered in an application for housing. This bill provides much needed relief from unfair rental screening practices and for these reasons, we urge you to advance LB175.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

KASEY OGLE: Thank you.

WAYNE: Next proponent. Next proponent. Welcome.

ALAN DUGGER: Thank you, Chair Wayne. Good afternoon. My name is Alan Dugger, A-l-a-n D-u-g-g-e-r. I'm a licensed attorney and regular volunteer of the Lancaster County Tenant Assistance Project or TAP. I'm testifying and speaking in support of LB175 in my personal capacity as a housing advocate and attorney with extensive experience defending tenants from eviction. I am also a residential tenant. Plenty of us are here today. LB175 promotes housing stability in two ways and I'll talk about those by providing some-- this committee some context into how evictions resolve. First, it requires courts to seal eviction filings whenever a case is ultimately dismissed, often because the tenant agrees to move out and then does so. TAP attorneys aim to prevent a judgment from being entered against our clients and we are often successful. However, regardless of how a case resolves or why, as you've heard, the eviction filing remains. Filings themselves present, present barriers to finding new housing, which leaves tenants unable to actually move out in an agreed upon timeframe. Filings are public, are public record and many landlords evaluate a tenant, based on the presence of the filing, not just a judgment. Many companies that offer screening services to landlords automatically disqualify any tenant without a-- with a filing, without even providing the landlord relevant context. Further, even when a tenant wins at trial or the landlord realizes the eviction actions should not have been filed, the filing still counts against them. Many evictions held in Lancaster County are unlawful in some respect. To give you one example, because the landlord did not give the tenant enough time to pay the rent due before filing an action. We've seen cases where the

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landlord tried to evict for poor conduct based on a neighbor's unfounded accusations or where the landlord failed to comply with the Fair Housing Act. Tenants settle these cases, not necessarily because they did something wrong, but because the risk of trial and possible immediate eviction are just too great. And this discussion assumes that the tenants make it to court. Tenants often miss their one and only court hearing for a variety of reasons, including the landlord fails to properly serve the tenant with the summons. Sometimes, tenants don't think they'll have any success in court and just try to move before the court date. Failing to appear for any reason usually results in a default judgment being entered, without any chance for the tenant to contest the eviction. Even judgments, then, often lack meaningful context for landlords considering tenant applications. The second way LB175 promotes housing stability is that after three years, it allows tenants who were ultimately evicted to petition to seal their eviction records. For many reasons, prior eviction history is a poor judge of a tenant's current resources and circumstances. Clean Slate relief is a great strides toward achieving housing stability in our communities. I urge this committee, this committee to take that stride and advance LB175 to General File. Thank you. I'm happy to answer any questions.

WAYNE: Any questions from the committee? Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. The same question I had for Senator Dungan. Do you have any ideas, numbers on how often this occurs?

ALAN DUGGER: To clarify, Senator Holdcroft, how often unlawful eviction filing occurs?

HOLDCROFT: Yeah.

ALAN DUGGER: So I can give you-- so I can't give you numbers offhand, unfortunately. I can tell you a couple of useful things. First of all, the-- in the coming testimony you have, the footnote-- footnotes 3 and 4 will lead you to a study that'll give you an idea of unlawful eviction filings for years 2019-2021. I can also tell you that in my routine work, handling these cases and preparing these cases for other volunteer attorneys to handle, we usually see one or more reasons the eviction was procedurally defective or unlawfully brought on the merits.

HOLDCROFT: OK. Thank you.

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WAYNE: Thank you. Any other questions from the committee? Seeing none, thank you for being here.

ALAN DUGGER: Thank you.

WAYNE: Next proponent. Next proponent. Welcome.

SCOUT RICHTERS: Hello. Thank you. Scout Richters, S-c-o-u-t R-i-c-h-t-e-r-s, here on behalf of the ACLU of Nebraska in support of LB175. We want to thank Senator Dungan for bringing this bill. Eviction has emerged as a national crisis in the face of rising housing costs, stagnant wages and minimal protections for tenants. For many tenants, evictions can have a domino effect of devastating consequences, including job loss, health issues, material hardship, hardship and even homelessness. Landlords routinely employ screening policies that deny housing to any renter previously named in an eviction case, regardless of whether the case was dismissed, occurred many years ago or was filed on unlawful grounds. Eviction disproportionately burdens tenants of color and in particular, black women. ACLU National's Data Analytics Team found that on average, black renters had evictions filed against them by landlords at nearly twice the rate of white renters and that same statistic holds true here in Nebraska. The mere existence of a prior eviction filing is enough to lock tenants out of housing opportunities for years to come, even when the case, again, did not result in the final judgment against the tenant. And that lasting stigma of a prior eviction filing often compels poor, poor tenants to avoid court involvement at all costs, rather than exercising their rights. Many tenants endure horrible living conditions or comply with unlawful lease termination notices to avoid sustaining that permanent mark of an eviction filing. Myself and other attorneys in my office volunteer with the Tenant Assistance Project and as you heard from Mr. Dugger before me and Senator Dungan, as well, I can tell you, unequivocally, that an eviction filing does not equate to a judgment, yet just having that filing can present a multitude of sometimes, truly insurmountable barriers to future opportunities. Eviction filings are like any legal dispute that need to be resolved in court proceedings or through negotiation. One party unilaterally filing an eviction action against another should not carry the collateral consequences for tenants and LB175 rectifies this significant problem. So with that, I thank you for your time and I'll be happy to answer any questions.

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WAYNE: Any questions from the committee? Seeing none, thank you for being here.

SCOUT RICHTERS: Thank you.

WAYNE: Next proponent. Thank you.

SCOTT MERTZ: Thank you. Chairperson Wayne, my name is Scott Mertz, S-c-o-t-t M-e-r-t-z. I'm director of Legal Aid Nebraska's Housing Justice Project. I have over 13 years experience representing low income Nebraskans in Nebraska. I want to thank you for the opportunity to appear today in support of LB175. And I want to thank Senator Dorgan for introducing this bill and inviting Legal Aid of Nebraska to testify in support. I have written comments that I will let speak for itself. I, I want to address Senator Holdcroft's earlier questions regarding quantifying how often this is a problem. It, it is hard to quantify exactly how often this is going to be a recurring problem for potential renters to secure alternative housing. But we know firsthand, at Legal Aid Nebraska, having spent decades representing people at eviction court and a vast majority of the time, well over 85 percent of the time, avoiding those judgments and, and getting satisfactory resolutions either by agreement or by judgment, it still is a problem for those tenants, even years after the fact. We have our former clients come back to us, say, I know you represented me in court back in 2019. I thought we won. I'm trying to apply for new housing. They're saying this that is an eviction that's keeping me from, from getting new housing. We then have to go get records, do correspondence, write things up or even talk to potential renters to explain-- no, this is what the record says, this is what actually happened and there was not even an eviction, just to enable that person to rent new housing, even though they were not legally evicted before. It simply is common sense that people should not have to go through that process. And obviously, a great number of these individuals will not have attorneys at Legal Aid Nebraska that they can reach out to and assist with, with just clearing up this miscommunication or misreporting with potential landlords. I would also note, just in our written statements, that Legal Aid Nebraska provides a similar clean-slate service for people who have been convicted of low-level criminal offenses. And that's a, a law that is available, here in Nebraska, that people can get those criminal offenses set aside after some years of good service. It only makes sense that the same opportunity for, for tenants to better themselves after a clean rental history, that they, they should have the same opportunity afforded people convicted of criminal offenses. So I see

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my light is up and I just want to reiterate that Legal Aid of Nebraska supports the passage of LB175 and if there are any other questions, I would welcome the opportunity.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

SCOTT MERTZ: Thank you.

WAYNE: Next proponent. Next proponent. Next proponent. Moving to opponents. First opponent. First opponent. Welcome.

RICK McDONALD: Thank you. My name is Rick McDonald, R-i-c-k M-c-D-o-n-a-l-d, president of the Metropolitan Omaha Property Owners Association in Omaha. We oppose this bill. There's a simple fix, as far as a tenant having an eviction. Even if it wasn't followed through, if the tenant abides by the lease that they voluntarily signed, if they respect the property they were in, if they pay the rent or work something out with the landlord, there's no problem. There's no eviction filed. I don't see that it comes up very often, if ever, that an eviction is filed in court or once it's filed, the landlord says, oh, sorry, he did pay his rent after all. I guess it was caught up. My mistake. I don't see that happening. So to-- in order for us to run a business and be able to pick tenants and stuff, we need to know their history, whether it's their rental history, their work history. If they have evictions filed against them, where you were sent out in the hallway, which happens from time to time and you mediate a settlement on that, maybe a payment schedule. It still means they did fall behind in their rent. They didn't pay it. They didn't abide by the lease, just something was worked out. It's just another tool we use to get the proper tenants in the prop-- in-- proper tenants in the property that should be in there. So with that said--

WAYNE: Any questions from the committee? Seeing none, thank you. Next opponent. Welcome.

JEFF KRINGLE: Good afternoon. Thanks for the opportunity to speak. Please don't-- this jacket that I'm wearing is indicative of my respect for our legislators. Jeff Kringle, J-e-f-f K-r-i-n-g-l-e. I just told a couple dozen units and I have a lot to say, specifically and a lot of things, I won't bore you. I'm going to keep this very, very general. I rented to several people that have moved into my places out of their cars. I've rented to sex offenders, to parolees,

single mothers, single fathers. I believe that I have a really good understanding of probably, the renters, the tenants, that you most want to look after and protect. So in general, most of these bills that you are considering are going to hurt the people that I value a great deal, that is my tenants. This, LB175, that's not so much the case. On this, I just want to say we're trying to put the horse back in the pan after it's already got out or put the milk back in the jar after it's already out. The time to handle these things is before the rent is due. Hey, Jeff, I'm going to have trouble this month. I'm going to, whatever, be a few days late. That's when we handle these things. Every bill we pass like this pushes the problem down to the other end of the fence and makes landlords like me, that very much care for my tenants, less likely to want to work with them, all the way through. Very much against LB248, as well. Anyway, I just want to say that. I don't know how to fix the problems, but I'm glad to be a tenant where I have a little bit of help to try to help my tenants. Questions?

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent. Next opponent.

DENNIS TIERNEY: Dennis Tierney. D-e-n-n-i-s T-i-e-r-n-e-y. Chair Wayne and Senators, LB175, by expunging a tenants eviction record after three years, impairs a landlord's ability to discern whether a prospective tenant is a bad risk. One of the things that is vital in the rental industry to determine if a prospect-- a prospective tenant is going to cause a problem in the rental property, either through bad behavior toward other tenants or neighbors or by not paying the rent. If for some reason they've had a previous eviction, the landlord can discuss the situation with them and can always go ahead and rent to them anyway, if they think that the reason for their prior eviction has cleared up and unlikely to recur. By denying the landlord knowledge of the prior eviction, you take away their ability to make a reasoned judgment. It makes them much more likely to demand a high credit score to weed out anyone who may have had a prior eviction. This would therefore exclude someone who may have a marginal credit score, but still a good tenant. If a person declares Chapter 13 bankruptcy, it stays on their credit report for seven years, Chapter 7 bankruptcy for 10 years. These reports are necessary for banks and car dealerships to determine the risk that someone will default on the loan. Likewise, an eviction history is needed for a landlord to evaluate risk. Why should a landlord's ability to determine risk be valued less than a banker or a car dealer? This bill will result in changing landlords' behavior to be more restrictive in their rental

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practices and make affordable housing less available to tenants. Senators, please reject LB175. Thank you.

WAYNE: Senator DeBoer.

DeBOER: Thank you for your testimony. So am I understanding you correctly that if it were like, seven years, so that it was standardized, like with chapter-- with bankruptcy, would, would that make you not opposed to the bill?

DENNIS TIERNEY: It would certainly make me less opposed to the bill, that if it's going to be given a longer time, because if somebody has an eviction in seven years, then you know that a lot of the time that has gone by, but whatever caused the problem, they're less likely to be a problem tenant after seven years, certainly, than, than three years. People can get their, their act together and certainly, become a good risk again. Seven years is a lot longer for them to be able to correct their situation that, that-- whatever caused the eviction. And I certainly wouldn't be as opposed to seven years as I am to three years.

DeBOER: Thank you. That's very helpful.

DENNIS TIERNEY: Yeah.

WAYNE: Thank you. Any questions from the committee? Any other-- seeing none, thank you for being here. Next opponent.

LYNN FISHER: Hello, again, Senator Wayne. Thank you very much for allowing me to speak. Lynn Fisher, L-y-n-n F-i-s-h-e-r, and I'm here representing the Nebraska Realtors Association and the Statewide Property Owners Association. We're opposed to LB175. If passed, the private property rights of owners to choose the best possible tenant for their private property would be diminished. The most important part of being a rental property investor or rental property manager is to find the best and most responsible tenants possible so the rents are paid, the property is well cared for and the neighbors are secure in their peaceful enjoyment of their homes. This bill, if passed, would prevent an owner or property manager from finding the truth about an applicant's past behavior as a tenant. The conduct of a tenant, which would lead to beginning the eviction process, even, even if the process did not result in the issuance of a writ of restitution is in and of itself a critical fact that must be discoverable, in order to know if an applicant would be a good risk. So this bill would

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prevent the truth, really, from being discovered and in fact, would allow an applicant and the court system to hide relevant facts in the application process. Owners and managers only have financial and behavioral history to use as a measure of potential tenants' likelihood to be a responsible rent payer, neighbor and property caretaker. Because this bill would also apply to all past eviction records, its effect would be immediately damaging to the owner's rights to the truth and facts about an applicant. It could also be a contributing factor in owners choosing to sell rental property in the market rather than keep it as a rental. And this would exacerbate the shortage of affordable housing, not to mention increasing rents in order to account for additional losses of rent and damage costs. Senator Dungan said that this would be like-- he mentioned eviction as a, as a crime or likened it to a crime, which it's not. It's a civil matter and not a crime, so I didn't appreciate that comment. This would hide multiple filings. You know, a single filing is one thing, but this could hide the fact that maybe somebody goes to court multiple times. There's no writ of restitution ever issued and it's negotiated out of, out of that, that final end. And so, multiple filings over even a short period of time would be hidden. So-- and we don't, we don't necessarily automatically refuse somebody who's had an eviction on their record, if they have other positive aspects of their application and we're able to determine that they would be a good risk. Even having evictions three years ago or four years ago would not be, necessarily, an automatic denial. By the way, in Lincoln-- and I sent a text to my buddy who knows this and I, and I think that the number, Senator Holdcroft, in Lincoln, is less than 2 percent of the renters, if we go to--

WAYNE: Thank you for your testimony. Any questions from the committee? Seeing none, thank you for being here.

LYNN FISHER: Thank you very much.

WAYNE: Next opponent.

GENE ECKEL: Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Gene Eckel, that's G-e-n-e E-c-k-e-l, and I'm a board member for the Nebraska Association of Commercial Property Owners and the Apartment Association of Nebraska, appearing today to testify in opposition to LB175. As you are aware, LB175 seeks to prevent a housing provider from obtaining full access to a tenant's rental history. Such information is an essential-- because it helps housing providers mitigate risk and ensure the safety and security of

other tenants and the landlord or apartment community staff. Placing limits on the ability to review an applicant's eviction court records would be a significant detriment to housing providers in Nebraska. Apartment owners and operators require full access to complete and accurate eviction history of an applicant, without limitation on pending or previous court findings or filings. It is important for owners and operators to be able to evaluate pending previous filings, as they show a pattern of behavior. The full and accurate record gives owners and operators the most comprehensive picture of the renter to determine his or her ability to pay rent and fulfill other responsibilities under the lease. Housing providers need that-- need the ability to fully evaluate an applicant because they depend on responsible renters to pay the property management-- their business. The apartment owners must fulfill their own financial obligations, including maintenance, capital improvements, mortgage payments, utilities, insurance premiums, payroll and property taxes. Limitations on screening would have an unintended consequence on low-income renters, as well, because it could result in greater reliance on financial records and credit scores. Specific problems in this bill is on page 4, section 5, in subsection 3, where it specifically states a tenant shall not be questioned with respect to any eviction proceeding for which the record is sealed under this section: one, in any application for housing, a lease, employment, bonding, licensure or education. None of that-- some of that stuff is not even relevant to a person renting. A landlord may not know that the person asked for the clean slate protection, and then when they fill out a rental verification, without knowing, they could potentially be in violation of this, of this law. And so now, they're opening up to liability. Landlords have a duty of care, it's the Nebraska law, to their residents. And I think this is-- this impacts that because there are people who do bad things. And if we don't know about that and we rent to them, who's going to be liable? The landlord. So I think we need to be careful as we approach this, that there's-- you know, I, I appreciate, appreciate Senator Dungan at least bringing the issue up. If-- you know, we can certainly try to talk and see if we can find some middle ground on some things. But right now, as it's written, we would urge the, the committee to not advance LB175 to General File. I will be happy to answer any questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

GENE ECKEL: Thank you, Senator.

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WAYNE: Next opponent. Welcome.

KRISTY LAMB: Hello. Good afternoon, again. Again, my name is Kristy Lamb, K-r-i-s-t-y L-a-m-b. I'm vice president of NP Dodge management company and a member of Institute, Institute of Real Estate Management. We're in opposition of LB175, as it's written today. As a third-party management company, again, we have a fiduciary responsibility to mitigate the risk for our property owners and provide safe and secure homes. And this does limit that by kind of limiting some of the information that we have access to. While I certainly can't speak to the qualification standards of some other management companies, I can say that just having a filed eviction on someone's record would not exclude someone from rental housing opportunities with our particular company. We do look for patterns of behavior. So a three-year period of time, respectfully, I think is a fairly, fairly short period of time for us to take a look at it. We choose to limit our records at seven years, just as a policy of the company that I work with, but having that information is, is really necessary. I'm also concerned that the language does not provide specific guidelines when someone is looking to apply for clean slate relief. Some individuals kind of brought up the idea of having erroneous evictions on their records and things of that nature. But this just doesn't allow for any specific requirements of the resident to provide a reason why they're asking for that clean slate relief after three years, before the property owners are required to engage additional legal counsel fees, in order to object that. So if there was more specific language, if they felt it was an erroneous eviction or related to nonpayment rent or for cause because of poor behavior or something along that line, so we could be a little bit clearer in order the individuals that are reviewing those applications have more information on hand versus just the fact that three years have passed, so they automatically get the opportunity to have that wiped from their history, within three years. There's a concern there. I'm also a proponent of resident education. So if those individuals, individuals that wanted to apply for clean slate, there are rent readiness programs out there that often, we participate in and sometimes I instruct, that allow for education on how to be a good renter, budgeting for your rental needs, maintain your apartment home and things of that nature. Those are programs that exist, mostly in low, low-income, affordable housing projects. But if that could be potentially mandated and made more readily available to some of the renters out there, I think we could provide them some better

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education, so they're kind of owning a piece of this, as well, as they're looking forward to cleaning up their rental history.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

KRISTY LAMB: Thank you.

WAYNE: Next opponent. Welcome.

SCOTT HOFFMAN: Hi. How are you doing? Name's Scott Hoffman, H-o-f-f-m-a-n. I can come before you-- I haven't done an eviction, actually, for quite some time, but a lot of it has to do with my vetting. I mean, because in the last ten years of coming here, I've had to increase my investigation of all my tenants or their backgrounds. Mainly, I don't even see why people even have to be evicted. I've avoided so many evictions. I understand that people lose their jobs. Something happened. We work with the people. It's not like we go running down to the courthouse trying to file an eviction. I can't tell you how many tenants I've let out of their lease, given their deposits back, just so I could avoid going to court. But the fact of the matter is, I was doing an application last night with my-- the tenant-- use-- tenant data use that I use and they only go back five years. So we're talking a difference of just two years here from where they've already started from. So-- but like I said, I think you really need to look at the end game. If somebody sits there and pulls down a landlord and-- because he lost his job and refuses to work, where are these people going to end up going? I mean, really, where do these people go? Do they go to a shelter, friends, relatives? Usually the latter and that's usually where they move to. So I, I-- like I said, I never can understand why anybody has to go to court, continue to stay in somebody's property, while we continue to pay the taxes and the maintenance and who knows how they're going to leave the property, usually a disaster. And we still have to, have to go to court and try to evict them. And I, I just-- I don't understand that at all. So, like I said, it's been several years that I've had to do one. It may not affect me directly. But again, people who've been evicted, usually their credit rating or things that are going to be in collections is going to be reflected on this. It will be another reason besides you having to use the eviction, if they haven't totally done their clean slate recovery, which is what you want to refer to it as. I think it should be left up to the landlord and his discretion. It does cost extra to run a eviction report. So you can run a credit report, but you have to pay extra, I believe it's an extra \$7, that you have to

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pay for that, for that credit report. That's all I've got to say on it. Questions?

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

SCOTT HOFFMAN: Thank you.

WAYNE: Next opponent.

SETH PERKINS: Thank you. I'm Seth Perkins, S-e-t-h P-e-r-k-i-n-s. I'll be brief, just because I agree a lot with what many of the other of-- have said. I think a lot of what we are in opposing LB175 in, is a lot, I think, considering maybe, the time frame of the, the length of the, of the three years and maybe didn't further discussion of being able to possibly extend that. I did want to bring to the fact that a lot of the dismissals of evictions, usually as a, as a management company and of the landlords, we are just working to try to get possession of the property back. And so a lot of times these evictions are dismissed, just to help speed up that process and get possession of the property back. But they are filed for very legitimate reasons, whether that be payment or some other lease violation of their-- so I think immediate dismissal of, of evictions, of that being a clean slate, would create some additional issues. And I think if tenants know that if things get dismissed immediately and their slate is wiped clean, that that would encourage recurring, repetitive behavior, for them to be like, I'll just get this dismissed. They'll just let me out of it. We'll dismiss the eviction and I'll, I'll move on to the next, the next property and probably have a lot of the similar issues. So I just wanted to kind of reiterate that. I don't really have much else. If anybody has any questions, I'll be happy to answer.

DeBOER: Are there any questions from the committee? Senator McKinney.

McKINNEY: Thank you, Senator DeBoer. So are you arguing that people would willingly just keep getting evicted if this passes?

SETH PERKINS: I think if they knew that there was little to hold them to, either-- whether it be nonpayment or if they're getting evicted for some other reason, if they know the landlord is likely to just [INAUDIBLE] they will possibly be able to stay into the unit until the eviction and get dismissed.

McKINNEY: Say you know, how do you know?

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SETH PERKINS: Well, I have seen-- if-- some of the people, like the gentleman before said, is not sure why we even have to go to eviction. Because a lot of times, we try to say, look, just break-- move out of the lease. We just want possession. If you're not going to pay for the, the unit, then we will just let you out of the lease. And if they know it will be-- if they extend that and then finally, they don't move, we have to-- we're forced to file eviction. When we get to eviction, if they just say, look, I'll be out, just dismiss this. And they turn in the keys.

McKINNEY: Have, have any, have any other municipalities or states-- well, states passed any legislation giving eviction clean slate relief?

SETH PERKINS: I'm not aware of that.

McKINNEY: I ask this because I was going to ask, do you have any examples of this actually occurring? Because I think you would agree, the eviction process, no matter if you're the property owner, land management person or the tenant, it's not the greatest process and it-- it's not fun for anybody. So I'm just hesitant to believe that people would willingly just keep trying to go through that process. Thank you.

SETH PERKINS: Thank you.

DeBOER: Other questions? I'll ask you. Would seven years-- so, so I think the test-- the testifier just before you, said that they look back only to five years. Is that right? Is that-- I mean, that's what he said. Is that what you do?

SETH PERKINS: Yeah. We go back 5-7 years, depending on the resident selection plan on the property.

DeBOER: So you only go 5-7 years back? OK.

SETH PERKINS: Right.

DeBOER: Thank you.

SETH PERKINS: Thank you.

DeBOER: Other questions? Thank you for being here. Next opponent. Anyone else who would like to testify in opposition to this bill? Is there anyone who would like to testify in the neutral capacity? While

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Senator Dun-- while Senator Dungan is coming up to close, I will note for the record that there were 57 letters, 22 in support and 35 in opposition. Senator Dungan to close.

DUNGAN: Thank you, Senator DeBoer. I looked at those letters and I think about 10 of the opposition are actually for one of John Cavanaugh's bills after mine. So I would hate for the people to not have their voice heard. So I just wanted to make sure that was clear on the record. Members of the committee, I, I just-- I appreciate the testimony we've heard here today. And I think that a lot of the proponents argued a lot better than I was able to say. But a couple of things that I wanted to add. During the pandemic, we saw a lot of different reasons for people being evicted. I think the pandemic really laid bare a lot of the issues that people who are in marginalized populations or low-income areas or even those who aren't, deal with on a day to day basis when they live in rentals. And again, knowing people who were working with folks who were being evicted, I thought it was incredibly telling to hear some of their stories. One thing that's really problematic about eviction actions, is when you just see the eviction action on somebody's record, it doesn't tell you the story of why that eviction happened. I'm sure that some of the people who have done the, the TAP project here or the assistance project or other folks who have worked with eviction actions, can tell you there's always some personal story or reason behind it. Almost always, at least in my experience. Sure, there are some bad actors out there who simply refuse to, to pay. I'm sure that does happen, but the vast majority of the people dealing with these eviction actions are actually going through some sort of issue. And when you look at their record and just see an eviction action, it doesn't tell you that story behind it. And that's, I think, part of the problem here. What we're trying to address are these circumstances where either an eviction action was brought but ultimately not followed through with or a circumstance as you heard it testifier come up here and, I think, very honestly talk about somebody who's rehabilitated their history and wants those evictions off their records so they don't have an issue moving forward. I actually appreciated the testimony of the individual who spoke about bankruptcies and I know we've talked about that a couple of times. This bill actually follows the exact same logic of what they're talking about there. The bankruptcy is something that actually happened. And so if something actually happens, then you have, on your record, some notice about it. And even those individuals of the bankruptcy acknowledge that it shouldn't be on there permanently. So they give you the option of having it removed, it

sounds like, after seven or ten years. So it follows exactly the same kind of logic we're talking about here. If something actually happens, you can petition to have it removed, in the event that you've changed your, your past or if the court determines that should be taken off. But if it didn't actually happen, if there's no eviction action, it should not follow you. I think somebody also mentioned up here that we currently do this with criminal cases, and that's absolutely true. Again, I'm a criminal lawyer, criminal defense attorney. I can't tell you the amount of cases I've had that were dismissed or even cases where we had a jury trial and somebody was found not guilty by a jury of their peers. And before we changed the laws, those would follow them for years. I would get calls from clients saying, you know, Mr. Dungan, I, I know I was found not guilty on that case four years ago in a jury trial, but I just got denied my second job. Because every time they look on my history, it shows up that that was still a charge. And so we all got together and decided that that's something that shouldn't follow somebody into perpetuity. And that's exactly the same logic that we're following here, is that if something is not an actual action-- I'm sorry, not an actual judgment, it shouldn't follow you into perpetuity. I do not want to step on the toes of landlords or individuals to do with their property what they will. Certainly, as I stated in my opening, they can do other things, like do criminal background checks, they're allowed to ask for references. And I believe that anything that would potentially cause issues in their next lease would likely show up if they talk to their previous landlords. And so I don't think this inhibits them in any way from being able to determine those things. I am happy to talk to folks who have objections to this legislation. Obviously, this, this bill contains quite a bit. And so, I'm happy to hear from them what parts of it they have specific issues with and maybe work with them on better language. But our goal here is to make sure that things that happened in the past don't follow you forever or you're not held accountable for things you didn't actually do. So with that, I'm happy to answer any other questions, but I would also urge your vote for LB175 to advance on to General.

DeBOER: Are there any questions? Senator Holdcroft.

HOLDCROFT: Thank you. Vice Chair DeBoer. You know, I, I asked a question about how often this happens, and I agree it's, you know, it's wrong and we should fix it. But I also looked at the fiscal note and I think it's \$50,000, which is probably not a large amount of money in the grand scheme of things. But also that the, the Justice Department would have to modify their software to, to incorporate this

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stuff. So, you know, before we go into all of that, it would be nice to have some kind of a number about how, how often this occurs. So if you could do something and--

DUNGAN: Yeah.

HOLDCROFT: --provide some feedback on that, I'd appreciate it.

DUNGAN: I can talk to some of the individuals, both who testified today and who I know work in that area and see if we can get a more solidified number. I will also note that Corey Steele from the Supreme Court office and others came to me to speak about some of the issues with the software. It's definitely not prohibitive, certainly. I understand they may have to update some things, but I can try to figure out those numbers and get that to the committee so we know exactly the breadth of what we're talking about here.

HOLDCROFT: OK. Thank you.

DeBOER: Other questions for Senator Dungan? I don't see any, Senator Dungan.

DUNGAN: Thank you.

DeBOER: So that will end the hearing on LB175 and bring us to LB182 and Senator John Cavanaugh. For the-- for everyone who's left in the room, we're going to do something here, a little different. See those front two seats over there, on that side? Those are the on-deck seats. If you want to testify and you're not up yet, go sit over there unless you're already in the front row. That's fine. We're going to try and expedite things by having on-deck seats. That way can come up to the front and it'll make things go a little bit faster for everybody, as we get into these evening hours. All right. With that, Senator Cavanaugh.

J. CAVANAUGH: Thank you, Vice Chair DeBoer and members of the Judiciary Committee. My name is Senator John Cavanaugh. J-o-h-n C-a-v-a-n-a-u-g-h, and I represent the Ninth Legislative District in midtown Omaha, the Sunshine District. I'm here to introduce LB182, which makes some updates and clarifications to the Supreme Court report on evictions, as well as pleading requirements under section-- under-- there's pleading requirements-- under LB320, which passed this body in 2021. As background, LB320 was my priority bill in 2021, and it was an omnibus that contained a number of revisions to the Landlord Tenant Act. Relevant to this bill were two bills, included in the

overall package, LB246 and LB402, both of which were introduced by Senator DeBoer. LB246 required a complaint seeking rest-- complaint seeking restitutional premises to state the specific statutory authority under which possession is sought. LB402 required a semiannual report by the Supreme Court to the Legislature on eviction proceedings, including breakdown of eviction filings by county and specific statutory authority under which possession was sought-- sought. LB182 is a result of more than a year of frustration with the courts not following the clear intent of the Legislature in LB320. I can speak only for myself, but I have met with the court administrator regarding this report several times since the first report was issued early last year. I expressed my concerns about the obvious deficiencies, in, in particular, the fact that the court was not breaking down the report by specific statutory authority. Only the broad categories-- you can see in the report I distributed and it would be on the like, the last 2 pages, is that breakdown by cause of action. In one meeting, the court administrator told me that, that they interpreted the words specific statutory authority to have a different meaning, in regards to their responsibility to provide this report and pleading requirements in the Landlord Tenant Act. This, despite the fact that the same exact phrase is used in each statute and they are enacted in the same place-- in the same piece of legislation. There, there were many other holes in the report. Last-- Lan-- Lancaster County reports almost no tenant representation by counsel, despite the fact that the Tenant Assistance Project is very active in Lancaster County. Lancaster County shows zero default judgments, which would, would have the meaning that every single tenant showed up for their eviction court, despite not being represented. The court administrator offered several explanations for these discrepancies. But ultimately the inaccuracies in the report persist over the three reports that have been issued to this date. While I believe that the court has the ability to now comply with the original intent of LB402 and LB2-- LB320, I recognize that we have a difference of opinion and so, that's why I brought LB182, in part to clarify what is required in this report, I must strongly object to the fiscal note in this bill. Two years ago, the court said that it would cost \$25,000 to implement the system to update JUSTICE, the court's electronic filing system, in order to do that report required in LB320. This year, they quoted a cost of \$200,000 for system updates that should have been implemented as a result of LB320. I hope someone from the Court Administrator's Office will be here to explain this outlandish price, but to me it does not pass the smell test. If it's an accurate quote, it looks like a textbook example of wasteful and

inefficient government spending. Nonetheless, I was prepared-- I prepared that the court would quote such a price, as they quoted a similar price to me in previous meetings. But I also know that the court has a capability to manually review these filings. And I know that, because nearly a year into our discussions around this report, the Court Administrator's Office undertook a review of the filings to determine what the potential explanations for the holes in the report were. I also know this because document review is a routine part of many attorneys' job descriptions. The last thing we need when making policy decisions is inaccurate reporting under the auspices of the Supreme Court. I placed, in LB182, a requirement that the court shall make all reasonable efforts to ensure the accuracy of the data in the report. But in my view, that is not at all inconsistent with the original requirements of LB402. The court already has an obligation to ensure that the reports it makes to the Legislature are factual, whether or not that obligation was made explicit in statute. I added the requirement that staff review eviction filings because clearly, the automated process the court currently uses is inefficient. If the court says they need an additional full-time employee to fulfill the requirements of the rest of the report, I can see the logic there. But it also demonstrates how outlandish the fiscal note for the programming change to JUSTICE really is. One full-time employee, employee reviewing filings manually carries a cost of \$117,000 a year under this bill. Changing a dropdown box on the JUSTICE costs \$200,000. That makes little sense to me. LB182 also provides a definition of specific statutory authority and makes clear that the meaning of the same for both the complaint and the Supreme Court's report. Observers and advocates in eviction court have found that many complaints fail to state the specific statutory authority under possession-- under which possession is sought, as required by law. LB182 would require that a complaint that fails to comply with this mandatory pleading requirement shall be dismissed without prejudice, meaning the landlord would have an opportunity to refile with the statutory-- the statutorily required language. In almost any other civil case, a factually deficient pleading would be grounds for dismissal under Nebraska law. In fact, Nebraska Revised Statute 76-141-- one-- 1441, already makes clear that the pleadings and notice requirement are mandatory. The statute clearly lays out what a complaint shall contain. LB182 does not require anything of landlords seeking eviction that are not already required by law to do. It simply ensures that the courts are actually enforcing this requirement. Thank you for your time and consideration and I ask your favorable vote on LB182. And I'd be happy to take any questions.

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DeBOER: OK. Thank you, Senator Cavanaugh. Are there questions for Senator Cavanaugh?

J. CAVANAUGH: I know that was a mouthful, but--

DeBOER: Senator McKinney.

McKINNEY: Thank you, Senator DeBoer. And thank you, Senator Cavanaugh. I had a curious question. When you see that landlords are opposing this bill, what does that mean to you? Because I'm kind of lost as to why.

J. CAVANAUGH: I guess, I don't know what it means. I mean, I-- when you look-- talking about the online comments?

McKINNEY: Yeah.

J. CAVANAUGH: I think-- I, I just assumed they didn't understand. They, they were confused. They submitted comments on every one of these bills and so maybe, got their defenses up and just wanted to submit a comment. But I don't-- maybe they'll come and talk after me and they can clarify their opposition.

McKINNEY: All right. Thank you.

DeBOER: Thank you, Senator McKinney. Senator Cavanaugh, let's see if we can make this just a little bit--

J. CAVANAUGH: Easier to understand?

DeBOER: --easier to understand for everyone. So a couple of years ago, you and I had a bill that got smashed together, some bills from mine, some bills from yours. We passed the bill, included with my portion, which required, required a report that said, why are people getting evicted. Right? And the other part was that when you plead a case in eviction court that you must say what the, the reason is. What's the, the main statutory reason? Did they commit a crime? Did they destroy their property? Did they-- failure to pay rent, whatever it is, right? So far, I'm right?

J. CAVANAUGH: Yes.

DeBOER: And then, what happened after we passed that bill, that required the Supreme Court to create the system so people could do that? Did they create the system?

J. CAVANAUGH: You mean did they make a change to the JUSTICE system?

DeBOER: Yes,

J. CAVANAUGH: I don't think they did. They might have made a small, a small change, but I don't-- they didn't-- certainly didn't make all the change required for the data collection portion, portion.

DeBOER: OK. So the result now, is you would like to make sure that they do the thing that was in the bill that we already passed?

J. CAVANAUGH: Yes. So we passed the bill, as you, as you articulated and it caused the generation of this report that I passed out to everybody. And if anybody has specific questions, probably could-- better to talk about it in a less formal context, because there's a lot of back and forth to walk through it. But the, the report is factually, just face-- looks-- on its face is absurd. And the-- and so, I went and had many back and forths with the, the Court Administrator's Office about those facial absurdities and was told that at least one of the reasons was that they interpreted those two sections of statute differently. That the section of statute that says that the pleading has to state the specific cause of action is interpreted differently than that the report needs to say there is a specific cause of action. And so that's one of the corrections or changes in this bill, is to clarify that those two sections should be interpreted the same for the data collection as was the pleadings requirement.

DeBOER: So within the same bill, two portions, one says you have to collect data, one says you have to report data. And they said it doesn't mean the same thing when you collect it as when you report it?

J. CAVANAUGH: Well, no. The reporting and collection section they interpret differently than the court pleadings section. So when--

DeBOER: Got it. Got it.

J. CAVANAUGH: --somebody, when somebody comes into court and says we're evicting this person because they failed to pay rent, that's a specific section of statute where they would cite. And the pleading is required to include that citation, that section of statute and that specific cause of action that, that you listed. And that is a requirement of law. And they-- the court administrator is saying they interpret that as such, that they have to state that specific section,

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but in-- they're saying for purposes of data collection, they interpret that as only-- they have to say section-- Chapter 76.

DeBOER: OK.

J. CAVANAUGH: And I-- I'm trying to clarify, which was our understanding when the Legislature passed this bill originally, that they need to cite Chapter 76 dash whatever.

DeBOER: OK. Hopefully that cleared it up for everyone. It helped me understand what you were talking about. All right. Are there any other questions for Senator Cavanaugh? All right. Let's have our first proponent testifier then.

JOSEPHINE LITWINOWICZ: If you could turn the light off for a second. OK.

DeBOER: Welcome.

JOSEPHINE LITWINOWICZ: Thank you, Vice Chair DeBoer and members of the committee. I want to share my story. I hope I have enough time because I was-- the need for counsel was important for me. About 13 years ago, I was renting in the president apartments across the street. NP Dodge, they were the landlord. There for five years, never missed a payment. Perfect. They were great people. And then, when they were going to-- you-- get the-- renew the TIF and the funding, they got a, they got a different management company and also, construction company because they renovated the building. Well, anyway, when, when they were doing that, when the new, the new management came in, one of the workers there that had been there for a while, came up to me in tears and I met her at a different place. It was an accident. And she said, you know, what was happening and that she wasn't allowed to really, help people in small ways anymore. And she was basically run off, although she wasn't fired. And so-- and then, also, while I was there-- so I was trying to, I was trying to, you know, handle that somehow. And the members of the Interfaith Council, which you used to be able to contact anytime, didn't respond. And they didn't respond to anybody. And, you know, we're living in a building with-- while they're working in the other half and there's dust and I know more about, you know, construction than the project manager or the construction manager because I, I told them how to get-- anyway. It doesn't-- so I, I, I have-- I've renovated. I have construction experience, but that's not withstanding, I guess. But the thing is, is that-- so they, they targeted me, because I also helped a, a woman with schizophrenia. And

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I was trying to, you know-- she had a community worker and I, I was just trying to help because-- you know, she would drink a six pack or two and, and-- but she was, you know, sometimes, but she was, you know, targeted, basically. There was a lot of people. Turnover rate, it would be interesting to look at. Anyway, I'm going to get to the point. And so, they were, they were after me, in the sense that-- it led to the point where they evicted me, technically, because, you know, we weren't supposed to have an alarm system in the apartment. Well, I liked it because it had a console I could put next to my bed-- fire, police, emergency. And so I wasn't supposed to have it. But if I got a doctor's certificate, you know, recommendation, I could have it. So I got that, but it was five days late and there was, you know, a little bit of vitriol on the other side. And so I went-- I was going to go to court. And when I went there-- I went there by myself. Right. And then I, I, I see all these people. I mean, everybody was there: upper management, the construction manager, Bob Lang from the Interfaith Council, everybody was there. I probably had a lawyer and I just said, to hell with it because I was too tired. I wasn't afraid. But so I didn't have-- and so, I was evicted and thankfully I won.

DeBOER: Thank-- thank you for your testimony.

JOSEPHINE LITWINOWICZ: OK.

DeBOER: Thank you.

JOSEPHINE LITWINOWICZ: OK. Thank you, Vice Chair DeBoer and members of the committee.

DeBOER: Thank you for your testimony. Are there any questions for this testifier? Thank you for being here.

JOSEPHINE LITWINOWICZ: Thank you.

ERIN FEICHTINGER: Vice Chair DeBoer, members of the Judiciary Committee, I was happy to be called out earlier today. Pronunciation was perfect. I'm Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, policy director for the Women's Fund of Omaha. We believe that advancing housing justice furthers the cause of gender justice. And in order to more effectively address those causes, we need accurate data to inform solutions. Despite this committee advancing a bill in 2021 to provide this data, I worked on that bill. The resulting report has been consistently inaccurate and therefore, has impeded the community's ability to use that information to better address the

problem in front of us. And LB182 would help us do this. In conversations with the state Supreme Court about the accuracy of these reports, there has been an idea that these reports do not matter, that the community does not need this data. It might seem minor, but having accurate data about evictions helps our community by allowing us to better understand the scope of the eviction crisis, which is a part of the affordable housing crisis. Having a better understanding of this crisis allows us to target resources. Accurate data also serves to help us articulate the, articulate the need or not for changes in the landlord-tenant statutes in front of this committee. The intention behind the original bill was to ensure that the data provided to this committee was an accurate reflection of the problem. The original bill would not have passed and been amended into LB320 if this committee did not also believe that there was some worth in having this data available to you, as you make decisions about landlord-tenant bills. LB182 should not be necessary, but it is. And we would appreciate this committee's help in making sure we are fulfilling what the Legislature intended. The bills you pass here and have passed here have serious consequences for people. On these housing justice bills, they have positive life-changing consequences for Nebraskans every single day in court. The Legislature is-- helped in that good work, by having accurate data from state agencies and we would appreciate your support of LB182. And I'm happy to answer any questions to the best of my ability.

DeBOER: Are there any questions from the committee? I don't see any.

ERIN FEICHTINGER: Covered it at all. Great. Fantastic.

DeBOER: Next proponent. Welcome.

RYAN SULLIVAN: Members of the committee, my name is Ryan Sullivan, R-y-a-n S-u-l-l-i-v-a-n. I'm testifying and speaking in favor of LB182 as a housing advocate and as a researcher in this field, but not as a representative of the university where I'm employed. One thing I realized over the last three years in discussions that I've had with colleagues and government officials about the work that I do in the Tenant's Assistance Project, is that those not working directly with families faced with eviction have a limited understanding of how pervasive this issue really is. It's clear that many do not fully grasp the impact that evictions have, not just on families that are ejected from their homes, but on entire communities and the demands that are put on social service providers and nonprofit organizations when these families are evicted. In fact, before I started at Tenants

Assistance Project at the start of the pandemic, I really didn't have much comprehension or understanding of just how bad this issue has gotten, and not just in Nebraska, but at a national level. We all know that working-class incomes have stagnated while rents continue to climb, not to mention inflation. This means that people are spending a greater percentage of their income on rent, leaving them with very little in the way of savings. So then when disaster strikes, whether that's an unexpected medical expense or a pandemic, they are immediately subject to eviction and their lives turned upside down. People are not being evicted by choice. They are not making these decisions. They are simply poor. Among the many awful consequences of COVID, one positive has been the light that has been shed on this issue. We've learned that it's not really a COVID issue. These issues have always existed, but have largely gone unnoticed. The answers-- policymakers have started asking questions, how many evictions are really happening in this state? And it's thousands. How many in my county? So local policymakers can make decisions related to their local area and their municipality. Why are people being evicted? That's what this report is supposed to answer, which it has not. What communities are being most affected? The answers to these questions are important to both government agencies and nonprofits, so that they can tailor programs and to prevent the circumstances that lead to evictions so that there are fewer evictions, but also to provide the services that are being displaced by eviction. As a senator and Erin testified, I'm not going to butcher her last name-- we, we already passed this bill two years ago and the reports have been largely inaccurate, because of some misunderstanding in the language. This will hopefully clear that up. I don't think it could be made any more clear and I encourage you to support it. Thank you.

DeBOER: Thank you. Are there questions for this testifier? I don't see any. Thank you for being here. Next proponent.

ALICIA CHRISTENSEN: Good afternoon, Co-Chair DeBoer, members of the Judiciary Committee. I'm Alicia Christensen, A-l-i-c-i-a C-h-r-i-s-t-e-n-s-e-n, director of policy and advocacy at Together and I'm testifying in support of LB182 because it's essential to accurate assessment of programs and services that we administer. Together addresses housing insecurity and homelessness through a variety of programs. And our crisis engagement specialists often deploy housing problem solving strategies and other tools to help households address issues that could otherwise lead to eviction or loss of housing. In the past, this type of service was largely ancillary to HUD-sponsored programs that help people exit homelessness. However, economic

evaluations have revealed that it costs far more to help someone exit homelessness than it does to prevent them from becoming homeless in the first place. This leads to an increased focus on the development of homelessness prevention programs. As public and private entities convert existing services into formal programs or start pilot projects, it's critical that we have comprehensive and accurate data to help measure outcomes. At present, the eviction proceedings report is difficult, if not impossible to use. For example, the report doesn't indicate the statutory basis for an order of restitution, so we don't know if a tenant was evicted because of failure to pay rent or if they were evicted because they engaged in violent criminal activity. Additionally, the information in the report does raise questions of accuracy. That's been mentioned before. So we encourage your support of this legislation that will require the accuracy and specificity of essential data that organizations need, so we can successfully monitor the effectiveness of our existing and developing programs. In short, we urge the committee to advance LB182 because it will ensure that the report on evictions is actually useful. Thank you for your time. I'm happy to answer any questions that you have.

DeBOER: Thank you. Are there any questions for this testifier? Senator Ibach.

IBACH: Thank you, Vice Chair DeBoer. Do, do you go on this site and use this information to hold this information out?

ALICIA CHRISTENSEN: We have access to the information, but since it doesn't-- since the numbers don't reflect our, sort of, lived experience in court, as far as the number of represented tenants and default orders for eviction, it led to some doubt about its credibility, as far as those numbers go. And it doesn't provide any information that we can use to actually track trends in evictions. So for non-- nonpayment of rent is something that would be entered-- that would be of use for us to track, as far as how-- if this program's effective in preventing housing insecurity or homelessness for tenants. But if people are getting evicted because there's nonrenewal of their lease agreement, that's not something that our programs are atune-- they're not help-- they're not for that person. So without that kind of specificity, having access doesn't allow us to really-- it doesn't, it doesn't help us in any way. So it's, kind of, we haven't been able to use, use them, I guess, this--

IBACH: OK

ALICIA CHRISTENSEN: --yeah.

IBACH: Well, I-- I'm just referring to some of my counties, just to see how, how relevant this might be. And I just needed you to tell me yes, this is relevant or no, it's not.

ALICIA CHRISTENSEN: Yeah, it is relevant. And it can help-- then we know if something is working or not.

IBACH: OK.

ALICIA CHRISTENSEN: So we're not just throwing money at a program that is not being effective in actually bringing down those numbers or helping the people that it needs to help.

IBACH: OK. Great. Thank you very much. Thank you.

DeBOER: Other questions? I'll just ask you one. So the--

ALICIA CHRISTENSEN: Sure.

DeBOER: --the report that she's referring to, it's not that it's not relevant. It's just that you're not sure it's accurate. Is that the problem?

ALICIA CHRISTENSEN: And I, I think-- yes. I think the-- as what we were expecting, based on the legislation that was passed in the past session, we were expecting it to be useful and completely relevant and very important information for our ability to track, not just for fun. But sometimes, you know, for federal programming, you have to have measurable outcomes to show or even writing a grant for private funding. So when-- we were disappointed that it doesn't fill that need for us.

DeBOER: So the--

ALICIA CHRISTENSEN: So it's very relevant, to answer your question. Sorry.

DeBOER: --the concern about, the concern about accuracy of the thing, sort of ameliorates any hopes that you had or sort of--

ALICIA CHRISTENSEN: And not just the-- oh, I'm sorry, Senator.

DeBOER: --gets rid of any hopes you had for it.

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ALICIA CHRISTENSEN: I was going to add that it's the accuracy and-- as well as the degree of specificity, so--

DeBOER: OK.

ALICIA CHRISTENSEN: --saying Chapter 76 as a cause for an eviction, that's-- that includes all of the causes for eviction.

DeBOER: Yeah.

ALICIA CHRISTENSEN: So that also is not helpful, as far as that goes, too.

DeBOER: OK. Thank you very much.

ALICIA CHRISTENSEN: Yes. Thank you.

DeBOER: Next proponent.

SCOTT MERTZ: Thank you, Chairperson. Judiciary Committee. My name is Scott Mertz, that's S-c-o-t-t M-e-r-t-z. I'm the director of Legal Aid Nebraska's Housing Justice Project and myself and our organization has extensive experience representing low-income defendants all across the state. And I thank you for the opportunity to appear today in support of LB182. And I want to thank Senator Cavanaugh for introducing the bill and inviting Legal Aid Nebraska to testify. I've supplied some written comments, but I do want to address the Senator's question regarding the relevancy or the use of the staff. It was accurate. You pulled out a list of counties and our organization, we're often the only ones representing tenants in a lot of counties in, in the rural parts of the state. Obviously, we have the TAP project in Douglas County and Lancaster, but in certain parts of the Panhandle, Lincoln County, Hall County, York County, it's just our attorneys or no one else. So we were quite surprised to look at these reports as they come out, look at the numbers for specific counties, see that there were sometimes one or no attorneys reflected in the report, having represented defendants. We check our records. We look at, you know, we actually did cases in those counties and counted that with what's actually contained in the report and find that report lacking or otherwise misleading. And I believe there were explanations supplied to the senators, Senator Cavanaugh, as for why certain things are missing from the report. But it would benefit us and I think benefit all of the communities to know where is representation, where service is lacking all across the state. And it really needs to be accurate for us to know where we should put our resources, to see that there

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were 50 to 100 people evicted in one county, all without an attorney, to know that we should be targeting outreach and supplying our resources to those, those areas. If it's not accurate about that, if it's not accurate about other aspects of-- default judgments getting entered or just the overall number of filings, it's, it's just not reliable and credible and not doing a service for, for the community as it was intended to in the passage of this-- of the original law. So, in conclusion, we obviously support the passage and really support, you know, the creation and the sustainability of this report twice a year. But I do want to leave time for questions if, if the committee has any.

DeBOER: All right. Thank you. Are there any questions for this testifier? Senator Ibach.

IBACH: Thank you, Sen-- Senator. So because I'm new here and this is all relevant, obviously, who has the input to make this better?

SCOTT MERTZ: To defer Senator Cavanaugh, but this is the Supreme Court who is issuing this report. We have access to, you know, the same data. These are public records, with respect to what's filed and who's got an attorney and who doesn't. But that is a commitment of resources. That is a commitment of time, it is a commitment of staff, as, as reflected by the senator to, to go into the public record and come out with those numbers and, and make them accurate. But it is very, very doable. It's all very much-- I think it can be accomplished because this is just the reality of what's happening in courts.

IBACH: So the fiscal note would pay attention to this and, and help with that-- cleaning that up.

SCOTT MERTZ: I, I would defer to Senator Cavanaugh.

IBACH: Yes.

SCOTT MERTZ: But I would certainly hope so. I hope it would not be a tremendous commitment of resources to--

IBACH: OK

SCOTT MERTZ: --simply just get accurate information in the report.

IBACH: OK. Thank you.

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DeBOER: Any other questions? Thank you very much for being here. Next proponent. Now we'll switch to opponents.

LYNN FISHER: Thank you, Senator DeBoer. Lynn Fisher, L-y-n-n F-i-s-h-e-r, and I represent the Statewide Property Owners Association and the Real Estate Owners and Managers Association in Lincoln. And we're opposed to LB182. And it's not because we're, we're opposed to gathering data and, and, and learning and researching and getting reports about, about evictions. But let me just talk about evictions in general. When we do a lease with a tenant, this is a private contract, should be a win-win. We should get our rent and the tenant should get a safe place to live, pay the rent on time, be a good neighbor, and take care of the property. When we are put in a position and forced to go to eviction court, we are the victim. It's not the tenant. The tenant is the person who created the situation which created-- where we have to go to eviction court as our only remedy. When they refuse to answer phone calls, return emails, answer the door, let us help them to resolve the situation, whatever it is, help them work out a payment plan, work out some reasonable way to resolve the situation. They're the ones forcing us to eviction court. I do not appreciate Professor Sullivan saying that, that-- makes it sound like landlords get up in the morning and we think, now who can we evict today? Who can we put into that position where, by golly, we can really show them what's for? You know, that's not the way it works. We're forced into eviction court and there's nothing that is ever immediate. He says that something happens and then immediately, tenants are subjected to eviction. That's not the case. We try very hard to communicate with tenants, to stay in touch with them and try to work out any issues that come up. No one in our position in our industry wants to go to eviction court. That's not what we're about. We're trying to eliminate the whole idea of ever getting to eviction court. I'm a volunteer with RentWise. Some of you are familiar with that. We've taught over 17 or 18,000 people in the city of Lincoln how to be better tenants. And the main thrust of the whole thing is learn to communicate, learn to do a budget. Understand and read your lease, know how to take care of the property and then, what you, what you have to understand about notices and communications and the eviction process. And that whole thing is education. It's great and it should be a way to eliminate the need to go to eviction court. So the bottom line is, I just don't want this bill, if passed, to be another technical little tool for the Tenant Assistance Project attorneys to figure out a way to get to attorneys, when really, we're there because we're forced to be there. And I'd be happy to answer any questions.

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DeBOER: Are there any questions? Senator DeKay.

DeKAY: Yes. Well, one question, two hands. Sir, you, you talked about that, what is the process or the timeline from when the eviction notice is given until-- what's the timeline that it takes before they are removed from [INAUDIBLE]?

LYNN FISHER: Well, there's a variety of different notices that could result in us having to go to eviction court. Nonpayment of rent now is a seven-day notice. A 30-day notice just to move out. If we want to remodel the unit and they, they are asked to move out and if they don't, then at that point, where they don't pay the rent or they don't comply with whatever notice we've given them, we go to our attorney and we ask for the eviction to be filed. It's usually filed within a week or so, and then the court hearing has to be set, I think, within ten days. The whole process, if it runs well enough, should take about 30 days. And I know that recently, bills were passed to delay that process. And again, I think tenants should be represented, as well as they can be, by these volunteer attorneys. But they look for every little tiny technical flaw in the lease or the filing to delay and postpone and cost more money. And it's going to end up with, with fewer rental properties, it's going to end up with higher rents because it's going to just add more to our cost.

DeKAY: Thank you.

DeBOER: Thank you. Senator McKinney.

McKINNEY: Thank you, Senator DeBoer. Thank you for your testimony. So you're arguing that you're concerned that evictions would be stopped or overturned because of a technicality?

LYNN FISHER: No, not at all.

McKINNEY: So-- or, or a mistake. So should tenants be evicted because of a mistake or a technicality?

LYNN FISHER: They should not. No. I've never been to an eviction court process where the reason for the eviction was not stated. I don't understand this bill. You don't go to the eviction court and the judge doesn't say, well, we're going to evict that tenant, but we don't know why. We don't know why they're here. That's not true. It never happens. So again, this is a technicality.

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McKINNEY: So if you've never seen it and you don't know why, then why would you oppose the reporting of this data? I-- I'm lost.

LYNN FISHER: Yeah. What I'm saying is there's-- it's never been the case that a judge in an eviction court is going to say, we don't know why you're here, for this eviction.

McKINNEY: So if that's the case, why oppose the reporting of this data?

LYNN FISHER: I don't mind. I know the report all, all you want. I think it's good to have data. And I think it would help everyone to try to figure out a way to prevent and have fewer evictions. I think that's great. I'm not opposed to that.

McKINNEY: All right. Thank you.

DeBOER: Thank you, Senator McKinney. Let me let me ask you this question, because I think what the bill does, it's already existing law that you have to plead the--

LYNN FISHER: Yes

DeBOER: --cause of action.

LYNN FISHER: Right.

DeBOER: What the bill does is it requires the Supreme Court to understand that what you already have to plead, they now have to report.

LYNN FISHER: And that-- they should know or they should find out.

DeBOER: And so you're OK with what they already-- what you already have to plead, they now have to report.

LYNN FISHER: Yes. That's great.

DeBOER: So what is your objection to the bill?

LYNN FISHER: It says a complaint which does not comply with this section shall be dismissed without prejudice. And already, when we go to eviction court, the attorneys that are representing tenants are looking for every tiny, little misspelling of a name or an address--

DeBOER: Sure.

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LYNN FISHER: --or some other technical reason why that eviction should be either dismissed or postponed or delayed in some way.

DeBOER: So you think that this will lead to more?

LYNN FISHER: I'm, I'm worried about.

DeBOER: You're-- you think this will lead to more-- but it's already the law. So already they could do it. I mean, that part.

LYNN FISHER: Well, that's what I don't understand.

DeBOER: Yeah.

LYNN FISHER: We go to eviction court and we don't go there for no reason. We have to have a reason. Our attorney that represents us makes a pleading and he puts the reason in there. I don't know why this would be, be needed.

DeBOER: That's why as long as you put the reason in, there, there would be no--

LYNN FISHER: Yeah, and I've never--

DeBOER: --you would never run afoul of it.

LYNN FISHER: --and I've never had a judge say, there's no reason in here. Every time I go to eviction court and not just from my own case, but I listen to all of them. The judge never says there's no reason on this pleading. He's never said that.

DeBOER: So you should be OK, so-- as long as you're getting your, your pleading in there.

LYNN FISHER: I'm just worried. I'm just worried because--

DeBOER: I understand that but--

LYNN FISHER: --we, we are the victims and the, and the representatives that come up from the law school are, are really making it difficult and causing higher rents and more landlords who want to get out of the business.

DeBOER: I understand that. I'm not entirely sure this bill is getting caught up in that, but I appreciate--

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LYNN FISHER: If it doesn't--

DeBOER: --your testimony.

LYNN FISHER: --if it doesn't, then we have no objection.

DeBOER: I appreciate your testimony. Thank you so much.

LYNN FISHER: Thank you very much.

DeBOER: Anyone else? Thank you for being here.

GENE ECKEL: Good evening, Senator DeBoer, members of the Judiciary Committee. My name is Gene Eckel, G-e-n-e E-c-k-e-l. I'm a board member for the Apartment Association of Nebraska and the Nebraska Association of Commercial Property Owners, appearing today on behalf of both associations to testify in opposition to LB182. We worked with this committee two years ago. And the agreement was-- landlords would have to put in their lawsuit the cause of action. Now you're coming back two years later saying no, no, no, now you have to put the subsection in. And, and if you don't put the subsection in then your case is automatically dismissed without prejudice and I think that is-- that's what the, the pushback is on this bill. We had an agreement and now you're coming back and saying no. And I, I can tell you in my experience working with the volunteer lawyers in Legal Aid, they will look for anything they can to get it on a technicality. And if you don't put the subsection in, then they're going to say, aha, you got to dismiss this lawsuit. And it shouldn't be that way when we've worked with you and we said we don't have any issue, we will put in the cause-- in our complaint the cause of action. The statute that deal with eviction, it's Nebraska Revised Statute, Section 76-1431. There are four subsections, actually five. But you state specifically in there, depending on the type of loss of the eviction, if it's for nonpayment of rent you're putting in for nonpaying of rent, if it's for a criminal act or property damage you're putting it in there, if it's for violating the lease violations, you're putting it in there. I don't understand why-- this seems to be an issue with the Supreme Court, but now you're trying to make it say, well, nope, the landlord has to work a little bit harder. And if you don't do it, we're going to dismiss your lawsuit. And I think just putting Nebraska Revised Statute, Section 76-1431, and you discuss the reasons for the lawsuit, that should be sufficient. So our, our opposition to this bill is this fact that we're going to dismiss your lawsuit because you didn't put a subsection in there when it's clear as day when you open up the

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statute and read it. So I urge this, this committee to, to not, to not advance this bill, LB182, to General File. I would be happy to answer, answer any questions.

DeBOER: Are there any questions? Senator McKinney.

McKINNEY: So would you evict somebody if they don't comply with the lease agreement?

GENE ECKEL: Yes.

McKINNEY: OK.

GENE ECKEL: We have to give them a notice of here's what you did wrong. It depends on what the lease violation was.

McKINNEY: Well, this is your notice that once this bill passes put the subsection in.

GENE ECKEL: No.

McKINNEY: Thank you.

GENE ECKEL: I, I disagree with that.

DeBOER: Sorry. Are there other questions? Let me, let me ask you, Mr. Eckel, you don't have a problem with the reporting part?

GENE ECKEL: We do not have a problem with the reporting.

DeBOER: So my understanding is that it's already, and it has always been since we passed the law that you have to put the subsection, because that's the--

GENE ECKEL: No.

DeBOER: --that's the, the cause of action is for nonpayment of rent for whatever, for whatever. You don't have to necessarily write the number-- I'm not saying that, I'm saying you have to say which of those reasons because that was the discussion we had. Is that not your understanding of what you have to do?

GENE ECKEL: No, it's you need to state the subsection.

DeBOER: So what you're saying is the, the requirement to put the number down adds a level of onerousness that you don't want to do.

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GENE ECKEL: It does, because it's clear as day when you read the statute you know, and the lawsuit specifically states here's what you did wrong. We have to do that already. Why do we have to go an extra, extra step of putting that subsection in?

DeBOER: OK. So it's the number that you don't want to do?

GENE ECKEL: We should not-- yes, we should not have to put in a subsection.

DeBOER: OK.

GENE ECKEL: No other civil--

DeBOER: If you, if you don't--

GENE ECKEL: --lawsuit has to do that.

DeBOER: --if you don't-- if we, if we don't require the number, then would you be OK with the bill?

GENE ECKEL: If we don't have-- if, if we remove the language of-- if you don't put in a subsection that the lawsuit will be dismissed without prejudice, remove that, we have no objection to it.

DeBOER: OK.

GENE ECKEL: I understand the need for the information, but it seems like now we're coming back and we want just a little bit more information. And I do think it's a, it's a game of gotcha.

DeBOER: OK. So it's the number part that's the problem. We take that out there's not a problem.

GENE ECKEL: If you take out the subsection and, and that it will be dismissed without prejudice. If you don't put in the subsection, if you remove that language, we don't have a problem with it.

DeBOER: OK. Thank you.

GENE ECKEL: Thank you.

DeBOER: Are there other questions? I don't see any. Thank you for being here. Let's have our next opponent. Anyone else who would like to testify in opposition to this bill? Is there anyone who would like to testify in the neutral capacity? Seeing none, Senator Cavanaugh, as

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you approach I'll let the record reflect that there were 15 letters: 12 in support and 3 in opposition.

J. CAVANAUGH: Thank you, Vice Chair DeBoer. Well, that took an interesting turn. So I guess we'll break this down into two sections, maybe one section with a subsection. So, Senator Ibach, I appreciate your questions about-- so we created this report in hopes that it would be useful. And then what happened-- and I actually remember this very clearly, the first report was due in January of last year and I had some of the folks who were interested in this data that were excited that it was-- they were going to have it and the report comes out and we all looked at it and we said this just doesn't make any sense. And so we went through it and kind of-- then we sent a letter to the court administrator and said these are the problems we see with this report. And so then the next report comes out six months later and the same problems. So then we started meeting with them and walking through the explanations and it took several meetings just to explain why it looked-- why these numbers were so clearly ridiculous. And so as I pointed out some of those were, as I think Mr. Mertz pointed out, they represented people we knew, people who were represented in court, and the data showing no one is being represented. And so there's some disagreement about interpretation of statute and so we met with the court and they said ultimately to get us to do what we-- you thought we were going to do when Senator DeBoer brought the-- this bill originally, we just need to clarify the section of statute that, that defines what, what we meant by statutory authority. And so that's-- there's a definition here that changes the definition of statutory or clarifies the definition of statutory authority. And then basically the rest of this bill is to say that they need to collect this data in the way that we've intended them to collect it. And I think you asked about who can collect this data? It's basically-- so when you-- anyone of these folks, Mr. Eckel is a good example, he files an eviction case, you go onto a system called Justice and then we have online justice, which is a system on top of a system and you do a drop-down menu and you say I'm filing an eviction, drop down, Chapter 76, and then you fill in the information, the parties, and so that information is in the computer system. And then in theory, the \$25,000 that we spent in Senator DeBoer's bill, which was the fiscal note, was to change that system to allow them to accurately correct this data-- collect this data by pressing a button. And so the reason we're back here is apparently when they told us it would cost \$25,000 to make that update to the system, that was not true. And it was to collect-- to not collect the data and the way they

told us so that's why we're making the change to clarify that they actually are collecting it the way they were supposed to. And they gave us a new fiscal note, which is \$200,000. And I was here, Senator Holdcroft, when you asked Senator Dungan about his fiscal note, and I would just say, you know, read that with a grain of salt or maybe a pile of salt or however you want to read a fiscal note, because I don't know what his-- the, the monetary demands of his bill are, but they, they have limited relationship to reality. And so that's what's going on here. We passed a bill, we told them to do one thing and we thought that that's what we were getting, and then we spent a year and a half trying to fight back and forth with them. Ultimately, they said we need to change this definition and require them to do something extra. So that's how we got here. This other part about the subsection versus section-- so when you plead that case, you do have to-- when you go into court and you make an argument, you file a case against them, you have to state a claim for which you're seeking your redress of the court. And when you go into eviction court, you need to state that whether you are asking for restitution of premises and whether that is for failure to pay rent or whether it's for break-- violation of a lease agreement or violation of a law or something along those lines. And if you fail to do that, then your cases would be facially deficient and should be kicked out of court. And so that's basically what this bill clarifies is that, that should-- what's already should be happening and should continue to happen. That's what both sections of this bill do. They're really just clarifications. And so-- and, and both sides, I guess, if my frustration is showing the fact that both sides come in here or the court didn't even come in, but to send such a big fiscal note when we're asking them to do what we've already told them to do and already giving them money to do is one frustration. And then landlords to come in and say it's very onerous to ask us to do what we're already supposed to do is also a bit, I guess, surprising or frustrating to me. So I, I hope that clarifies what's going on here. I'd be happy to take any questions. And like I said, I'd walk anybody through the report whenever you want to take the time to do that. I just would be surprised if you want to do it right now.

DeBOER: Senator Holdcroft.

HOLDCROFT: Thank you, Vice Chair DeBoer. Yeah, I was disappointed not to see Mr. Steel come in and kind of justify those numbers. It-- do you have a next step with them to try and come to an agreement on how much it's going to cost?

J. CAVANAUGH: Well, I've been talking with them about it, and I would tell you honestly, I have told them that if we keep getting fiscal notes for good things like this from, from them and others, but bottom line is this is an old system that needs to be updated. And maybe it's time that we talk about just a replacement computer system as opposed to \$200,000 patches here and there. And that maybe is a bigger fix to this, but that's a more or less a different conversation than telling us that they-- we didn't tell them to do something that I know we told them to do.

HOLDCROFT: Thank you.

DeBOER: Other questions for Senator Cavanaugh? McKinney-- Senator McKinney.

McKINNEY: So we listened to the opposition testimony and it was kind of alarming to me that on one hand landlords want to evict residents because of inability to, you know, pay rent or a violation of the lease agreement and they're in here screaming and hollering about, hey, what if we miss a technicality or something? But most of them are-- most of them hire lawyers, pay lobbyists, they have the resources. Most people who are evicted more than likely probably didn't have the resources or made a just-- made a technical mistake as far as following the policy of the lease. So do you think that's fair opposition on one hand say that we would evict somebody for violation of the lease agreement for a potential technicality but, hey, we are scared because of a potential technicality that we won't be able to evict somebody?

J. CAVANAUGH: Well, thank you for the question, Senator McKinney, and I appreciate it. And I guess my position would be that, you know, I'm not here to say that they shouldn't be evicting people and they certainly have legitimate complaints in a lot of these situations, but my position is when you use the court system, which is an extension of the state and therefore an extension of you and I, that, that should, it should be on the level above board, beyond reproach, and that when you are implicating someone's life in such a way as to make them homeless, that it's not too much to ask that that be assured of accuracy. And so to say that, that this needs to be dot all your "Is", cross all your "Ts" and put this subsection, which you know can be as little as 76-314 [SIC] or something like that. And it would honestly be easier for them if the courts actually do what they're supposed to and give them the drop-down. So this wouldn't even-- I'm sure they wouldn't have a complaint if the courts-- the drop-down, but I'll talk

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to them afterwards outside of court, outside of court, outside of here. If, if we get the courts to do what the courts told us they would do, whether they would have the same complaint, because all they should have to do is go in there and say I'm evicting somebody under this section, drop it down, and then hit the submit with the other information. But, yeah, I don't-- I think making sure that we're doing it right when we are implementing such-- something of such seriousness is not too much to ask.

McKINNEY: All right. Thank you.

DeBOER: Thank you, Senator McKinney. Are there other questions for Senator John Cavanaugh? Senator Ibach.

IBACH: Thank you. So you're saying that this is more clarification and not interpretation. It's just clarification of what's already there and not their interpretation isn't what this-- the previous bill intended?

J. CAVANAUGH: Right. So it's-- it is a bit of both, if I might. Thank you for the question, Senator Ibach. So in the previous bill, it had the same, same word in two sections. And what happened, in this rounds and rounds we've done, is the court says in one place we interpret it as one thing and in another place we interpret it as something else. And it's really at their convenience. So they interpreted it one way for their convenience and the other way for their convenience. And so what this bill is saying is we're doing it one way and it's the way that we originally intended it in that bill last year or two years ago now.

IBACH: OK. Thank you. Thank you, Senator.

DeBOER: Thank you, Senator Ibach. Other questions for Senator John Cavanaugh? Senator John Cavanaugh, I think that's it. That will conclude our hearing on LB182. And now that will open our hearing on Senator-- or LB187. Senator John Cavanaugh.

J. CAVANAUGH: Thank you, Vice Chair DeBoer. This is the one I thought was my controversial bill, so I guess I misunderstood. Good evening, Vice Chair DeBoer and members of the Judiciary Committee. My name is Senator John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h, and I represent the 9th Legislative District in midtown Omaha, and I'm here to introduce LB187, which provides, provides for a right to counsel in eviction proceedings in counties containing a city of the metropolitan class

and a city of the primary class. Currently, this would apply to Douglas and Lancaster County. Right to counsel has long been a policy priority for me. I volunteered in the Tenant Assistance Project in Omaha, and I've seen firsthand the importance of tenants having an attorney. And as the last bill would probably demonstrate, there's a lot of technicalities and pressures on both sides I would say. If you have-- if you haven't been in eviction court before, allow me to give you a brief overview of the process. Eviction court is designed to move with ruthless efficiency. Cases are decided in a matter of minutes. Tenants who fail to appear in court are generally evicted by default. Nearly every landlord has an attorney, and tenants who lack an attorney are at a serious disadvantage. They'll have little-- they have little or if any knowledge about their rights or potential defenses and no knowledge of the rules of procedure or evidence. Losing one's home in a traumatic-- is a traumatic event and if we're using the power of the state to order someone to be removed from their home, we have a responsibility to make sure that, that-- that they have an adequate defense. LB187, as written, applies to Douglas and Lancaster County. A previous version of this bill I introduced two years ago provided for a statewide right. This was scaled back to this version in an attempt to help the most, the most people in the highest-need areas of the state. I recognize the concerns of the counties that there is no identified funding source and if we move forward with LB187 I would certainly be open to an amendment dedicating funds for this purpose. And I would point out that the bill two years ago, the opposition was to the funding source, which was a fee-- having-- which is not in this bill. Having an attorney represent both sides in an eviction proceeding actually benefits both parties. I can tell you from experience that when a tenant is represented by counsel, we're able to negotiate with the landlords and make sure the tenants remain in their homes and that rent is paid or that they leave on an agreed timetable. I would like to believe that the vast majority of landlords use eviction as a last resort and that a negotiated resolution is more advantageous to everyone. This bill will generate-- generate a lot of comments both in support and opposition. I want to address one opponent comment submitted for the record, which warned that landlords may be driven away from rental properties and sell them on the market. One of the biggest problems in affordable housing we face as a community is a lack of owner-occupied housing. Landlords buying up homes for use as rental properties decrease-- decreases the stock of affordable homes available for purchase, driving up competition for other homes, driving up market rates for rent, and making what was once the most affordable city to live in, in

the country increasingly difficult to afford for many and putting the dream of homeownership out of reach. Today, you've heard and we'll hear a parade of horrors by many of the same people who consistently come in opposed even the most modest changes to the Landlord Tenant Act. If we protect tenants, they argue bad things will happen, bad things that typically that they won't be able to make as much money or that they won't be able to similarly throw out tenants out of their homes in an efficient manner. Let me give you the other side of the coin. When the court system is used to make a member of our community unhoused, that person is more likely to lose their job. They will find it harder to find another house. They may experience health issues. They may experience a mental health crisis as a result of the stress, those folks may commit a crime and end up in our county jails. When people are evicted using the court system, their children are more likely to have trouble in school, their children are more likely to end up in the foster care system. Some people may say that the state has no place in these proceedings, but that simply is not true. The court is used to effectuate these evictions and the state bears the increased cost of that homelessness. And I could share some data with you, but there are other states that have adopted this and they've done some data reports and you can see them all over the country. But I think a good example, so Connecticut has one that they just adopted and they did-- their first report shows they saved \$1.1 million to \$1.2 million in the housing safety net cost responses. They saved \$2.5 million to \$2.7 million in Medicaid spending as a result of the right to counsel program there. They saved \$60,000 to \$70,000 in education costs related to children moving and relocating. They've saved \$800,000 to \$900,000 in retained residency, and they've saved \$1.3 million to \$1.4 million in out-of-home foster care placement costs. So that's just one state that just started this program and that's an example. There's a lot of other ones and there's a lot of other costs that were-- that are hard to quantify. But I say that because you can see the fiscal note here and, Senator Holdcroft-- I was going to call you Senator Hardin, Hs-- but I know you, you looked at the last fiscal note, I assume you looked at this one, Douglas County's report was \$1.25 million for attorneys. And I would say some folks submitted their own estimations of what it would cost to do this program. The bill, in its current form, allows for court appointed lawyers. I certainly would entertain or think the idea of just an office created to service this function would be maybe a better way to do it. And I can just tell you off the top of my head that in the Douglas County, the public defender's starting salary is \$70,000. If you hired five full-time attorneys plus a staffer, you could do this for about

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\$420,000 in Douglas County. And so about half to a third of what the fiscal note says just for Douglas County. And then if we start-- if you compare that to the cost savings for all of these things that I went through that the state of Connecticut saved, obviously, you can't do a one-to-one example with the state of Connecticut and there's lots of other cities and counties that have done this across the country, but that's what we're talking about. We're talking-- this is cost savings for the system as a whole by investing in making sure that people don't become unhoused in a crisis situation unless absolutely necessary. And so I appreciate your time and attention and I would be happy to take any questions.

DeBOER: Are there questions for Senator Cavanaugh? Senator McKinney.

McKINNEY: Thanks, Senator DeBoer. Thank you, Senator Cavanaugh. Do you think efforts like the Tenant Assistance Project and other Tenant Assistance Projects across the state and across the nation are kind of like the chickens coming home to roost for property, property owners and land owners for the simple fact that for years that, in my opinion, they preyed on tenants not having legal counsel and not being able to necessarily defend themselves? Now, in my opinion, I feel like they're upset that we just want to have a fair process. If they're going to hire lawyers, the tenants need lawyers too.

J. CAVANAUGH: Yeah. Thank you for the question. I appreciate it. You know, it's, it's almost like you've, you've failed by succeeding too much. You know, it has been able to, to use the system to your advantage to such a degree that it has reached a crisis point for society as a whole. Because if we're, you know, if people being evicted, were being evicted at a lower rate, we wouldn't see the, the fiscal impact to our counties, our cities, our local entities, our schools. It wouldn't be, it wouldn't be as measurable as it was, wouldn't be noticeable. It wouldn't rise to the level of having a conversation in front of the Nebraska State Legislature. But because of the disproportionate impact that this process has had on folks in our community it does rise to that level. So, yeah, I agree.

McKINNEY: And I just-- I don't know, I just find it crazy that you would-- someone would oppose somebody having representation in a legal matter in court.

J. CAVANAUGH: I also find that to be problematic.

McKINNEY: But they could hire people.

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J. CAVANAUGH: Yeah. I personally think that the whole-- the system works better for all those involved when everybody is represented. But that's my--

McKINNEY: Yeah.

J. CAVANAUGH: --that's my personal opinion, but it's based off my personal experience.

McKINNEY: Thank you.

DeBOER: Other questions for Senator Cavanaugh? I just have one. How are we paying for it again?

J. CAVANAUGH: I'm sorry?

DeBOER: How are we paying for it?

J. CAVANAUGH: Oh, well, right now it is, as Senator Blood would say, an unfunded mandate.

DeBOER: That's--

J. CAVANAUGH: I'm, I'm looking, I'm exploring options for ways to pay for it. I, I personally think it is, it is an unfunded mandate because we're telling Douglas and Lancaster County to do it, though I would consider permissive language, too. But I think that their pay-fors are in avoiding costs in the future. I mean, every person that we keep out of Douglas County Corrections is saving us something like \$80 a day. So if we keep somebody in their house, we save that money. If we keep somebody-- if we keep kids in school, there's a lot of ancillary costs that are associated with having to then when they get evicted and they move, the school district has to pay to bus them to the other, the original school and those sorts of costs that [INAUDIBLE].

DeBOER: I bet they would not find that particularly comforting when they're thinking about how to pay for this.

J. CAVANAUGH: Well, I can tell you, I don't know if they're here to testify against it, but I know the counties are opposed to this bill.

DeBOER: Yeah.

J. CAVANAUGH: And I, I have told them that I understand that position.

DeBOER: OK. All right. Senator DeKay.

DeKAY: Would this, would this bill require or does it give, I mean, give them the right or does this bill require that counsel be present for every eviction that takes place? I mean, I, I don't know how to say it, if it's a simple eviction whereas pretty spelled out it's going to happen, would counsel need to-- would there need to be counsel there for it or--

J. CAVANAUGH: Yeah, so the way it would work is the court would appoint counsel as this is written which, you know, there's other mechanisms by which you can do it, you can create, like, a civil public defender office where they would just have somebody that works there and they would be required to be present. I mean, in my experience volunteering in the TAP program, which is the Tenant Assistance Project in Douglas County, I've showed up at the courthouse on the day that the hearing is, stood in the rotunda of the, the courthouse there and had-- there were, you know, clerks and things that had cases and they said if this person shows up, you're going-- you want to represent them. Say, OK, sure, that's what I'm here for. And then I would get to have, like, about a ten-minute conversation with that person. I would go and talk to their lawyer, sometimes Mr. Eckel, and work out some kind of negotiation. I would explain their-- that person's rights to them, what their potential defenses are. And in a lot of those cases, say, well, you know, if they can pay this much, can they stay until the end of the week or the end of the month or stay for another month or until the end of the lease or, you know, I, I personally have not actually litigated one of these cases, but some people will, you know, you'll have a trial. And in that, you know, one-hour window, most of the time these cases are resolved-- start at 9:00, that courtroom is done at 10:00.

DeKAY: Well, I guess the way I would ask it, I mean, if there's a landlord there and a tenant there, and is there any cases where we could maybe save the people some money by having a, a court-appointed counsel by just going before the judge and letting the judge make that-- let them plead their case one way or the other and let judge hand them out from there?

J. CAVANAUGH: Well, in most these cases the landlord is going to be represented and so they have a lawyer there who's going to plead their case for them and the tenant is somebody who's probably not fully equipped to make the legal or factual arguments. I mean, you know, the, the old saying is a lawyer who represents himself has a fool for a client. And so it's the same sort of thing, you don't represent yourself because you're passionate about it and you're not-- you can't

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see which facts are relevant and which aren't. You might get up there and have, like, a person just be very mad at their landlord and yell at them and that's not going to be, you know, a, a constructive situation. So the role lawyers play in those situations is to bring the temperature down and just talk about what the relevant facts are.

DeKAY: OK. Thank you.

DeBOER: Any other questions? Thank you, Senator Cavanaugh. We'll have our first proponent.

DESTINY FANT: Good evening, members of the Judiciary Committee. Thank you for the opportunity to appear today in support of LB187. My name is Destiny Fant, D-e-s-t-i-n-y F-a-n-t. And again, I'm the Tenant Assistance Project specialist within Together's Crisis Engagement Program. I'm testifying today in support of this bill as a concerned citizen and, again, not on behalf of Together. I attend eviction court in Douglas County four days per week to work directly with our low-income tenants being evicted from their home. Through this work, I know the firsthand significant-- firsthand the significant challenges the individuals and families face. They already have a lot of worries on their mind, and they also cannot afford lawyers to represent them. They come in unsure of what they're getting into, what the legal terms mean or what they're agreeing to if a deal is made. By providing legal counsel, this helps to ensure equity, fairness, and peace of mind during the eviction process. Not to mention it adds an additional layer of accountability for the landlords who are filing these evictions. In conclusion, advancing LB187 would give families an opportunity to be represented and fairly advocated for. So I encourage you to advance LB187 and I would be happy to answer any questions you may have. Thank you.

DeBOER: Any questions? I don't see any. Thank you.

CHELSEA EGENBERGER: My name is Chelsea Egenberger, C-h-e-l-s-e-a E-g-e-n-b-e-r-g-e-r. I'm representing NeighborWorks Lincoln. As a community housing development organization, NeighborWorks Lincoln has the great privilege of working to address affordable housing in our community. While we have helped thousands of low- and middle-income families and individuals achieve their dream of homeownership, we know that that route is not for everyone. However, housing stability is a goal that the state should embrace for all Nebraskans. This is why NeighborWorks Lincoln supports LB187 and its ability to further expand housing stability across the eastern part of Nebraska. From the report

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Understanding Evictions in Omaha, the authors state: A lack of affordable housing leads to higher rates of eviction in a city. Higher rates of eviction increase the number of people who are unhoused. Evictions can also set off a cycle of disadvantage that is difficult to break. And they go on to map evictions in Omaha from 2012 to 2019, which showed that areas with higher eviction rates also reflected increased racial segregation and correlated to depressed education and health outcomes. One of the report's primary recommendations is to ensure legal representation for persons facing eviction. In the, in the 39,345 eviction filings reviewed for that, only 1 percent of the tenants had legal representation. In Kansas City, which passed the right to counsel ordinance effective in 2022, they found that 3 percent of tenants had legal representation compared to 85 percent of landlords, a power dynamic that is reflected in the national data. New York City saw a dramatic reduction in evictions when they passed similar legislation in 2017, leading to 84 percent of defendants with legal counsel remaining in their homes. Eight-four percent stayed in their homes. And since then, several municipalities and three states have passed similar statutes. In a 2018 comparative study, fully represented tenants won or settled their cases 96 percent of the time and settlements for tenants are significantly better including receiving more time and moving out-- to move out and leaving court without an eviction on their record. Please advance this bill.

DeBOER: Are there any questions for this testifier? I don't see any right now. Thank you so much for being here.

CHELSEA EGENBERGER: Thank you.

DeBOER: Let's have our next proponent. Remember about these on-deck seats here. So if you're going to testify in support, there's some room up there.

SCOTT MERTZ: Thank--

DeBOER: Welcome.

SCOTT MERTZ: --thank you, Judiciary Committee. My name is Scott Mertz, director-- oh, Scott Mertz, S-c-o-t-t M-e-r-t-z, director of Legal Aid of Nebraska's Housing Justice Project. I come before with over 13 years of experience representing low-income tenants and I want to thank the committee for providing the opportunity to appear today in support of LB187. And I also would like to thank Senator Cavanaugh for both introducing this bill and inviting Legal Aid of Nebraska to

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testify. In my written remarks there, I cite to some of the studies that were referenced by the senator and in previous testimonies there of, of the benefit financially to prevent homelessness in the community and how that saves money when we're investing dollars in providing people with legal counsel. And at Legal Aid of Nebraska we demonstrably show that having an attorney makes a difference, as over 85 percent off our clients were there in court we do avoid eviction in order to keep people housed avoiding that cost to the community. And I want to just highlight a certain paragraph here to state: That while we would like to represent all Nebraskans threatened with evictions, Legal Aid of Nebraska is still a nonprofit organization. We are not a government entity and so we rely on funding to do our work, grants from federal, state, local government, grants from foundations, contracts, and our private donations. We rely upon that year to year and use that funding to provide housing related legal services to 2,573 applicants in 2022. But that number is but a small fraction of the individuals who are housing burdened in Nebraska and even a smaller portion of the 300,000 people who are eligible for Legal Aid of Nebraska services. We just do not have the resources or capacity to provide a counsel for every Nebraskan facing eviction and in need of representation. And that's why LB187 is so necessary and why Legal Aid of Nebraska supports that passage in enactment. If you want to, just leave some time for if there are any questions from any members of the committee.

DeBOER: Are there any questions? Senator McKinney.

McKINNEY: Thank you. And thank you, Mr. Mertz. When, when you are finding alternatives or working with tenants and landowners about as far as like evictions in the process, are there times where landlords may negotiate a reinstatement fee to avoid an eviction?

SCOTT MERTZ: Yes. When we're looking at those alternatives engaged in negotiations, we're looking at not just the arrearages for rent, the balance owed, but an administrative cost that would be incurred by the defendant as part of that settlement. That would be a cost that would go towards the plaintiff's cost of, of filing and prosecuting the eviction.

McKINNEY: So would it go to the-- so the court would get the, get the reinstatement fee or would the reinstatement fee be paid to the, the landlord or [INAUDIBLE]?

SCOTT MERTZ: It would be paid to the landlord.

McKINNEY: OK.

SCOTT MERTZ: That would be their money. Yes. It ranges from \$250 to \$500, typically.

McKINNEY: Do you typically see tenants being able to pay that?

SCOTT MERTZ: No, not, not out of pocket. In recent years, a lot of this has come through assistance with rental assistance so perhaps they can split the difference where some of the arrearages are, are absorbed through the rental assistance program and then they might have to have some funds they could free up to pay that reinstatement fee if that's not going to be covered by rental assistance.

McKINNEY: Have you heard of situations where landlords are using the fact that tenants utilize the rental assistance program against them once, like, the lease comes back up or, or anything like that?

SCOTT MERTZ: Yes, I, I would say broadly speaking it is often cited as a negative if a tenant has utilized rental assistance more than once that they might cite that is why they're at risk as a tenant and not want to continue with--

McKINNEY: But--

SCOTT MERTZ: --the tenancy.

McKINNEY: --and also I would ask you, have you heard of situations where landlords were overt-- overtly encouraging tenants to apply for rental assistance?

SCOTT MERTZ: Yes, that is also certainly something that has occurred.

McKINNEY: So it's highly potentially likely that on one hand they're encouraging their tenants to go ahead and file for emergency rental assistance, maybe even multiple times, then on-- and on the other hand, they're using it against them when they're trying to refile their leases.

SCOTT MERTZ: I can say that I have seen both things occur, both the incentivize, get them to-- which in courts, they can get set up with someone or get the ERA money. They can get money not just for rent but also for fees. And at the same time, yes, there have been instances, we've had firsthand accounts of, you know, being told that our clients

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are not viable and it's because they got the exact same rental assistance.

McKINNEY: Thank you. And for those who are questioning what I'm just saying, I know a firsthand account where somebody was encouraged by their landlord to, to, to file for emergency rental assistance multiple times. The person did and when it went back to file their lease, that landlord used it against that person. So it's not a lie and it's not a myth. Thank you.

SCOTT MERTZ: Thank you.

DeBOER: Other questions for this testifier? I don't see any. Thank you very much.

SCOTT MERTZ: Thank you.

DeBOER: Let's have our next proponent. Welcome.

LIZZIE TURNER: Thank you. Hello again. My name is Lizzie Turner, L-i-z-z-i-e T-u-r-n-e-r. I am a community organizer at Nebraska Appleseed for Collective Impact Lincoln. Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans. Collective Impact Lincoln is a partnership between Nebraska Appleseed and Civic Nebraska that works with residents of six Lincoln neighborhoods to build community, support neighborhood leaders, and take action on policy that is responsive to their needs. I'm here today on behalf of Collective Impact Lincoln in support of LB187. In response to the great need that we hear from our neighbors, Collective Impact Lincoln advocates for improved housing processes that advances Nebraska as a place where everyone has somewhere to call home. This bill would give Nebraska renters the right that our state motto promises, "Equality Before the Law." This has become a deeply personal issue for me over the past year. While I have been lucky enough to not have experienced eviction myself, I have spent the past year listening to the stories of many folks in Lincoln, Omaha, and Hastings who have. Around this time last year, I began a months-long project talking with renters, service agency providers, and volunteer lawyers who represent renters at eviction court. I heard so many heart-wrenching stories from tenants who faced injustice leading up to and during their eviction. Many of these people believe that with a guaranteed right to legal counsel, they likely would have had a different outcome in their case. In Nebraska, approximately 90 percent of landlords had legal representation in eviction cases, while fewer

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than 3 percent of renters could say the same. And this is prior to the Tenant Assistance Project. These numbers make it very clear that this is a vastly unequal and unjust system in which vulnerable renters are left to fend for themselves in a really scary situation. Most of the stories I've heard have been complex cases in which renters really needed someone who understands the law on their side. One renter I spoke with, who is a wheelchair user, would make requests, reasonable requests for her building to be more accessible, which caused strife in the relationship between her and her landlord. She ultimately received an eviction notice. She did not have representation to review her case and raised legitimate defenses when she went to court and, unfortunately, in spite of the injustice she experienced she was still evicted, removed from her home, and was unhoused for months after that. Since the beginning of the pandemic, volunteers through the Tenant Assistance Project in Lincoln and Omaha have been doing amazing work to keep hardworking Nebraskans in their homes by representing tenants at eviction court on a volunteer basis. They have demonstrated the positive impact of having representation with the nearly 98 percent success rate of avoiding immediate eviction. However, TAP relies on volunteer lawyers who can only represent tenants on the day of the hearing and its reach is limited only to Omaha and Lincoln. We can-- while TAP provides a critical service, we can do so much more for Nebraska renters. For that reason, I urge you to support this bill. Thank you so much for your time.

DeBOER: Thank you. Are there any questions for this testifier? I don't see any. Thank you.

LIZZIE TURNER: Thank you.

DeBOER: Next proponent.

LEXI CHAPELLE: Senator DeBoer and members of the Judiciary Committee, my name is Lexi Chapelle, L-e-x-i C-h-a-p-e-l-l-e. I'm a student attorney with the Housing Justice Clinic at Nebraska Law and a volunteer with the Tenant Assistance Project. I'm testifying today in support of LB187 in my personal capacity. In my experience, the number one reason for any dispute to end up in civil litigation is a breakdown in communication and evictions are no exception. Tenants face multiple communication barriers with their landlords. Often, tenants will not speak to their landlord about problems with their tenancy due to embarrassment or pride. When tenants try to negotiate with their landlords, the inherent imbalance of power means that a tenant is often unsuccessful without help. Sometimes tenants' concerns

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are not taken seriously or are ignored. On eviction day, their volunteer attorney hears it at all. Attorneys representing tenants in eviction cases not only act as trade negotiators and communicators that they are, they also are the point person to navigate tenants through the legal process, inform tenants of their rights under the law, enforce those rights against their landlord, provide understanding, sympathy, and help arrange support for their other needs. In the short amount of time that I have volunteered with TAP, I have heard stories from tenants losing employment, facing sudden medical emergencies, and the death of family members. I've also heard stories of tenants facing eviction while the landlord refuses to fix the heater when it is ten degrees outside or living in houses with roaches or rats. And that's just a few examples among other horror stories. To ensure fairness under the law, tenants must have a lawyer that will listen to them and fight for their interests. Part of why I signed up to work as a student attorney and Housing Justice Clinic is to help prevent homelessness in our community. I think that should be a goal of all Nebraskans. The Tenant Assistance Project has been a saving grace for many tenants. I personally have been able to help about 30 families in two months, but they need their rights recognized under the law rather than just de facto support from volunteers. Funding and support from the government are necessary to sustain these efforts and address the state's problems with endemic homelessness. We know that a right to counsel in eviction matters leads to a better outcome for tenants and for society. Connecticut has already implemented a right to counsel. One source stated that of the 82 percent of clients that wanted to prevent an involuntary move, 71 percent achieved that goal. Of the 80 percent that sought to avoid an eviction on the record, 76 percent achieved that goal. The estimated cost saving to the state were \$6 million. In Washington, the enactment of their law has encouraged landlords to seek alternatives to eviction that still protect their interests while reducing harm to tenants. I support this bill because it recognizes that tenants deserve legal parity with their landlords. I urge this committee to take the first step recognizing tenants as worthy of equal representation in eviction matters.

DeBOER: Thank you very much. Are there any-- doesn't look like there are any questions for you. Thank you.

LEXI CHAPELLE: Thank you.

DeBOER: Let's have our next proponent.

HOLDCROFT: There's nobody in the chairs.

DeBOER: Next proponent.

JESS GIESEKE: Good evening and hello again. My name's Jess Gieseke. That's J-e-s-s G-i-e-s-e-k-e. I didn't realize that I was going to be able to make it back, so I don't really have a prepared testimony for LB187. But I just wanted to say that I am once again here as a landlord and I support this bill. Please feel free to think of any questions you might like to ask me at the end, but I guess I'll just start out by saying, as a landlord I'm already going into a contract with a tenant with an advantage. I've had an attorney help draft my lease agreement and I have-- and, you know, I've got somebody representing me that, you know, I can call if I need to serve, you know, a notice to terminate or if I need to serve a notice to correct or, you know, I, I, I have legal representation if I need it. And, you know, if I'm showing up to court, I'm, I'm going to have an attorney that is helping me handle the eviction. I see no reason why-- if I'm evicting a tenant, I see no reason why they shouldn't also have legal representation. I, I, I think it's ridiculous to expect a tenant that has no-- that maybe doesn't have thorough knowledge of all of the local ordinances and the Landlord Tenant Act and housing codes and all of that to represent themselves against a landlord that has legal representation. I, I, I guess I'm not entirely sure how you guys would intend to fund this, but as a taxpayer I'm, I'm happy to pay taxes for that. I, I pay taxes so that people can be represented in the county, county court if, you know, they're, they're facing criminal charges. I am happy to pay taxes for this as well. I'd, I'd be happy to answer any questions if, if you have any.

DeBOER: Are there any questions for this testifier? I don't see me. Thank you so much.

JESS GIESEKE: Thank you.

DeBOER: Next proponent.

SPIKE EICKHOLT: Yeah, that's right. There's a murmur over here. Good evening, my name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska in support of LB187. I'm not going to read from my statement. You've been here for five hours. You've heard a lot of testimony. This bill is straightforward. It's a good bill. People are entitled to be represented in criminal cases, even if it's a minor charge, if they're

going to get even one day of jail, your right to have an appointed lawyer if you cannot afford it and you're looking at it day of jail. This would have a similar sort of proposal and that is if you're looking at getting evicted and losing everything, your home, your property, your job, your family's home, then the county will pay or the government will provide for you to have an attorney appointed to represent you. Many of you if you have ever been in legal trouble before or have someone close to you, you have a lawyer help you do that, you'd never, ever consider, even if you're passing laws and state senators not going into a court without a lawyer, or going into court without a lawyer. You have lawyers on this committee, not here right now, today, necessarily, but you have lawyers on this committee to help you do your job. You have lawyers working in the body so you appreciate the significance of legal representation on these things. I don't know if there's going to be any opposition to it, but if there is opposition I suspect that that would be reason for supporting the bill because that would tell you, as a policymaker I would respectfully suggest, that lawyers make a difference, that lawyers matter, that lawyers make evictions more difficult for landlords, that they make it more difficult for people who are represented versus someone who's not represented. I had court today at 1:30 for three clients. I was able to get in and out of there and back here probably about 1:45. It was just an arraignment but I was able to do it because I know the people, I know the court system, I know the court staff. And that's how lawyers make things work more efficiently and smoothly and benefit their clients. This is a good policy decision, as Senator John Cavanaugh explained before, because it does save the counties, it does cost the counties, but it does save the counties and the community more. There are defenses to evictions. Last year, one of the bills that were included in the omnibus package was a bolstering of the domestic violence exception for criminal conduct for victims of family members. Someone not represented is not going to know how to raise that in court if they're facing eviction. They're just not going to know how do that and this bill will provide for that opportunity. I'll answer any questions if anyone has any and I appreciate the committee's time.

DeBOER: Thank you, Mr. Eickholt. Questions for Mr. Eickholt? I don't see any.

SPIKE EICKHOLT: OK.

DeBOER: Thank you for being here. Next proponent. Next proponent. OK. We will now take opponents. Is there anyone who would like to testify in opposition? Welcome.

JEFF KRINGLE: Thank you. Got rid of my jacket. Jeff Kringle, J-e-f-f K-r-i-n-g-l-e. Have any of you spent the session in eviction court? I do. I, I represent myself for my evictions and I'm going to give you just a little brief picture of what that's like. And what I have to say is what around 90 percent from what my seat poll tells me of every attorney and every other landlord that represents themselves says, I am Jeff Kringle, 13,000 Old Cheney Road, Walton, Nebraska, managing 1814 North 68th Street. The defendant has failed and neglected to pay their rent for a certain amount for the month of such and such. That's it. That is the question before the court. It is that simple. What's an attorney going to say about that? I will tell you, now that we've had the free, bloodsucking leeches down there for about two years, I'm going to tell you a couple or three things that they've done, nothing to do with the case before us. Did they or did they not pay their rent? One case, the, the service of the seven-day notice of the court-- I guess it was the notice of the court date, why the sheriff's department didn't get sent to them within three days of filing. It was four days by some Supreme Court thing. That's against the rules. However, once this gets thrown out of court, I find out, oh, that's judicial days, three judicial days, not calendar days. This included a Saturday and a Sunday. That court's not even doing business on a Friday so I don't know if that would have really counted. Another time, you folks and your predecessors and of your larger body decided to go to a seven-day notice because of the mail. We understand that, there was a reason for it. Because of one of these people that are helping them talking about three to four extra days for mailing, the judge decided since we mailed it that wasn't good enough, got thrown out, didn't get seven-day notice. The exact seven-day notice that you folks have asked us to do, we did to the letter and it got thrown out. Anyway, that's just a couple stories of reality, you know, the subject at hand or I, I suppose well over 90 percent of the cases before the court is did they or did they not pay rent?

DeBOER: OK.

JEFF KRINGLE: Thank you.

DeBOER: Are there any questions? Seems the later it gets--

JEFF KRINGLE: Thank you very much.

DeBOER: --the less questions there are. All right, next opponent.

DENNIS TIERNEY: Dennis, D-e-n-n-i-s, Tierney, T-i-e-r-n-e-y. Vice Chair DeBoer and Senators. LB187 would appoint a public defender for every single defendant in an eviction proceeding at the county taxpayer expense. Right now, the defendant has the right to an attorney at their own expense. There's no Nebraska precedent for one side of a civil proceeding to have their attorney supplied by the taxpayers. This is a bad precedent that may lead to all sorts of other individuals asking for taxpayer-funded attorneys in civil proceedings. What makes tenants so special that a taxpayer should pay for their lawyer in a civil matter, but not for others? Americans had the expectation of equality under law. How is an equal if one side has a taxpayer-funded attorney and the other side doesn't? I take issue with Senator Cavanaugh's numbers as to how much this is going to save the, the, the taxpayers, the already beleaguered Nebraska taxpayer. The numbers that I could find, the latest numbers for, for the Princeton Eviction Lab, there were 10,300 evictions in Nebraska in 2018. The overwhelming majority of them would be in Douglas and Lancaster Counties. According to the Nebraska Bar Association report of July '22, the court-appointed attorney hourly rate for 90 percent of the counties and district juvenile and county court is \$95 to \$100 an hour. So you'd expect that would be the-- if there's, there's a count-- a court-appointed attorney, that would be how much the taxpayer is paying. According to the attorneys I've asked, it would be reasonable to expect a taxpayer-supplied court attorney to ask for continuances and submit many other motions designed to delay proceedings, all of which will add more billable hours to the county taxpayers and extra legal costs for landlords. One expect-- would expect it in, in each eviction to cost the taxpayers a minimum of \$500, which comes to a total of \$5,150,000 yearly. Since they have a free counsel, one would also expect many tenants to ask for an appeal of the eviction which I've been told by lawyers would easily add another 20 to 40 billable hours for legal research, writing, and arguing the case on appeal. Senators, bill-- this bill is not only unjust, it would result in potentially a ruinous cost to the already overburdened Nebraska taxpayers and I ask you to reject it. Thank you.

DeBOER: Are there any questions? Senator DeKay.

DeKAY: Thank you. What is the, what's the main reason for evictions? Is there one that's above the other?

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DENNIS TIERNEY: Probably the, the main reason is nonpayment of rent, but there are other reasons. I mean, I had a, a tenant who was schizophrenic and went off his meds who became-- not a liability-- a, a threat to the other tenants. He was armed and the, and the police wouldn't do anything about it. They wouldn't help us. We ended up having-- to protect the other tenants, we ended up having to eviction this-- evict this poor man. You know, so there's a lot of other reasons that, that can happen. But, you know, we had to protect the other tenants. It was our duty to protect the other tenants. This guy was threatening the other tenants with guns. And, you know, the police couldn't do anything about it. So there's a lot of reasons that people can be evicted. I mean, not just one personal case we had, but the most common reason is nonpayment of rent.

DeKAY: So, like, when-- are these standard contracts that tenants and landlords sign together or are they drawn up or how, how does that work?

DENNIS TIERNEY: Yeah, most leases, you know, it depends. I mean, they have to all conform with the Nebraska Tenant and Landlord Act [SIC]. But, you know, each landlord can make up their own as long as it conforms with the, the Tenant Act-- Landlord Tenant Act. It has to conform to that.

DeKAY: So when, when these contracts are signed by a landlord and tenant, is there lawyers present for that or not?

DENNIS TIERNEY: No.

DeKAY: All right. Thank you.

DeBOER: Any other questions? Senator McKinney.

McKINNEY: Thank you, Senator DeBoer. And thank you for your testimony. So as I'm listening, you argued that if tenants are afforded an oppor-- an opportunity to have legal counsel, there's potential for added cost to you for attorney fees and things like that. But have you considered that an eviction and the impact that an eviction could have on somebody? It's so many-- it's like a domino effect. If somebody gets evicted, there's potential that they could lose their job. They could lose their custody of their kids. It's, it's so many things that could happen if someone is evicted. So the same way you're saying there's an added cost to us if they have legal counsel, there is an added cost of the tenant if they're evicted, especially if they're

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evicted based on a technicality and not having adequate legal representation.

DENNIS TIERNEY: Senator, I have never heard of anyone being evicted for a technicality. A landlord does not want to evict a tenant. They're our customers. We want to keep our customers. No landlord wants to evict a tenant and no landlord is foolish enough to evict a tenant because of a technicality. It just doesn't happen. And I, I think that's a bad characterization of what happens with evictions. They're not evicted because of a technicality. It's a reality that they're not-- they know they're not paying the rent or they know that they're, that they're being a bad actor towards other tenants.

McKINNEY: So is, is--

DENNIS TIERNEY: So it's not a technicality.

McKINNEY: --is, is anybody-- is everybody--

DENNIS TIERNEY: It's not a technicality.

McKINNEY: --in, in court for evictions found or, or are all evictions upheld? When you file for an eviction in every situation, is it upheld or not? Because if not, that means that people are going to court that may end up in this domino effect if they don't have adequate representation because I would guarantee not every eviction that is found is upheld.

DENNIS TIERNEY: Oh, sure. You have-- yeah,--

McKINNEY: OK, so--

DENNIS TIERNEY: --because that's obvious.

McKINNEY: --so, so--

DENNIS TIERNEY: You can't have--

McKINNEY: --so--

DENNIS TIERNEY: --because there's not such a thing as 100 percent--

McKINNEY: --so, so there's a potential--

DENNIS TIERNEY: --of evictions filed--

McKINNEY: --for a domino effect. Right?

DENNIS TIERNEY: --are, are upheld.

DeBOER: OK. OK. OK. One person is going to talk at a time. Please let the Senator ask the question.

DENNIS TIERNEY: There's not 100 percent of evictions upheld. I mean,--

McKINNEY: OK.

DENNIS TIERNEY: --that would be silly for somebody to, to say that.

McKINNEY: And that's my point. All of them are upheld. So the same way you're arguing that you are worried for added costs, you also should consider the added cost to somebody that has to go through eviction court who potentially is evicted because they didn't have adequate legal counsel. That's all I'm saying. Thank you.

DeBOER: Are there other questions? Senator DeKay has a question.

DeKAY: Thank you. When, when you, you said the main reason probably for eviction is late notice or late payment?

DENNIS TIERNEY: Nonpayment.

DeKAY: Nonpayment or nonpayment. So do you-- as a landlord do you-- do most landlords go in and say nonpayment on a Monday and, and do you start the proceedings because they're a day late or do you give them a letter in the mail that says nonpayment, I'd like-- we need to be paid by Friday?

DENNIS TIERNEY: Most landlords would try to work with the, with the tenant. Most of landlords will give them a grace period in which to pay. It's, it's quite unusual to have the landlord say you owe on the first I'm going to evict you on the second if you don't pay. That just doesn't happen very often at all. That would be quite unusual. The mass majority of landlords and, and property management companies are going to give the tenant a grace period to pay--

DeKAY: Would they--

DENNIS TIERNEY: And they will call them up and say, hey, what's the issue, you know, and discuss it with them. You know, they say, you

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know, I didn't get paid like I thought I was going to get this week. You know, I'll pay you on Tuesday. You know, they work it out,--

DeKAY: Would that grace--

DENNIS TIERNEY: --they have to communicate.

DeKAY: --would that grace period still apply, say, in the court-- in the contract, it says no pets, no smoking, would a landlord go in and visit with them, say, hey, contract says no pets, you have three to four or five days to get rid of them, find another home for them or is it a first, first day, first offense eviction on that?

DENNIS TIERNEY: No, most of the time they'll tell them-- well, they've got a couple options. One is you can start paying pet rent, which, which they do, but that's another story, but, but they usually say you either have to start pet rent or you have to get rid of the pets and you got so much time to do it. And what was your other thing?

DeKAY: Smoking.

DENNIS TIERNEY: Oh, smoking. Yeah, I mean, they give them a, a chance to, to, to quit the smoking. And, you know, quite frankly, I have nonsmoking buildings. Smoking, in addition to all the damage it does to the, to the person, causes damage to properties. And so we have nonsmoking policies, but you have to give them a, a, a, a certain notice. You can't just evict them. You have to give them a 14/30 day notice. They have 14 days to, to, to quit the, the behavior or to, to make a change. So they're, they're protected by the Landlord Tenant Act. You have to give them a, a, a notice. You just, just can't evict them. The Landlord Tenant Act gives them those protections.

DeKAY: Thank you.

DeBOER: Other questions for this testifier? I don't see any. Let's have our next opponent.

LYNN FISHER: Thank you, Senator DeBoer, other Senators. Lynn Fisher, L-y-n-n F-i-s-h-e-r, and I still represent the Statewide Property Owners Association and on this bill I've been asked to speak on behalf of the Nebraska Manufactured Housing Association as well. And I've already submitted under the Statewide Property Owners a statement and I'm not going to repeat it, but I just want to make a couple of clarifications and state that as, as an industry, we have a vested interest in helping tenants avoid eviction. That is our number one

goal, Senator McKinney, is to avoid eviction. We do not want to go to eviction court. When we have to go to eviction court because we are forced and dragged with our expensive lawyer in hand to go to court because of the actions or the lack of actions on the part of a tenant, fortunately, it's only a very small minority of our tenants. My personal company, we manage over 800 doors. I go to eviction court maybe four or five times a year. Very small percentage of my customers end up in court. I don't want to go there. None of my fellow property managers want to go to eviction court. That's not our goal. We're trying to avoid it at every possible opportunity. We do that by trying to work with tenants to avoid these things. So if it turns out that they force us, that they create a situation that's unavoidable and we have to go to eviction court, I agree that they should have legal representation. And I think our association agrees that they should have representation. They have it now. They have the Tenant Action-- Tenant Assistance Project. They have Legal Aid. If, if you decide to force the taxpayers to pay, so be it. It's just going to raise taxes and, and consequently raise other expenses to all property owners. Maybe it won't be that big an effect on our, on our members in the organization and maybe it's not a problem, but-- so who's going to pay for it is the question. In other states, and I think this is one of our biggest concerns, if this passes and initially the taxpayers pay in other states, it ends up being property owners who, who get the bill. Eventually, they're going to change the law once it's in place and say, well, this is something that the people that are defending themselves against nonpayment of rent are going to have to pay for. So not only pay our attorney, we're going to have to pay the other side. And that's what happens in other states. I'll be happy to answer any questions.

DeBOER: Are there any questions for this testifier? Senator McKinney.

McKINNEY: Honestly, the reality is, though, regardless, if they get a lawyer and the taxpayers pay for it or they don't have a lawyer and they're evicted and put on the streets, the taxpayers are going to pay for that. That's just the reality. And I just don't understand, what are you so scared of if everything you're doing as far as your eviction filing is up to, up to code and up to the standard? So if someone is having a lawyer or a legal counsel, what are you scared of?

LYNN FISHER: I'm not. I think they should have representation.

McKINNEY: OK.

LYNN FISHER: I said that.

McKINNEY: All right. I'm, I'm, I'm just curious.

LYNN FISHER: I said they should have representation.

McKINNEY: So if you think they should have representation, why did you come in in neutral?

LYNN FISHER: I didn't. I came in opposition to this bill.

McKINNEY: That's my point. You came in opposition, but you think they should have representation.

LYNN FISHER: Yeah, because, because I think, I think this is going to be a slippery slope where we're going to end up having to pay the other side's attorney fees.

McKINNEY: Why?

LYNN FISHER: Because it happens in other states. When this bill, a similar bill was passed in other states then eventually we end up paying the bill.

McKINNEY: Do you have an example?

LYNN FISHER: I can bring it to you. I'll send it to you.

McKINNEY: All right. Thank you.

LYNN FISHER: You're welcome.

DeBOER: Thank you, Senator McKinney. Other questions? Thank you for being here. Next opponent. How many more are going to testify on this bill? OK. Thank you.

SCOTT HOFFMAN: Scott Hoffman, H-o-f-f-m-a-n. After hearing all the testimony here, man, I'm, I'm glad I haven't done an eviction in a while, but I second what somebody brought up here. This is a civil matter. It's not a criminal matter. People are not entitled to attorneys unless it is in criminal court and I totally agree with that. And here's another thing, you're talking about discrimination, there's nothing on there about a landlord having an attorney appointed to him to represent. Not all landlords got deep pockets. OK? You need to understand that some landlords are out there, maybe have one or two properties. Somebody is not paying their rent, the mortgage don't get

paid and then the banks are saying where-- well, I got a tenant that's not paying me rent. He's dragging me through eviction court. I mean, you're not looking at the big picture here. I mean, there's, there's two sides to every coin here. And you're also going to take where I've avoided going into court, where I've negotiated with tenants, you know, somebody may come to me and say, I lost my job, Scott, I can't pay the rent. I go, well, what are you going to do? I go, well, are you going to move? And they say, well, I'm going to try and, and so we negotiate and work that through. But if they're going to have a situation, well, no, I get a free attorney. Let's just go to court, hash it out. Yeah, that's not too fair to us when we're going to sit there and have to hire an attorney to belabor the fact there is certain issues here. I mean, if you're not paying the rent, I don't need to know why counsel has to be involved with that. I mean, if you're having domestic problems or you're having disturbing the neighbors or the police are coming over to your property or you're destroying my property and it appears to be that way, yeah, we can use that. And to answer your question, Senator DeKay, it's a 14/30 on something other than paying rent. We have to give the people 14 days to, to take care of this. This is something I tried to explain to Pansing Brooks last year because she didn't understand it. It's complicated. You have to wait 14 days. They have to get rid of the pet when the 14th-- on the 15th day, they don't have it then they have to be out by the end of the month. OK? So all this is explained in, in, in the Tenant Landlord Act [SIC], which a lot of you senators are creating these bills but don't completely understand the Tenant Landlord Act [SIC] like a lot of us landlords have been doing it for 30 years and we go to our attorney. And when we do approach our attorney and the tenant isn't being represented by a lawyer, my attorney goes to them and talks to them. If it's about rent, ask them if they've got the rent and they say no, then he's going to go to the judge and explain to it. And the last time I had an eviction court, the gal asked for an extra three or four days, and if I didn't grant it, she wanted to have a hearing. I granted it, avoided the hearing. We were out of the courtroom and she left. OK? So a lot of this you don't need to be represented by an attorney. My attorney is going to come over and talk to the tenant, work things out, make sure everything is, you know, copasetic, and then we move on from there. But to have somebody come in with a technicality, mainly on the tenant side, well, you didn't do this or you have a, a code violation here, so therefore they're entitled to continue to stay there. It's like, I don't understand that at all, so.

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DeBOER: Thank you, sir. Let's see if there are questions. Senator McKinney.

McKINNEY: So you just argued that you don't understand the tenant statutes completely. We potentially don't in your argument, so what makes you, so what makes you think the tenants understand it which means they probably should have legal counsel as well?

SCOTT HOFFMAN: I'm talking the difference between criminal court and, and civil court.

McKINNEY: No, what I'm saying is you argued that because you don't fully understand the tenant rights and the statutes that you hire a lawyer. You also argued that senators sitting on this committee potentially don't fully understand the statutes either. And if that is the case, what makes you think that tenants also fully understand the statutes which would be a prime example of why they need legal counsel?

SCOTT HOFFMAN: Well, Senator, is it my--

McKINNEY: And also I think--

SCOTT HOFFMAN: --is it my responsibility that a tenant supposed to understand the Tenant Landlord Act [SIC] any better than I am earning less than I do? No, I mean, if you're going to rent property in the state of Nebraska and we explain it to them all the time. In fact, some of, some of our RentWise, RentWise, which Mr. Fisher explained earlier, they hand up pamphlets about the tenant landlord. You know, you're supposed to give that to your tenants. It's one of the registration requirements in the city of Lincoln if you own a triplex or above. I don't. But countering your offer I'm saying, like I said, the tenant landlord is very, I mean, it's very complicated and it keeps on being revised and who understands it? Who-- what are you supposed to do here and what-- before we end up in a courtroom of law and people are still trying to figure it out.

McKINNEY: So you think it's fair for somebody who doesn't fully understand the law to negotiate with your attorney?

SCOTT HOFFMAN: No, I think it's when you don't pay your--

McKINNEY: That's what you said. You said in court, you, you get tenants to talk to your attorney.

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SCOTT HOFFMAN: If they're not represented by a lawyer--

McKINNEY: Do you think that's fair?

SCOTT HOFFMAN: I think it's fine if, if he goes over there, asks him if it's involving nonpayment of rent. I mean, do you have the rent, are you going to be able to pay it? These are questions that my attorney asks them.

McKINNEY: See, that's the problem.

SCOTT HOFFMAN: And they say no, well, then where do you go from there? OK, you think you should get, you think you should be entitled to stay in somebody's property because you can't pay the rent while we continue to maintain that property and pay the property taxes, some of the highest in the nation?

McKINNEY: You shouldn't have your rights violated, that's the point.

SCOTT HOFFMAN: It's-- there's no rights violated. This is about my rights being violated to pursue my business so that I can get the money that I need to, to pay everybody else to support this state paying tax dollars.

McKINNEY: So, so every eviction that you found over the years was, was upheld?

SCOTT HOFFMAN: Yes,--

McKINNEY: Every one?

SCOTT HOFFMAN: --because I haven't done one for a while.

McKINNEY: Every one?

SCOTT HOFFMAN: There's a reason why to vet people. I, I have to vet them because of everything you're doing here we go through it. I can tell you there's a dozen reasons I can reject somebody. I can, I can come up with a dozen reasons if, if I don't want to rent to somebody. I don't do that intentionally. But if you force us, yeah, we--

McKINNEY: So--

SCOTT HOFFMAN: --anybody can do that.

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McKINNEY: --so everyone you found was upheld. But the reality is, every eviction that is filed in the state of Nebraska is not upheld for whatever reason.

SCOTT HOFFMAN: And for, for reasons, for reasons that just are beyond my comprehension here. If you're not paying the rent, you're not following the terms of the lease, why should you be entitled to stay in that person's home?

McKINNEY: But sometimes they're dismissed because landowners are doing something wrong or not doing what's right in [INAUDIBLE].

SCOTT HOFFMAN: I think that's a very small fraction. I think from what you've heard in this hearing room today a lot of us are not like that.

McKINNEY: If it was a small fraction then our courts would not be filled with evictions weekly.

SCOTT HOFFMAN: Well,--

McKINNEY: Thank--

SCOTT HOFFMAN: --I don't--

McKINNEY: --thank you.

SCOTT HOFFMAN: --I don't handle inflation, I don't handle the rents, and I know they're extremely high. And like Senator Cavanaugh, with the inflation and the thing like-- the only persons-- people responsible for that are government. OK? I mean, everything has to do with how they set the valuations, how, how much tax dollars we have to pay, that spurs everything.

McKINNEY: Well--

SCOTT HOFFMAN: And I, I mentioned earlier I've had problems hiring people to [INAUDIBLE].

McKINNEY: And we're also allowed the ability to, you know, establish laws to create fairness inside of our courts pertaining to the eviction process.

SCOTT HOFFMAN: Well, I think we'd all do better with a lot less laws personally.

McKINNEY: Oh.

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SCOTT HOFFMAN: And, you know, and then we can negotiate with them. No, we have our own personal leases. I haven't been--

McKINNEY: It's a--

SCOTT HOFFMAN: --to tell you, Senator, I haven't been--

McKINNEY: --it's a lot of laws I want to change.

SCOTT HOFFMAN: --I haven't been in the courtroom for over five years. I've been doing this for 40 years. OK? And there's a reason why I stay out of the courtroom. And there's a gentleman in this room that I would never want to negotiate with trying to get somebody out of my property. But the problem is I hear all the horror stories that people tell me. I went to eviction court, you can believe what, you know, what had to do or some kind of technicality. And it's usually on the tenant's side arguing about something and the landlord is just trying to rent his property. This is a business. We're in it to make money. OK? And if we're going to lose money, we're not going to do it. OK? And the myth, one thing about Senator Cavanaugh, I've been trying to buy property, Senator, and I haven't been able to do it. Property values have skyrocketed and I've been-- a lot of landlords have been priced out of the market. In fact, I sold several of my homes to people privately. So that, that's a myth, too, that's, that's not happening right now with the market.

McKINNEY: Thank you.

SCOTT HOFFMAN: Yeah.

McKINNEY: Thank you.

SCOTT HOFFMAN: All right.

DeBOER: Other-- let me see if there are other questions for you. I don't, I don't see any. OK. Next. Welcome.

GENE ECKEL: Welcome, Senator, four members of the Judiciary Committee. My name is Gene Eckel. It's G-e-n-e E-c-k-e-l, a board member from the Nebraska Association of Commercial Property Owners and Apartment Association of Nebraska appearing today on behalf of both associations to testify in opposition to LB187. As has been pointed out already today, LB187 issues an unfunded mandate to Douglas and Lancaster County to fund court-appointed counsel to any tenant that is being evicted regardless of their ability to pay for legal counsel

themselves. Such costs will likely be paid by the residential homeowners and commercial property owners in these counties by increased property taxes. In other words, property owners in Douglas and Lancaster County will pay increased property taxes to pay for free legal counsel by tenants who breach the terms of their lease because they failed to pay rent, failed to abide by the terms of the lease rules or regulations, committed a criminal act on the premises, intentionally caused property damage to the rental dwelling, refused to move out after their lease terminated, or illegally are squatting on a property owner's residential property. While proponents of right to counsel legislation like to point out that landlords are typically represented by counsel, they failed to explained that a lot of rental properties, especially multifamily housing, are owned by limited liability companies, limited partnerships, and corporations. And in Nebraska, only an attorney licensed in Nebraska can represent such entities in the courts of the state and that's Nebraska Revised Statute, Section 7-101. So landlords had no other choice than to hire attorney to represent them in court evictions. Some, if they represent themselves because they own the property in their own name, they can go and represent themselves. But typically they're going to be incorporated and they have no choice. And if they show up in court to try to do an eviction, the judge will dismiss it or tell them we're going to go ahead and continue this to another day because you can't represent your company. Even in cases where a tenant is represented by counsel, the end result is typically that the tenant is forced to move out anyway which costs more for the evicted tenant because of moving costs and perhaps higher rent at their new residence. Any delay provided to the tenant to move out results in a loss of income to the landlord for not receiving rent during an extension of time given to the tenant to move out and the detrimental effect to neighboring tenants or neighbors that are in fear of retaliation by the tenant that may have committed criminal acts or were interfering with their quiet enjoyment to move out. A better approach would be to establish funding to pay for emergency rental assistance that would allow tenants to stay in their properties and not be evicted, at least for cases that are involving failure to pay rent, which is a majority of all the eviction cases. So we urge you not to advance LB187 to General File. Thank you for your time and I would be happy to answer any questions.

DeBOER: Thank you, Mr. Eckel. Senator Blood.

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BLOOD: Thank you, Vice Chair DeBoer. Can you repeat that sentence about when they have attorneys, they still are likely-- I want to hear it verbatim. I just want to make sure I heard it right.

GENE ECKEL: Sure. Typically, when there is a negotiated agreement at court--

BLOOD: No, I want to hear the sentence verbatim because I want to make sure I ask the question.

GENE ECKEL: OK.

BLOOD: So you said-- I'm sorry to put you on the spot.

GENE ECKEL: Even in cases where a tenant is represented by counsel, the end result is typically that the tenant is forced to move out anyway which costs more for the evicted tenant because of moving costs and perhaps higher rent at their new residence.

BLOOD: So can you tell me, based on your experience, what percentage that would be then, what percentage of evictions?

GENE ECKEL: The ones that we negotiate at court?

BLOOD: The ones that you're aware of because you said it in a very broad way. So are you just saying that this is your knowledge base from what you know?

GENE ECKEL: Yes. Well, again, if someone doesn't show up at court, it's going to be a default judgment.

BLOOD: Right.

GENE ECKEL: OK.

BLOOD: But what I--

GENE ECKEL: If someone shows--

BLOOD: --what I want-- I'm not-- sorry, we're all tired. I just want to make sure we keep moving so I'm not trying to be rude in any way.

GENE ECKEL: Sure.

BLOOD: What I, what I want to know is what percentage of people are going to get evicted anyway? And if you're talking based on that

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sentence, are you talking about evictions in general or in your knowledge base?

GENE ECKEL: I'm talking about evictions where there is a negotiated agreement at court where the tenant is represented by counsel.

BLOOD: What percentage--

GENE ECKEL: I--

BLOOD: --do you think will happens?

GENE ECKEL: I would-- in my opinion,

BLOOD: Yeah.

GENE ECKEL: --without having all the numbers, I would say 90 percent or more.

BLOOD: Really, 90 percent or more? So you see then--

GENE ECKEL: Depending--

BLOOD: --why they're also might be a concern?

GENE ECKEL: No.

BLOOD: And I'm not taking sides here so--

GENE ECKEL: It--

BLOOD: --don't get angry with me. I just want to know--

GENE ECKEL: I understand.

BLOOD: --if you can see where people could get [INAUDIBLE]?

GENE ECKEL: Well, let me right them back. Again, it really depends on, on what the negotiated agreement-- sometimes they get rental assistance--

BLOOD: Right.

GENE ECKEL: --so they get to stay. But if they don't pay the rental assistance by a certain period of time, they have to move out.

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Sometimes there is an agreement that they will be given ten days, seven days, 14 days to move out.

BLOOD: But are you saying that only, like, 10 percent get rental assistance?

GENE ECKEL: Well, only 10 percent--

BLOOD: I mean, based on 90 percent are going to get evicted anyway or are you saying that the rental assistance just drags it on longer?

GENE ECKEL: It could. What I'm trying to say is that there are times when-- and I can't give you an exact percentage because you'd have to pour through all the-- what I'm saying that there-- a lot of times if there is a negotiated agreement, it could be they agree to move out by a certain date, even though they're represented by counsel because that was the agreement. There-- the, the, the counsel could see and say, look, there-- they didn't pay rent or they committed a criminal act or they committed some other lease violation. And so they know that, that, that we can have a trial or we can forgo the trial and reach an agreement and the person would still have to leave.

BLOOD: So you kind of lumped everything together in one sentence it sounds like, and I understand why you did that because it's more timely and but--

GENE ECKEL: Well, yeah, but again--

BLOOD: --I wish I could see some, like, real data, real facts like that report we were talking about earlier.

GENE ECKEL: Sure.

BLOOD: Like, for me, for me, I, I clearly understand both sides. Like, clearly. And having been on the city council, we worked with landlords a lot. I, I know, I know there's issues on both sides. But here's what I'm not seeing is people on your side-- I hate to say sides, I hate using that word-- giving me facts, data, science, like, I, I want to see data. So if you can provide stuff like that for me, for my office, I'd be very appreciative.

GENE ECKEL: Well, I, I mean, I can't give you-- I can give you based on my experience, right, and I can pour through all the negotiated stipulated orders. I can't speak for all the other attorneys, but I, I, I believe that would probably the majority of the time that there

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might be some, there's going to be cases where, regardless if they had a counsel or not, they're still moving out.

BLOOD: But do you see how data like that could be really beneficial to you when you come in front of us?

GENE ECKEL: Yeah, but the one way you're going to know that is if someone pours through the stipulated orders and the Supreme Court is not going to give that information.

BLOOD: I'm sorry. What, what am I not going to have access to?

GENE ECKEL: The only way to know and, and do a, a, a report on how many of those cases that were a counsel was there that the person still had to move out. The only way to know that is if you pour through all the cases and downloaded all the stipulated orders that were submitted to the court when you created, you made an agreement in court on the eviction. The only way you're going to do that is if you pour through all the cases, downloaded all the stipulated orders, and reviewed them.

BLOOD: Who do you represent again?

GENE ECKEL: I, I represent the Apartment Association of Nebraska.

BLOOD: How many members do you have?

GENE ECKEL: We have-- I believe we have 84 owners of property management companies. I forget how many property-- properties we, we have-- represent, but I think it's over 52,000 units.

BLOOD: So, I mean, clearly, based on the letters of opposition and things that I have, somebody sent out some kind of email blast that people cut and paste into our online comments. Wouldn't it be just as easy for you to survey your members and say, hey, we need this data? How many evictions did you have? What was the results? Did the people have attorneys? What were the results with or without the attorneys?

GENE ECKEL: Sure, yeah, it would be voluntary. I don't-- again, I-- we can't control the response rate.

BLOOD: Well, which is how we get a lot of our data is, is voluntary.

GENE ECKEL: But we can't control the response rate.

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BLOOD: NACO does that all time for us. We get information from the counties. They blast it out to their members.

GENE ECKEL: Sure.

BLOOD: So do you see what I'm saying? I'm saying, like, I, I know you guys come here every year and you fight this. And every year the people that are, are trying to lift up the people come here and fight this. One group is showing me data and statistics, and the other group seems to be kind of angry. And again, I understand why you're angry, but I'm not hearing data.

GENE ECKEL: Well, Senator, first of all, the reason why we oppose this bill because it's an unfunded mandate to the counties that will be shifted, we believe, to property taxes.

BLOOD: I, I get that. I'm all about unfunded mandates. You know that.

GENE ECKEL: If people want-- if, if, if the groups want to pay and find funding for counsel, they can do that. But don't make it an unfunded mandate on the property owners--

BLOOD: I, I hear--

GENE ECKEL: --which we believe is going to happen.

BLOOD: --clearly what you're saying. I don't think you hear what I'm saying.

GENE ECKEL: But I--

BLOOD: I'm, I'm asking and I'm-- because we could go on all night-- I'm asking that when you guys come bring me data, bring me facts, not just opinions, because that helps you and that helps us.

GENE ECKEL: We can ask our members for a survey, but again, that's only our members. It's not the whole state. And the people that are coming in here with data are probably getting it from, whether it could be the Supreme Court or whoever so--

BLOOD: But again--

GENE ECKEL: --we don't have that, we don't have that information available to us.

BLOOD: When we, when we campaign and people do those polls, do you think they poll every person in our district? They poll a very small section. And based on that small section, big decisions are made. It's-- I know it's a small group, but it's still a benefit to us. And again, I hear what you're saying and it's good on you that you keep going back on what you're trying to say, but I want you to hear what I'm saying. Please bring us data.

GENE ECKEL: We'll ask our, our members to provide that data.

BLOOD: Thank you.

DeBOER: Any other questions for this testifier? Thank you for, thank you for being here.

GENE ECKEL: Thank you, Senator.

DeBOER: We're going to take a break for a few minutes after this hearing so everybody just hang in for another few minutes.

KRISTY LAMB: Thank you in advance for your time, committee. Again, my name is Kristy Lamb, representing NP Dodge Management Company. I am a member-- K-r-i-s-t-y L-a-m-b. I am a member of the Institute of Real Estate Management and a member of the Apartment Association. We do oppose LB187 for some of the similar reasons that Gene Eckel and Apartment Association brought to the table. I would offer, and maybe I can help provide some clarity in some certain areas to the best of my ability. I do believe that the National Apartment Association does have some information and data as it relates to other states that have already put similar legislation in place, such as New York City and some other states, I think, considered pilot programs with similar legislation. And their information that I have read, similar to what Gene was trying, trying to articulate, is saying that those individuals that have legal representation, there is a high percentage, and I would say at least 70 percent, especially if it relates to nonpayment of rent, that there's still a high likelihood that those individuals, even with that legal representation, they may forgo having that writ of restitution on their record or they may get an extension of time, but they are still forced to move. So as a representative of landlords, we want to keep people in their homes. That is in the best interest of the renter. That is in the best interest of the landlord. That's our win-win situation. So when we talk about putting excess funds, you know, through taxpayer money into something like this, I guess I would be remiss if we didn't say where

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can we use those funds in better places, again, to create win-win situations? These types of funds, we could spend less money than potentially what is being proposed here and bump up that emergency rental assistance program with the caveat that those funds are getting in the hands of the right people that truly need emergency rental assistance. I was a little dismayed over the last few years when working with individuals that applied for rental assistance, which were pretty open and honest about the fact that they really didn't need it due to COVID or lack of employment. But there is a need out there, and this is a very specific case where if we can get in front of them in advance, we're not getting to that point where we're having that risk of eviction or excess moving expenses. When we do in those cases, we can keep them in their homes. So bump up that emergency rental assistance program and/or provide more funding to those public housing authorities so that we get more people on those programs and things of that nature. So I just think there's a better use of the funds considering some of the data that shows those individuals that do have legal counsel likely still need to move. So how can we keep them in their homes? That's a win-win solution.

DeBOER: Are there questions for this testifier? I don't see. Thank you for being here.

KRISTY LAMB: Can I have one, one last comment? Like-- that's all right. Thank you.

DeBOER: Sorry, you read my face. Next testifier.

ANNE SHEFFIELD: Hello. Anne Sheffield, A-n-n-e S-h-e-f-f-i-e-l-d. I'm in the apartment management industry. I work for Commercial Investment Properties. This is my first time ever doing this. I oppose this bill not because I don't think they should have representation. I just don't feel it should be paid by the tax dollars of the, of the people. Legal Aid has been excellent. When I go to court and when I've had my experience with them and I feel like that using a nonprofit to have access to those legal aids is helpful. To answer some of your questions. The last time I had to go to eviction court was for a 14/30 due to a lease violation because they continued to smoke weed and we are smoke free property. We gave them ample opportunities. Me going to the door, physically smelling it, letting them know, issuing the 14/30. Even after issuing the 14/30, we gave them another chance. Hey, this is your final warning. Like, if we smell this again, if we continue to have complaints by your neighbors, I will have to take further action. I can't be your, your mom all the time to tell you,

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like, not to do this. You signed this document knowing we, we are a smoke free property. As we issued the eviction because they still failed to adhere to the 14/30, they came to me and, you know, as a company that I work for, we are very-- one of our key things is to be transparent to our residents just as, you know, we would want to be so we met. We-- I told them what court would be like. I said, it is your best interest to be there to, to communicate to us, to make an amends. We actually let them stay longer because they were struggling to find a new place, they didn't have the money to move necessarily right there. But again, they were not considerate of understanding the lease terms of what they agreed to and so we did ask them to, to move within the 30 days and gave that time. Again, Legal Aid helped them with this. But like, I just-- I oppose this because I do not feel that it should come from the funds of which we're looking to have it. I think there's other options with getting the assistance program, which has been great. There's been some tremendous oversight, I think, and mistakes where we have been overpaid by the funds. And so we've actually caught them and we've given the money back to those agencies. We've had residents who have taken advantage of those programs where we didn't catch them and they got the monies and then they put their notice to vacate in and, and just kept the money because they-- it was in their account. We try to catch all of that. I think there's lots of issues within these programs that we have set up, but I think there's other ways around it than this route to still get everything that's needed to supply, you know, give tenants options to have counsel, just not in the way that it's put into the process right now.

DeBOER: All right. Thank you. Are there questions? Senator McKinney.

McKINNEY: Thank you.

ANNE SHEFFIELD: Yeah.

McKINNEY: So if instead of the counties paying, the state pays in some way so Legal Aid could do this, would that be OK?

ANNE SHEFFIELD: I think that would be a great-- I mean, I think that would be helpful. I think it is helpful for-- the leases that we have with our residents, I mean, I know it's been said that, you know, they're eight pages, there's other addendums to it, but they're, they're for the resident and they're for the, the company.

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McKINNEY: But in, in, in your argument you said you don't, you don't think the, the utilization of taxpayer dollars is OK. But if we paid for it through our budget that is taxpayer dollars.

ANNE SHEFFIELD: Right. So Legal Aid, I believe, is also a nonprofit.

McKINNEY: Yes, but we could-- if we passed a bill and we had a grant program for an entity similar to Legal Aid to apply to to get a grant which is coming from taxpayer dollars that would be the same thing.

ANNE SHEFFIELD: Is that grant reviewed every year for if they're going to offer those grant processes?

McKINNEY: Some grants are yearly and some are, are not. I'm just saying we would still be using taxpayer dollars if the state pays for it. So either way, taxpayers pay for it. And you argued that it's not good for the county to pay, but it's good for the state to pay taxpayer dollars for it.

ANNE SHEFFIELD: Right. And so you've heard a lot about property taxes and all of that stuff, too, that have gone up, but I feel that the agencies that have spoken for this bill they get funding and I think that there's ways around it for them to help in the same fashion without having to go this route.

McKINNEY: No, what I'm saying is some of them do get funded and some of these agencies get funded through taxpayer dollars.

ANNE SHEFFIELD: Right. And I don't know all the logistics of that so I don't want to argue something that I don't know in depth with you without stating facts. So--

McKINNEY: All right.

ANNE SHEFFIELD: --that would be something more for me to research and, and get back with you.

McKINNEY: Thank you.

DeBOER: Thank you, Senator McKinney. Other questions? I don't see any. Any other testifiers in the opposition? There we go.

PIERCE CARPENTER: Hi, my name is Pierce Carpenter, P-i-e-r-c-e C-a-r-p-e-n-t-e-r. I oppose this bill and I'm somewhat grateful to Mr. Cavanaugh for actually coming up with a lot of numbers. If you search

for Douglas County evictions online, the data comes up and he has got July through December, so if you take that number and double it should be about what it is for a year, which is doubled, it's 8,950 evictions. So if you take that and you multiply, you figure an eviction cost a landlord 500 bucks and use-- you lose two months rent, and when you multiply it out, that's \$22 million. That's what the evictions cost last year. Now the reality is this number is a lot lower than it was, and what Dennis pointed out, in 1918 or in 2018, it was 10,800, something like that. The reason for that is Biden spent \$7 trillion last year and there's money everywhere. So what's going to happen is when all that money stops flowing and match systems no longer has money for the COVID, you're going to see this eviction count go up to, you know, 1,200, 1,300 and that \$22 million will become \$33 million. And then when you add on to that free attorneys, the attorneys will make those costs go up because they're going to search through your eviction procedures and documentation and they'll find out, well, he didn't sign it here. Well, the name is spelled wrong here. Well, this is good, but it's three lines off and it's supposed to be-- have this in it. So, you know, the protocol things are probably going to cost-- I mean, I was estimating \$7 million. Now this is, this is based on today's numbers. But the reality is we're talking in terms of 2023. By 2030, my guess is there will be unlimited continuances put into the eviction procedures. So in other words, if you're going to evict somebody and it takes a month and then they say, oh, the water wasn't hot. So you get two weeks for that. And they say, not only wasn't the water hot but my window is broke in the bedroom. So you get two more weeks for that. I mean, it, it can go on and on forever. That's what's going on in California. So if, if you lock the state or the county into any of these expenses, they will go up geometrically. This will be an astronomical figure before I die. And whatever, whatever gets approved is, is going to go off the charts. I mean, look what happened to Social Security and Medicare. This is just another government program that's going to ramp up and become so expensive that it-- I mean, it will, it will be a catastrophe for everybody. Now, how does that affect tenants? Well, if you raise, if you, if you-- we have to spend another \$7 million on evictions that money has to be paid by tenants and that means we'll have to raise their-- every tenant \$7 a month for every tenant in Omaha.

DeBOER: Sir, that's, that's your time. Sorry.

PIERCE CARPENTER: I, I know. I see that.

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DeBOER: OK, let's see if there are any questions for you. I don't see any.

PIERCE CARPENTER: Good.

DeBOER: Thank you so much for being here.

PIERCE CARPENTER: Yes.

DeBOER: All right. Are there any other opponents? Is there anyone who is here in the neutral capacity? All right. While Senator Cavanaugh comes up to close, I will read for the record that there are 56 letters: 26 in support and 30 in opposition.

J. CAVANAUGH: Thank you, Vice Chair DeBoer and thanks, everybody, for your attention. I'll try and be as brief as possible because I know everybody wants a break and you've been working hard and you've got a lot of work left to do still. First off, I would just point out that we changed the continuance law last year to actually get eviction court to be closer to actual other civil court, which allows for one continuance with good cause shown and no subsequent continuances without extreme cause shown. So there's not going to be runaway continuances in these courtrooms. These hearings get resolved in minutes even when they're represented. You heard folks come and say even when there's representation, the outcome is mostly set. But I appreciate-- I think it was Mr. Tierney's testimony, he made the case exactly why we need this. The story he told there, none of these folks want to evict anybody. I believe that. Everybody would rather have tenants stay and pay rent. When it comes to the point and they feel like they really have to evict somebody, they avail themselves of the court system and they go through the process. Mr. Tierney laid out a situation in which he violated the Fair Housing Act by evicting that man because of his mental health issues. And so if that man had a lawyer, he maybe wouldn't have been evicted or they would have resolved that issue. And so they don't want to go through this process. And when they choose to do that, then it needs to be done appropriately. And so that's a good example. Ninety percent of these are for nonpayments, 90 percent of them are going to resolve the same way. But to that one person who's experiencing that mental health crisis, having a lawyer who's there that can tell them that they have a right to have this go through this process and they have a right to object to this because they're experiencing a mental health issue, that's what this is about. And that's why this is important to make sure that everybody's rights are effectuated. I would point out also

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that I appreciate the folks who came, Mr. Fisher and, I believe, Mr. Eckel came and testified on this bill last year or two years ago, Mr. Fisher testified in the neutral, didn't like where the money came from last time, but liked that people have lawyers. We're just trying to find the right place to put this money to make sure that this gets done right. Mr. Eckel, same problem last time, said didn't like the funding mechanism last time, doesn't like funding mechanism this time. We are continuing to look-- Senator McKinney's suggestion is a fair one. I think some other federal funding may be available if we can figure out a way to do that. But if we can solve the funding problem, it sounds like people think people should have lawyers. And I think they've made a very good case, the opposition here today laid out good reasons why it would be important for people to have lawyers. And be happy to take any questions.

DeBOER: Are there any questions for Senator Cavanaugh?

DeKAY: One quick one.

DeBOER: Senator DeKay.

DeKAY: Thank you. I appreciate the testimony of the bill coming forward today so we could visit about it. With, with that being said, you know, with representation by either party involved in these eviction court cases, you said that they most of the time are settled in minutes rather than-- are lawyers, are they going to be-- do they charge by the hour or how-- if, if they're in there for ten minutes, do they charge for a full hour or is that--

J. CAVANAUGH: That's a great question. Thank you for that question, Senator DeKay. So the way it works in current, when you get a court appointment in Douglas County, it's \$80, \$80 an hour. And for county court cases, if you bill more than an hour that the county is going to ask you to justify that to a great extent because they're saying a county court case shouldn't take an hour. But you, you bill in, I think it's 15-minute increments for county court.

DeKAY: Thank you.

J. CAVANAUGH: So, yeah, in theory you could bill, do four cases in that time and it is a court appointment.

DeBOER: Thank you, Senator DeKay. OK. That will end our hearing on LB187. We're going to take a ten minute break. That means at 7:25, that's not quite ten minutes, but at 7:26 I'll be back here and we

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will get started at 7:26. Take just a minute. We need to give our committee clerk and our pages who have been here for six hours without any breaks a second.

[BREAK]

DeBOER: OK, everyone, we're back. Whoa, that was very loud. All right. I don't have a gavel, but Senator Conrad was unable to join us this evening because of something that happened and she sends her regrets and her very lovely LA, who will be introducing this bill to us today. So we will now start the hearing on LB545.

JULIA HOLMQUIST: Thank you, Senator DeBoer and members of the Judiciary Committee. For the record, my name is Julia Holmquist, J-u-l-i-a H-o-l-m-q-u-i-s-t. I'm the legislative aide for Senator Danielle Conrad, who represents the Fighting 46th Legislative District. LB545 applies to the Uniform Residential Landlord and Tenant Act and relates to the trial for possession that it should be held, but not less than 10 or more than 14 days after the issuance of the summons unless additional time is granted pursuant to the court order. LB545 is necessary to harmonize Section 76-1446 with Section 76-1443 as amended by LB320 in 2021. This change would confirm that a court may exercise the judicial discretion granted by the Legislature via LB320 to continue an initial hearing in an eviction action beyond the 10- to 14-day window after issuance of the summons. Courts in some jurisdictions are already exercising this discretion. This amendment would bring uniformity among our courts. Nebraska is currently facing a severe affordable housing shortage across the entire state, meaning that it is increasingly difficult to quickly find replacement housing. According to data published by the National Low Income Housing Coalition, Nebraska is currently short over 35,000 available rental homes for families who are at or below the federal poverty guidelines, although 76-1446 currently provides that the writ can be executed up to ten days after issuance. In practice, the default is to provide a tenant zero days, i.e., they're immediately subject to removal from their home on the same day as their initial hearing. In Lancaster County, the average provided is about a half a day. A tenant cannot know the outcome of the eviction action until after the first hearing, thus is not always feasible for them to secure replacement housing ahead of their initial hearing because if the eviction action is dismissed which is probable as more than 50 percent of eviction actions are ultimately dismissed. They will then be tied to two lease agreements, not to mention the fact they've already packed all their belongings and taken other steps in preparation of possibly being

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evicted. Section 76-1447 provides tenants with the right to appeal judgment for restitution as in other civil actions. However, in order to stay the very eviction that is being appealed a tenant must perfect the appeal before the writ is executed. The writ can be executed immediately after the hearing. The ten days provided for under the act, as originally introduced, accounted for the need to provide tenants a meaningful opportunity to appeal. For comparison, the landlord is provided 30 days to appeal an adverse judgment. Section 76-1446 is currently enacted in force, essentially nullifies a tenant's right to meaningfully appeal a wrongful conviction. LB545 would carry out the original legislative intent of the Nebraska Uniform Residential Landlord and Tenant Act providing tenants at least ten days to find replacement housing and remove their possessions from the unit to move the court to alter or amend its judgment pursuant to 25-1329 or to appeal an incorrect ruling pursuant to 76-1447. There are several experts who will follow me who can answer any of your questions and thank you for this opportunity.

DeBOER: Thank you for being here. As is our custom, we will not ask you any questions. Thank you very much for sticking here late with us this evening.

JULIA HOLMQUIST: Thank you.

DeBOER: And now we will go to our first proponent.

ERIN FEICHTINGER: Thanks for staying. It does matter. Vice Chair DeBoer, members of the Judiciary Committee, once again, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r. I'm the policy director for the Women's Fund of Omaha. We believe that housing justice is a gender justice issue, and we also recognize that women are disproportionately impacted by evictions at a higher rate than men. So for this reason we support LB545. This is a bill that's rooted in compassion and an understanding of both the affordable housing crisis in Nebraska and the lived reality of the growing number of Nebraskans facing eviction and housing instability in our communities. Several points should illuminate the importance of this legislation, 33.2 percent of Nebraska women work in low-wage jobs, which places them at higher risk of eviction. Women experience eviction at a 16 percent higher rate than men and this number grows significantly for black women who are evicted at a rate 36 percent higher than their male counterparts. Women with children are at a higher risk of eviction since research has shown that simply having children in the household is equivalent as a trigger for eviction to falling four

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months behind in rent. Evictions contribute negatively to both maternal and prenatal health. Evicted mothers experience more material hardship, are more likely to suffer from depression, report worse health for themselves and their children, and report more parenting stress. Eviction during pregnancy compared with maternal eviction at any other time can cause adverse birth outcomes, including reductions in infant weight and gestational age at birth. LB545 would help to ameliorate at least some of these adverse outcomes by recognizing that families already in economic distress cannot just pack up their lives and find a new place to live in an extremely tight, affordable housing market within ten days. Allowing for more time after an eviction will allow families to connect with appropriate resources should they need them, find their next housing, and ensure that their families are taken care of in a time of crisis. Additionally, this legislation would reduce the burden on an already stressed emergency housing system and help families avoid crowded shelters. The basic fact of the matter is that when people have time to recover they have a better chance of doing so. We appreciate your thoughtful consideration of this important legislation and I would be happy to answer any questions to the best of my abilities.

DeBOER: Are there any questions from the committee? Senator--

DeKAY: Thank you. Just looking at this I was-- it just sparked something in my brain. Does this work for, like, subsidized housing when-- where their rent-- I mean, does these statistics still apply to subsidized housing with eviction or how's that-- or does eviction work in subsidized housing?

ERIN FEICHTINGER: Yeah. And congratulations for this late hour having something sparked in your brain.

DeKAY: Here we go.

ERIN FEICHTINGER: Yeah. No, I mean, you know, whatever it takes. It's a hard job. Yeah, this would apply. Generally, the research has shown that this is, I mean, for any eviction, really. I will note that-- and I didn't, I didn't get to the points on the source of income bill, but research has shown that having a-- having housing assistance, particularly that federal subsidized housing assistance, improves both women and girls' health outcomes way into the future. I don't know if that answers your question, maybe just--

DeKAY: Well, I, I was, I was just looking and, you know, you said 33 percent of women work in low-wage jobs. It just made me think that is there some-- if this worked for-- I mean, if this was applied to subsidized housing or if it was just basically your standard home or apartment rent, how-- if there's a difference in how those cases are handled?

ERIN FEICHTINGER: There will be people who would be able to testify better to that than me. That's why I like to say to the best of my abilities with the outside. I will say that, you know, again, this is for all evictions. I will also say that in terms of that statistic you're pointing to of 33 percent of Nebraska women working low-wage jobs, it was pointed out much earlier in the day that, you know, a lot of people who are eligible for that housing assistance don't receive it. I think-- like, I know the research shows that one in four households who are-- who would otherwise be eligible for that assistance are not receiving it, so.

DeKAY: Thank you.

DeBOER: Other questions for this testifier? Don't see any. Next testifier.

RYAN SULLIVAN: Senators, hello again. Ryan Sullivan, R-y-a-n S-u-l-l-i-v-a-n, testifying today as a researcher in the field of housing advocacy and justice, but not representing the interest of the university. I passed around my written testimony, but Julia, the senator's aide, made a lot of the points that I intended to make and so what I want to provide instead is just a little bit of history and, and the study in this area and how the law came to be. In 1974, Nebraska adopted the Uniform Landlord Tenant Act [SIC]. Except it didn't. It-- a, a uniform act was proposed, and instead of adopting that act they made over a hundred modifications to it. So what happened, and this was one of them, so the original legislation, the uniform act has been adopted by more than 30 states, provided at least ten days for tenants to vacate if a judgment was entered against them. And you'll hear testifiers in opposition say, well, the eviction process already takes too long. This is going to prolong that. And you'll hear them say that tenants already know that they were being subjected to, to being evicted so they already had plenty of time. The problem is they don't know if they're going to be evicted until the judge orders them evicted. And so that's why the law was created to give them at least ten days so that if they lost at trial, they'd have ten days to appeal or ten days to find replacement housing and maybe

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avoid homelessness. Right now, the law gives them zero days. And that change was made through an amendment, part of a 37-part committee amendment, was not discussed, not debated. They changed one word. It said not less than ten days and they just changed one word to not more than ten days and that's evolved into zero days. So this sort of-- this creates a sort of paradox for a tenant. So a tenant thinks they have a valid defense, the eviction, so they want to go to trial and fight it. But because they have zero days to move in, literally seconds after the eviction is ordered, they are compelled to find replacement housing ahead of time in case they lose. But if they find replacement housing and enter into a lease agreement at another place and then they win at trial, then they're stuck in two lease agreements. They paid a first month and deposit at a new place, found the new place, went through the whole process, packed up all their belongings, and then find-- the court finds that the eviction was unlawful because it was discriminatory or retaliatory. And they find for the tenant and not the tenant is stuck in these two leases, that's why that ten days was there, plus it moves-- it connects with all of the other statutes that contemplated being ten days. By making that one change and changing that word it really messed up the whole act and that's why you don't mess with a uniform act the way that it did. So thank you.

DeBOER: Are there any questions for this testifier?

RYAN SULLIVAN: Thank you.

DeBOER: I don't see any. Thank you. Next proponent.

KAITLYN EVANS: Hello.

DeBOER: Welcome.

KAITLYN EVANS: My name is Kaitlyn Evans. That's K-a-i-t-l-y-n E-v-a-n-s. I'm a licensed social worker and currently serve as the resource navigator for the Tenant Assistance Project, otherwise known as TAP. I'm here to testify today in support of LB545 in my personal capacity as a social work professional with expertise in providing direct support to families facing eviction from their homes. I support LB545 for a multitude of reasons. I will share two today. First, the bill would allow tenants more adequate time to get their belongings out of the home after a judgment has been entered. I witnessed firsthand the loss of not only significant household items, but essential medications and crucial documents because the writ was able

to be immediately executed. The loss of these items had substantial effects on the tenants and created more challenges to achieving their goals of long-term stability. The second point that I want to make and the foundation of my support for this bill is that increasing the amount of time for tenants to vacate following a judgment is an essential safety net for keeping them out of homelessness. In my time helping tenants in eviction court seek replacement housing, I have found that it commonly takes between two and four weeks for a person to find and be approved for a new place to live. For those tenants facing additional barriers to housing, finding housing is even more difficult. For tenants who receive judgment and have not already secured new housing, any grace period at all to formulate a plan of action disappears. I witnessed the power of time in helping families to avoid homelessness. There are countless examples I could give you, but I will instead highlight a few instances of common situations that I see at eviction court: A domestic violence survivor whose additional 12 days to vacate allowed them the time to become housed through an agency; a single parent with no local support system who received four extra days to vacate to allow them time to transition into a home that would not be available until then; an elderly tenant with limited mobility whose additional ten days bought them time to locate assistance moving 12 years' worth of household items into a new home. The list could go on. People need a reasonable amount of time to transition after they are ordered to be evicted. Keeping people housed is not only in the best interest of those individuals, but also in the best interest of our community. When people are immediately forced from their homes, they are often thrust into homelessness and those costs are borne by us as the service providers and taxpayers. I think ten days is a reasonable compromise between the interest of the landlord and the interest of our community and the families we are trying to keep from homelessness. Thank you for your time.

DeBOER: Thank you. Are there questions for this testifier? Don't see any. Thank you for being here. Next proponent.

ALICIA CHRISTENSEN: Hello. Good evening, I guess now, Cochair DeBoer and members of the Judiciary Committee. My name is Alicia Christensen, A-l-i-c-i-a C-h-r-i-s-t-e-n-s-e-n. I'm the director of policy and advocacy at Together. We support LB545 because giving individuals and families more time to vacate their home makes it less likely they will end up living on the streets, in their vehicle, or an emergency shelter. In 2022, Together received over 9,800 calls to our crisis line from households facing emergency situations, including evictions. Our crisis engagement program specialists connect callers to

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appropriate services and help resolve emergency situations that might otherwise result in homelessness. By getting the right supports in place can take some time and LB545 will eliminate the uncertainty an extremely short time frame that makes homelessness prevention measures more difficult. The scarcity of safe, affordable, and available housing only adds to this challenge. LB545 addresses this issue by giving households a better opportunity to avoid perpetual housing insecurity. Just a few extra days makes an enormous difference to a household grappling with an eviction and it increases the effectiveness of the crisis engagement services and organization like Together can provide. We urge this committee to advance LB545 because this small change will benefit the state broadly by reducing the factors that contribute to cycles of eviction and homelessness. Thank you.

DeBOER: Thank you. Are there any questions? Thank you for being here.

ALICIA CHRISTENSEN: Thank you.

DeBOER: Welcome.

SCOTT MERTZ: Thank you. Thank you, committee. My name is Scott Mertz, S-c-o-t-t M-e-r-t-z, the director of Legal Aid of Nebraska's Housing Justice Project. I have over 13 years of experience representing low-income tenants in Nebraska. I want to thank the committee for this opportunity to appear and support LB545. And I also want to thank Senator Conrad for introducing this bill and inviting Legal Aid of Nebraska to testify. I don't want to be redundant, repetitive of previous proponent testimony, but I do want to highlight a few items in the written remarks prepared by Legal Aid of Nebraska. I want to emphasize that we don't have any tiered system of remedies in eviction court. It's just is there a writ or is there not a writ? That's what's before the judge. And when the writ is issued, it is issued that day. It simply does not matter if that eviction is about one month's rent or it's about five month's rent. It doesn't matter if the tenant has resided at that property for one year or for ten years. It doesn't matter if that tenant is current on the rent and has the ability to pay. This is simply a nonrenewal or any other eviction without cause. The law, as it is enforced right now, results in writs being issued on the morning of court and being served on the individuals as soon as possible. We don't have any exception to this rule in, in our current landlord/tenant law. Recently, we were faced with a real-world example of the harm done by this lack of flexibility. Legal Aid of Nebraska assisted a single mother with a developmentally, a developmentally

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disabled school-age child. She knew she had eviction court, she was prepared to attend, but her child was having a episode related to their disability on the morning of court. She even contacted the court to inform the court that she would be late and not appear at 9 a.m. as was intended. She appeared at 9:25 a.m. and by that time judgment had to be entered in default and the record already issued. We at Legal Aid of Nebraska were able to motion the court that same day and stay the writ. But this should not have been an emergency circumstance, this was just 25 minutes late for somebody who had cause to be late to court. Their entire life could have been entirely upended without any time to safe-- safely or gracefully move with her disabled son to a different address. LB545 ensures some reasonableness in imposing a reasonable time frame for individuals to move themselves and their belongings post eviction. Legal Aid of Nebraska supports the passage of LB545 and I welcome the opportunity to answer any questions.

DeBOER: Very good. Any questions? I don't see any. Thank you.

SCOTT MERTZ: Thank you.

DeBOER: Next proponent. Welcome back.

JESS GIESEKE: Hi there. Jess Gieseke, J-e-s-s G-i-e-s-e-k-e, representing myself as a landlord. And I am also, I am going to advocate for tenants, too. I know that, that doesn't seem to be the common thing here with landlords, but I, I feel like this is a really small ask. I mean, we're just asking for a longer time frame for people that are in a really terrible position. Facing eviction is-- you're, you're basically ruining somebody's life there and additional time to round up, you know, housing which, you know, I guess now if they have an eviction on their record it's going to be at least how many years before that, that is sealed if we pass that other bill. So they're-- they've got that, that to contend with and so they, they have to find housing in a very, very short amount of time. This is something that affects children. It is something that affects people with disabilities, it affects elderly, people that can't necessarily afford the rising costs of housing. And I'd like to mention that not everybody is getting evicted because of nonpayment of rent. I realize that that's a common reason, but there are also a lot of people that are given a notice to terminate and told that they need to move out within 30 days or, you know, obviously you proceed with the eviction process if somebody doesn't move out and they're being told to move out of their apartment within 30 days because somebody has purchased their building, they want to come in, they want to renovate it, and

they want to double rent. My neighbor, Teresa [PHONETIC], was here earlier and she didn't have an opportunity to testify because she had a meeting she had to get to, but she faced that exact situation. She was unable to secure housing after her month-to-month lease of 16 years. By the way, she's been my neighbor for 16 years, and after 16 years of living in her apartment near south was given 30 days to move from her house and find another place to live. She was unable to find any place that would accept her housing voucher and also allow her to have her dog. And she could face eviction, she could have an eviction on her record just for simply not being able to move out. So it's not just nonpayment of rent or damaging or, you know, creating nuisance conditions why people are being evicted. There are people that could be evicted because somebody wants to turn their apartment into a more expensive rental.

DeBOER: Thank you for your testimony. Are there questions for this testifier? I don't see any. Thank you for being here. Next proponent not using the on-deck chairs.

SPIKE EICKHOLT: Sorry. Good evening, Madam Vice Chair DeBoer and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska. You've got my statement. You've been here for hours. I'm not going to read it and I don't want to be duplicative. The writ of restitution basically is an order of the judge telling a person to get out and letting the landlord have access to their property back. Allowing some time between when the judge says, OK, I'm going to sustain the order or I'm going to grant a restitution, I'm going to find for the landlord and the tenant needs to get out of there, having just a few days makes all the difference. I volunteer at the TAP program here in Lancaster County, and admittedly a lot of these cases are just not defensible. And then what we do is kind of what Mr. Eckel referenced earlier. We just try to negotiate time and sometimes it's just three days, it's seven days. It's just a matter of a weekend so they can get their things together, get out, and hopefully find somewhere else to be. This accommodates that. The opposition, I'm going to presume, is going to oppose this. And they might argue that this deprives them of their access and right to use their property. Those are arguments that they can make even if this law passes. This is a discretionary thing that the judges can order, that some arguments that they can make case by case, instance by instance, and this just alleviates and provides some sort of accommodation and discretion of the judges and we would urge the committee to advance it. I'll answer any questions if anyone has any.

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DeBOER: Thank you. Are the questions for Mr. Eickholt? I don't see any. Thank you for being here. Next proponent testifier. Is there anyone else who would like to testify in favor of the bill? Let's switch then to opponents. We'll have our first opponent testifier.

LYNN FISHER: Hello again, Senator DeBoer. Thank you very much for the opportunity to stay late. So-- Lynn Fisher, L-y-n-n F-i-s-h-e-r, and on, on this bill I'm representing the Nebraska Realtors Association as well as the Statewide Property Owners Association. And what Professor Sullivan failed to mention in the history about how the Landlord Tenant Act was formed back in the, in the '70s is that it was intended to be an expedited process in order to restore property back to rent producing property for the sake of, of keeping, keeping the, the investment secure. And so that's the reason for the not less than ten days or not, not more than ten days. The opposite. This bill would change it to not ten days, but not less than ten days. So it means 10, 11, 12, 15, a 30 day, 60 day, whatever the judge decides, it's completely arbitrary. So that is a big problem. The eviction process is supposed to be expedited and not stretched out beyond the, you know, what's reasonable for someone to be able to maintain an investment property as a, as a viable operation. If this bill passes, it will directly result in many fewer rental properties, affordable rental properties, definitely higher rents, and will be leaning towards what you can see and, and read about and see about in New York and California where all kinds of anti-investment property, affordable property provider laws, bills, ordinances are passed and continue to be piled on to the point where rents have to have gone through the roof in order for anyone investing in property in those, in those locations. And only the richest people can live in San Francisco, New York City, L.A., Chicago. And it's because these kinds of bills and that's the direct, the direct result that's going to happen. So by the way, when I go to eviction court, writs of restitution are issued usually to be taken effect the Monday after the following weekend. And that's generally what is asked for, generally what the judge allows for. So if court happens on a Tuesday, Wednesday or Thursday, the tenant is going to have that weekend to take care of business that they should already fully be aware of, you know, where they are, where they stand in the process. It's not a surprise. It's taken at least 30 days or more to get to that point. I'll be happy to answer any questions.

DeBOER: Thank you. Are there questions? Senator DeKay.

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DeKAY: Thank you. After an eviction or a vacate, vacate of property, I know this is speculative, but how long does it usually take to restore property back so it's ready for the next tenant to move in on an, on an average?

LYNN FISHER: On an average, 30 days, because generally there's a lot of damage.

DeBOER: Other questions? Let me ask you one.

LYNN FISHER: Yes.

DeBOER: So they have the weekend to get out, you say usually?

LYNN FISHER: Usually.

DeBOER: Have you ever seen it not that way where they didn't have the weekend?

LYNN FISHER: Generally, it's-- if we had already some kind of a negotiated delay and the, the tenant didn't uphold their end of it and we go back to court and the judge says, yeah, you know, they didn't show up, they're not out, whatever, and he might say the next day or the day after that. But under normal circumstances, if you can call an eviction normal, the judge is usually allowing at least a weekend.

DeBOER: How many, how many evictions would you say-- like, I don't know, what-- how many evictions are you participating in, in a year?

LYNN FISHER: In a year, less than, less than half a dozen.

DeBOER: Less than half a dozen. And how long does it take from sort of the, the point where you say, OK, I got to go this direction to when you get that writ on average?

LYNN FISHER: Yeah, it's five to six weeks.

DeBOER: Five to six weeks.

LYNN FISHER: Because we generally, you know, when the rent is due, we work with the tenant, we try to come up with some kind of a plan so it's usually about the middle of the month before we actually file for the eviction on a nonpayment of rent and then it takes another 30 days to process.

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DeBOER: OK. You understand the-- I mean, I've known you to be a very reasonable person on a lot of things and so you understand when someone's saying, you know, oh, there's this person and they, they've lived there for 20 years and now they're, you know, they've sort of gotten pushed out and maybe, maybe they didn't know exactly where they were, because if they've been there for a long time, they can't really fathom that this is really happening to them or something like that. Well, in those kinds of circumstances and, and I'll grant you they're probably outlier circumstances, what-- I mean, what should we do for those situations?

LYNN FISHER: Well, for a long-term tenant, the example that the, the person before, before us spoke, her neighbor that was in there 16 years, if that was my tenant and I had an owner that I managed for that building and they said we're going to, we're going to rehab that unit. Number one, I would try to find her alternative housing. I would try to work with her myself to find one of our properties somewhere else where we can place her. At the very least, I would try to give her more than a 30-day notice and give her plenty of opportunity. And then I would try to assist her with connecting her with resources. And there are a lot of resources out there, social services agencies that can help.

DeBOER: My concern isn't so much you because I feel like the people who come here are probably going to try and do things right. It's, you know, there's some guy out there who's, who's maybe not going to be so scrupulous and so helpful, so what do we as the Legislature do for those kinds of circumstances? I think what-- and I don't know where I'm at on this bill, but I think what I understand this bill to be envisioning is a sort of extraordinary cause, kind of the judge can find it in those circumstances. I, I take someone's point from earlier and maybe it was yours, it's getting late, that it goes from 10 to 14 days and so if it's unless additional times it would be more than the 14.

LYNN FISHER: It could be, it could be more than ten. Yes.

DeBOER: From the issuance of the summons.

LYNN FISHER: The way it's written, it's no less than ten days-- or I'm sorry--

DeBOER: No, I think it's unless additional time.

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LYNN FISHER: Not more than-- yeah, no less than--

DeBOER: No more than 14.

LYNN FISHER: Yeah, it changed it to no less than ten days. So ten days at least, but that doesn't mean it couldn't be much longer.

DeBOER: Isn't that the current law, trial of the action--

LYNN FISHER: It has to be within ten days, not more than ten now.

DeBOER: OK.

LYNN FISHER: More is crossed off, and the only change is to add the word "less".

DeBOER: OK. I may be looking at a different--

LYNN FISHER: So the, so the judge--

DeBOER: Because my--

LYNN FISHER: --the judge can't issue the writ of, writ of restitution--

DeBOER: My, my--

LYNN FISHER: --unless ten days or more--

DeBOER: Oh, I see down there. Yeah, I need the glass-- need glasses, needed the glasses. OK, so, so what would you have us do to fix this bill? What would you do--

LYNN FISHER: I don't think it's necessary--

DeBOER: OK.

LYNN FISHER: --for the general situation.

DeBOER: For the general situation. So what would you have us do to give the court some kind of in extraordinary circumstances? Do you think that we should have some escape valve for extraordinary circumstances?

LYNN FISHER: Well, I thought we were supposed to all be equal before the law.

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DeBOER: True.

LYNN FISHER: We have to abide by fair housing laws and treat everybody exactly the same. We don't discriminate. So why should one person get an advantage over other people?

DeBOER: I mean, I think maybe in the interest of somebody said mercy. Yeah.

LYNN FISHER: I would, I would do that.

DeBOER: That's the thing is I know you would so how do we, how do we make you for everyone?

LYNN FISHER: Education. I think there's a lot of opportunity out there to educate not only property owners, but also tenants.

DeBOER: OK. Well, thank you for--

LYNN FISHER: Thank you.

DeBOER: Are there any other questions? I don't see any.

LYNN FISHER: Thank you.

DeBOER: Thank you. Next opponent.

DENNIS TIERNEY: Dennis, D-e-n-n-i-s, Tierney, T-i-e-r-n-e-y. First, I'd like to take some of my time to rebut the slander that Senator Cavanaugh made against me on the last proceedings. He accused me of illegally, you know, evicting a, a, a tenant against his rights. That was not the case at all. The man was a clear and present danger with two guns threatening other tenants. It was our obligation to support those other tenants to, to make a safe place for the other tenants. We went to the police three times. They didn't help us. We went to adult protective services. They didn't help us. We had no choice and the judge agreed with us. If it was illegal, the judge would not have agreed to this. I think Senator Cavanaugh owes me an apology for that slander. So LB455-- LB554 [SIC--LB545] is a bad idea. No landlord wants to evict a tenant. They are customers and we want them to stay our customers and an eviction is an expensive and painful procedure for all involved. Right now, a landlord is inclined to give a tenant a little time to pay the rent and work with them so that they can get caught up. This bill automatically and arbitrarily delays by ten days or more the time a landlord can regain possession of their property

after an eviction proceeding. The result is that landlords realizing it will be much longer before they can start getting the property ready, property ready for the next tenant will be much less inclined to give the current tenant time to get the rent paid and more likely to start an eviction proceeding earlier in the month than now occurs. The grace period that some landlords give a tenant to get the rent paid may disappear. We saw the same effect when eviction notice time was raised by the Legislature from three days to seven days. It gave landlords incentive to start evictions much more quickly. The result of this bill is that it hurts both tenants and landlords instead of helping them. Senators, I urge you to reject LB545. Thank you.

DeBOER: Thank you for your testimony. Are there any questions? I don't see any. Thank you for being here. Next opponent.

PIERCE CARPENTER: Hi, my name is Pierce Carpenter, P-i-e-r-c-e C-a-r-p-e-n-t-e-r. I come before you today at this moment as an auctioneer. Now I don't look like an auctioneer, I certainly don't sound like one, but let me tell you the path to being an auctioneer. First, you have a tenant that doesn't pay rent, so you wait about two weeks and then you give them a ten-day notice. And then after the ten-day notice, you file on them. And then the court goes in two weeks, you go to court, and in court you don't get, you don't get a judgment for money because you didn't get personal service. That would take another week. But you go in there and you get a continuance, which takes two more weeks. Then you get the order of restitution, which takes three days, and you go lock the apartment up. But the guy left everything in there so now you have to hold his stuff for 14 days after you send him a letter and notify him that you've got all this stuff and he's got to pick it up. So if you wait to send that letter three days, that means you got three days plus 14. So now he's, he's got his stuff in your apartment for 14 more days. Now sure, I can move that stuff to a storage unit somewhere. But, you know, I'm like one guy and if I hire somebody, it's going to cost so much to move it and you got to get a big truck, you got to rent the storage unit, it's not worth it. I just let it sit in the apartment so he's got it for another 14 days. So if you add all that up, that's eight weeks. And then you want to say, OK, he needs a little more time. We're going to give him ten more days after you have to get the restitution. Well, ten more days-- so I have this form I sent out, I don't know if it made it to your desk, but this is the cost per day and where you-- because that money-- because if you've got a property and you're getting a return on it, somebody is going to pay for those ten days and it might be the landlord right after the bill is processed. But in

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the long run the other tenants are going to pay. So if you go ten more days, if you look way off on the right, \$1,000 rent turns into \$1,002.71. Except, you know, it won't be just \$2.71 increase, it's probably going to be, like, three bucks or something like that per month for every tenant that's a good tenant paying. That's where that money is coming from. It's coming from those other tenants. And then if you go down to the bottom, I can't believe that there isn't going to be some smart attorney that's going to make that ten day into a 14 day because he'll say, well, they have to be calen-- you know, workdays, so it's going to be 14. So now it's four bucks. So everybody's rate goes up four bucks so you can give this guy ten days. I am totally against this bill. And I think that as a landlord and an auctioneer, because you had to auction that stuff off after it sat in there, I oppose this bill.

DeBOER: OK. Thank you. It looks like Senator DeKay has a question.

DeKAY: Thank you. Your tenants, I'm looking at it from a perspective of an apartment complex or something of that order not a--

PIERCE CARPENTER: Yeah.

DeKAY: --single-dwelling house,--

PIERCE CARPENTER: Multifamily.

DeKAY: --but your tenants are most of the time, all the time, under contract, a year, six months, whatever?

PIERCE CARPENTER: I, I generally-- I, I used to have a job and so I hated to disturb them so some of them were in there 15 years without a rent increase. And then now that I'm working, you know, I've, I've got them all under new leases, but they're all month-to-month leases except-- actually, I think they're all month-to-month leases now because they've all been in there for years.

DeKAY: Well, that-- I mean, my question is going to be so you got tenants that are, that are under contract,--

PIERCE CARPENTER: Yeah.

DeKAY: --eviction comes and the, the in-- the costs are going to be increased to the new tenants coming in because the other ones are already under a contract, right?

PIERCE CARPENTER: Right.

DeKAY: So if you increase the rent payments to the new tenants coming in it's going to be considerably higher than the existing tenants already in the building?

PIERCE CARPENTER: Yeah, that-- most of that's just due to the market.

DeKAY: How much harder is it to rent to somebody coming in when there's elevated rental payments coming?

PIERCE CARPENTER: You know, I'm not probably not a good person to ask that. I mean, my, my rents are exceptionally low and I don't raise them very often. The last-- the only time I've ever really raised them in the last 20 years was last year, 24 units. Nobody moved out. So my-- I think my rents are really low. If you, you know, I mean, the, the way I came up with that \$4 figure and stuff, I just-- I said if you, if you have it as an investment and you're making a 4 percent or a 8 percent return-- the percent return doesn't matter because it's, it's superposition, it's different. But if, if you hold that return the same and you take ten days of rent or 14 days, then you got to get three or four bucks out of all the other tenants. And, and that's based on the, the figures that Senator Cavanaugh supplied for, you know, 8,700 evictions out of 9,600 apartments in a year. So I was just trying to figure out what it's actually worth in the market.

DeBOER: Are there other questions for this testifier? I don't see any. Thank you so much for being here.

PIERCE CARPENTER: Yes.

DeBOER: All right. Let's have our next opponent.

GENE ECKEL: Good evening, Senator DeBoer. My name is Gene Eckel. It's G-e-n-e E-c-k-e-l, testifying on behalf of the Apartment Association of Nebraska and Nebraska Association of Commercial Property Owners in opposition to LB545. Our main objection to this bill, one, is that it does allow for additional time to be granted for the court hearing, it looks like. But Nebraska Revised Statute 76-1443 already allows a right to continue if it's for good cause. So we already agreed to that two years ago, and now we're coming back again and saying, nope, we want, we want more time. If the statute already provides for a continuance, I don't see any reason why we should be adopting this bill that gives someone else to go in and ask for a court order to push it back or push it later out than 10, 14 days from the date of

issuance of the summons. So we already provide for a continuance. I just don't see that the need for 76-1446 to have that new language in it. With regard to the writ of restitution and changing it to no less than ten days, the problem is, is that a lot of times when we're doing evictions, sometimes it's, it's for criminal conduct or people who've been harassing other tenants or have been causing problems. Those witnesses, when I try to subpoena them, they're afraid to come because they're afraid of retaliation. But when I can say, look, the constable might be out within 24, 48 hours, they feel a little bit more secure because they know that person may not be able to come and harass me or retaliate against me because I know that person is going to be removed pretty quickly. And this, this is, this is true incidents that happen, it's hard to get people to come testify. They're scared. They, they may-- they did their thing. They, they complained. But now they're scared because they're afraid of what happens at court. We also got to look at, there's, there's situations where someone is going to have their lease nonrenewed. Some of our clients give them 60 days, some of them give them 30. They know in advance 60, 30 days out that their lease is going to terminate. You could have "rerented" the unit during that time. Now they don't want to move out. So now we have to file a lawsuit. That's another 14 days. You can't move in. Then if we get the judgment of restitution, now you want to do an additional ten days. Where are you going to live? You already told your landlord, I'm moving out, packed up all my stuff. The person didn't move out. Now the landlord's got to scramble. Property managers running around trying to find if we have another unit to put them in. It's not fair to some of these other residents. They did what they were supposed to do, and now they can't move in. So when you expand these things to past ten days, it makes it really difficult on other people and I think we need to start recognizing that these people had the opportunity to move out. They knew that they had terminated a lease and they still didn't move out. So I'd be happy to answer any questions. But I ask you-- I urge you to, to not advance this to General File.

DeBOER: Are there questions? Thank you for being here.

GENE ECKEL: Thank you.

DeBOER: Next opponent.

SCOTT HOFFMAN: Scott Hoffman, H-o-f-f-m-a-n. Talking about the wait game with the evictions, you know, I mean, it's the first time I heard that could be pregnancy complications for a tenant if he-- if they're

getting evicted. I'm sure that might be a possibility. But we as landlords are sometimes having a hard time going to bed and sleep trying to figure out how our tenants are treating our property why they're being evicted. There's, there's time involved. I mean, are they-- I can tell you, every single time I've had a tenant that I've evicted in the past, I've had to go in and the average repair was several thousand dollars. And Mr. Fisher said it takes him 30 days, but he's got a team of people. I don't. It takes me three months to go in and clean up a place. And I can tell you right now they're not going to clean the place up if they're going to be evicted. It will-- they'll, you know, and too it's not just the rent, it's the utilities, especially if a house, water, we'll have to pay, the gas company, they'll shut the gas off or get turned back into our name while they're still living there and we're paying, not only they're not paying rent, but we're also paying the utilities. So I don't know how we should inherently just assume when somebody gets evicted, we tell them to leave. We have to look at the end game here. I mean, where are they going to move to? Is it going to be a shelter? Most generally, it's, it's relatives or friends that they're going to move into with, do that sooner than later. So-- and from what I understand the law, it's no less than ten, but no more than 14. And every time we filed, it was always the 14th day. It was almost on the button, it would be 14 days after we filed. So then we had the three days, which we had to allow two days for mailing, and now it's seven calendar days. And the tenant knows right away that, you know, they're not paying the rent or if it's another-- if it's a 14/30, that would be another situation. But after that, you know, we're going to go over there, ask them, call them, you know, are you going to pay us? If not, then we, we have to go to our attorney and then it's the big wait game and why they need to extend it further, which Mr. Eckel explained that we had a continuance, that they've got that law on the books and now we've got to extend that further. It's funny because we were looking about lobbying somebody to get the ten or 14 down lower since we pushed the, the seven-- three days back to seven days. And now we're saying now we want the seven days plus we want this additional time. So, yeah, that's, that's where I have a problem with this bill. It's just, it's not right, bills continue to escalate while they're living in the property and if they're not going to pay the rent then they, then they need to move on. So that's pretty much it. Thank you.

DeBOER: Thank you for your testimony. Are there any questions? I don't see any. Thank you. Next opponent. Is there anyone else who would like to oppose this bill? Is there anyone who would like to testify in the

neutral capacity? I will tell you then for the record that there were 56 letters: 15 in support, 41 in opposition. That will end our hearing on LB545 and open our hearing on LB270 and our own Senator McKinney. Senator McKinney, you are welcome to open on your bill.

McKINNEY: Thank you, Vice Chair DeBoer and members of the Judiciary Committee. Good night. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I represent District 11 in the Legislature, which is in north Omaha. I am here today to discuss LB270, which would change provisions relating to the Uniform Residential Landlord and Tenant Act and rental registry [SIC] ordinances. LB270 requires cities to notify residents of a rental property when a, when a municipal code violation is found on the property during an inspection. Prior to condemning a rental property, a city is required to meet with residents of the property and create a plan for provide housing, food, transportation, moving expenses, and legal services for those residents. Additionally, LB270 creates two new duties for landlords. It requires landlords to comply with the, with the rental registry ordinances adopted on or before January 1 of 2024, and to remove lead service lines. If the landlord seeks a remedy under Section 26-4335 [SIC], they must be in compliance with the rental registry ordinances to qualify. During my first term in the Legislature, I introduced LB453 and we had a lively discussion in hearing much like much of the discussion today. That bill was voted out of committee onto General File, but we did not have time to pass it. Since then, the need and importance of this bill increased. Evictions continue, landlords continue to showcase a lack of humanity by their actions like the-- like excepting emergency rental assistance and in, in a lot of cases overtly pushing residents to apply. Then on the flip side, using that against them when they are up for-- up to sign their leases again. My district has the most renters and the worst eviction numbers in the whole state. And it is clear that we have to do something about this issue. Landowners talk about how bad tenants are and what doesn't, what doesn't need to be done and what needs to be done to protect them. What was left out of their statements was accountability. I would like to state that not all land and property owners are slumlords, predators, or "unempathetic". That being said, a great deal of them are. Accountability is a two-way street from tenants to landlords and it has to be balanced, which is why they shouldn't be able to use a legal remedy if they're not holding up their end of the bargain. They should also not be allowed to rent homes that they knowingly are aware of having lead service pipes running from their homes. If they, if they don't, this is just bad. Cost is one thing, but the, but the health

and health and life outcomes of my community matters more. According to the EPA, in children, low levels of exposure-- of lead exposure have been linked to damage to central and peripheral nervous system, learning disability, shorter stature, impaired hearing, impaired formation and function of blood cells. Removing lead service lines is essential to protecting the basic health of society. My district also has the worst life expectancy, and it also has the most homes that are being rented with lead service pipes. And also I am really disappointed in the city of Omaha and I will make that clear on the record for opposing this bill. But I'm always energized when they do oppose my bills because I have a lot of issues with the city of Omaha and this allows me to talk about them. And this is yet another example of why many in my community feel like the city doesn't care about them. The city should have a displacement plan and the city, and a city should notify residents of code violations. It shouldn't be hard to do that. It's only right and their opposition proves why when the Legacy Crossing apartments were condemned that it was primarily the community, not the city that helped in assisting residents that were displaced at the last minute the week of Christmas. But they don't want to put together a displacement plan. It's really sad and I hope they're watching. This bill is about code enforcement. It's about accountability and accountability only, but also making-- ensuring that homes that are being rented in, in communities, especially communities like mine, are not being rented with lead service pipes running through them. The problem is that those service lines are part of the property and it, and it's up to the property owner to, to address those lines. It's not up to the, it's not up to MUD. It's not up to the city. It's not up to the county. It's their property. They're renting homes with lead service pipes that have been shown to have detrimental, detrimental impacts on especially minority communities. But they're OK with renting those homes and they act like they care about the residents they rent homes to and the discussion today hasn't proved that they actually care about anybody but, but themselves and making money and I open myself up to questions. Thank you.

DeBOER: Are there questions for Senator McKinney? Senator McKinney, what is a lead service line?

McKINNEY: It's a pipe that, that water runs through.

DeBOER: It's the--

McKINNEY: Pretty much.

DeBOER: So it's the water pipe that goes from the main pipe--

McKINNEY: Yeah.

DeBOER: --into the-- that's what I figured from context clues but I thought I would ask.

McKINNEY: Yeah.

DeBOER: Are there other questions? All right. Thank you, Senator.

McKINNEY: Thank you.

DeBOER: Let's have our first proponent.

ERIN FEICHTINGER: Vice Chair DeBoer, members of the Judiciary Committee, once again, my name is Erin Feichtinger, E-r-i-n F-e-i-c-h-t-i-n-g-e-r, and I'm the policy director for the Women's Fund of Omaha. The Women's Fund believes that every family has the right to a safe and habitable housing, and for this reason, we offer our support for LB270. Rental registration ordinances exist to ensure that cities can appropriately enforce minimum housing standards and promote safe and healthy housing. Low-income women and their families are more likely to live in substandard, unsafe housing in neighborhoods where this type of housing is specifically concentrated. Unsafe housing has been linked to health problems in children, including increased exposure to lead, as well as asthma from mold, which in turn contributes to lower educational outcomes and decreased future earnings. Of all the various dimensions of housing, location, size, affordability, among others, poor physical quality is a strong predictor of emotional and behavioral problems in children. The portion of LB270 that requires tenant notification of code violations is a critical addition to the previous iteration of this bill. Just as a potential home buyer would request an inspection in order to understand what they are getting into before closing on a purchase-- though I wish I would have known what I was getting into with my 100-year-old home a little bit better but we'll move past that for the purposes of this bill-- so too should a tenant have all of the information about the safety and habitability of their own home. This is a crucial layer of protection for tenants, not just to know if they are at imminent risk of a mass evacuation days before Christmas, but also to hold landlords accountable for the minimum standard of habitability that is indeed their responsibility under the Landlord Tenant Act. Low-income women and single mothers are already more

vulnerable to exploitation in the landlord/tenant relationship. And because we do not have strong anti-retaliation statutes in Nebraska, this vulnerability makes them less likely to report code violations for fear of losing the housing for which they will have a difficult time finding a replacement. Landlords should not be able to exercise the full force of the law to make someone homeless if they are not willing to comply with the law themselves. Tenants should have as much knowledge about the safety and habitability issues in the place they call home as their landlords do. Thank you for your consideration for staying late. Like I said before, it does matter. It's important. Thank you and I'm happy to answer any questions you might have.

DeBOER: Any questions? Senator DeKay.

DeKAY: Thank you. Your testimony peaked a couple things, my brain is still working a little bit, not very fast.

ERIN FEICHTINGER: Good. You didn't need another one of those since it's probably too late?

DeKAY: How, how often are homes inspected? You know, are they inspected if they're a rental or are they inspected once a year or are they--

ERIN FEICHTINGER: So under this bill, this applies to only existing rental registration ordinances. I believe there are only four in existence in Nebraska right now. In Omaha, there is two different cycles. We have a proactive inspection process at this point after we passed the local ordinance. Landlords who have open code violations that have gone on remedy in the last three years will be placed on an annual inspection cycle or for those who didn't register would also be placed on that so inspected once a year. The number of units also depends so a, a very large multifamily complex would have only 10 percent of their units inspected initially, and that would change depending on how-- as you go smaller. Everyone else who does not land on that annual cycle would be-- is subject to an inspection once every ten years. We also have, in addition, still the code, the code-- sorry, complaint-driven system where a tenant can call the city and say, you know, I'd, I'd really like to get this fixed. I think there's something wrong with my unit and the city will then come out and do an inspection.

DeKAY: The reason I ask-- two things. Number one, if it was inspected once and there was lead pipes in there wouldn't it be condemned or be

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ordered to fix those lead pipes or are the pipes, or are the pipes inspected once a year or once every ten years? And the other part of it is when you're talking about black mold or something like that, I was just wondering how often those situations were inspected so that they could be remedied?

ERIN FEICHTINGER: Yeah, I don't think inspectors inspect the-- the housing inspectors would-- housing enforcement inspectors would not be dealing with the lead service pipes. In terms of black mold, I know there is testifiers-- a testifier behind me who will be able to talk about that. In my experience working in-- for the last couple of years with tenants who are in these situations, the, the mold problem is more pervasive than you would think, particularly in what landlords refer to as Class C properties, the majority, you know, which are concentrated in Senator McKinney's district.

DeKAY: Thank you.

DeBOER: Other questions for this testifier? Thank you for being here. Sticking it out this late evening. Next proponent.

TINA MURRAY: Good evening. My name is Tina Murray, T-i-n-a M-u-r-r-a-y. I'm the senior director of Crisis Engagement Programs at Together, I am testifying as a concerned citizen and not representing Together. Recently, the city of Omaha started a landlord registry getting a list of all rented properties and inspecting them once every decade. While the registry is helping, particularly in educating the community more about tenant rights and how to report code violations, there needs to be more accountability for the landlord and property owners. Education is great but if you don't have the enforcement piece to hold landlords accountable, they could possibly not fix code violations or respond to complaints filed by tenants because they know that there are more people that are willing to live in those conditions and pay for it because it's better than living in a car or under a bridge. When buildings are condemned, it increases the need for nonprofits to raise money to serve those people and to keep them out of overcrowded shelters. In January 2022, Together removed 18 people from our condemned building without any notice. The cost was around \$10,000 a week to keep those people in hotels until they were rehoused. To rehouse them there was a cost of deposits and first month's rent for the new residents as they were not prepared to move. There was also a cost of storage fees for their belongings that were stored while looking for housing. The landlord or the city did not help with the costs or be held accountable to assist people in finding

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new housing. The nonprofit sector had to raise the money to support the needs of those people who were forced from their homes and pull from resources that were already serving an underserved population that are already understaffed to assist in emergency and condemned-- the emergency of a condemned building. It's not an immediate fix to take people from their housing and place them in hotels, it takes months to get people housed. You have some people with felonies, evictions, they have low income, etcetera. These are harder people to house so it takes more resources than just placing them and finding them housing. The problem is commonly forgotten about once they are placed in alternative housing and not in the mainstream media. But lives are still being impacted. Just like Legacy Crossing, you barely hear anything about it. Landlords have processes in place that hold tenants responsible, such as late fees if they don't pay their rent so the landlords in the city should be held to the same standards. I ask this committee to advance LB270 because it will supply a much needed enforcement piece that makes rental registration ordinances actually work.

DeBOER: Thank you. Are there questions? When was the Legacy Crossing?

TINA MURRAY: It was December. It happened, like, three days before Christmas in December 2022 so just, like,--

DeBOER: A few months ago.

TINA MURRAY: --a few months ago, it was about 166 people were displaced.

DeBOER: OK. Thank you. Next proponent.

RACHEL TOMLINSON DICK: Good evening, committee members. My name is Rachel Tomlinson Dick.

DeBOER: Can you, can you speak a little louder?

RACHEL TOMLINSON DICK: Yes. Is that better?

DeBOER: Yes.

RACHEL TOMLINSON DICK: OK. My name is Rachel Tomlinson Dick, R-a-c-h-e-l T-o-m-l-i-n-s-o-n D-i-c-k. I'm a licensed attorney and I volunteered extensively, extensively with the Tenant Assistance Project. I'm also fortunate enough to rent a safe and affordable apartment for my daughter and I. I'm testifying today in support of

LB270 in my personal capacity as a housing advocate and an attorney with specialized knowledge in eviction defense work and Nebraska landlord/tenant law. I support LB270 for numerous reasons: because of the housing conditions I have witnessed while working with families in eviction court; because of the documented need for more safe, affordable housing in Nebraska; and because it's a reasonable and commonsense way to encourage landlords to comply with existing laws. While providing free legal services to tenants in Lancaster County, I have heard firsthand accounts, seen photos, and in some instances personally witnessed truly deplorable housing conditions. Such conditions included lack of heat in the dead of winter, raw sewage in a basement, ceilings crumbling from water damage and collapsing into children's bedrooms. In one case, we helped the family whose infant developed a serious lung infection due to mold issues in a rental unit. It is abundantly clear to me that our current system is insufficient to ensure that residential rental housing meets the habitability standards currently imposed by law. This is particularly true where landlords can move forward with evicting tenants without addressing existing code violations and replace them with a family who is more vulnerable and, therefore, less likely to complain. Secondly, Nebraska is in dire need of more safe rental housing for low- and moderate-income families. In its 2022 Statewide Housing Needs Assessment, the Nebraska Housing Council pointed to the shortage of quality, affordable housing as one of the largest housing-related challenges in the state. Finally, common sense and fairness militate in favor of LB270. Owning a residential rental property is a voluntary business venture that can have potentially serious impacts on the health and safety of consumers. This body has found it necessary to require credentialing in a wide range of businesses to protect public health, safety, and welfare, and to impose penalties on businesses that do not comply. It's unclear why a business that can have as profound and far-reaching effects on the public welfare as providing rental housing is given special treatment. Ensuring that landlords comply with existing registration ordinances is simply treating them similarly to other comparable businesses in the state. For these reasons, I urge this committee to support LB270. Thank you.

DeBOER: Thank you. Are there questions for this testifier? I don't see any tonight. Thank you for being here.

RACHEL TOMLINSON DICK: Thank you.

DeBOER: Next proponent. Welcome.

SCOTT MERTZ: Thank you. Thank you. Thank you, Senator. My name is Scott Mertz, S-c-o-t-t M-e-r-t-z, director of Legal Aid of Nebraska's Housing Justice Project. I have extensive experience representing low-income tenants across the state and I thank this committee for the opportunity to appear today in support of LB270. And I want to specifically thank Senator McKinney for both introducing the bill and inviting Legal Aid of Nebraska to testify tonight. And at Legal Aid of Nebraska, we see cases where tenants are fed up with the conditions of their home and they stop paying rent and are then evicted for that nonpayment. Under current Nebraska law, a tenant is not excused from paying rent unless a landlord has failed to provide essential services and even then only after appropriate notice has been provided. This can be confusing to tenants who cannot navigate the procedural requirements providing a required notice, and it leaves those living in substandard conditions with far too few options to improve the habitability of the residence. LB270 would ensure more habitable rental properties without requiring any further action from the tenant, would greatly improved living conditions for all tenants, including those who are afraid to complain to their landlords due to fear of retaliation and losing their homes. It is important to keep in mind that tonight we are not here to debate whether or not rental property registrations and inspections are even necessary. In the cities already sited, landlords are already required by law to register properties and comply with the inspection requirements. LB270 simply provides a mechanism to incentivize landlords to be in compliance with the preexisting laws. LB270 benefits not only low-income tenants, it benefits the entire community by ensuring rental properties meet minimum standards, reduce the stigma of rental property, and help maintain property values of surrounding homes. LB270 also benefits the taxpayer by allowing cities to spend less time trying to get landlords to comply with the preexisting registration requirements. Passage of LB270 would restore some semblance of fairness to rental and the eviction process. Legal Aid of Nebraska supports the passage of LB270 and I thank you for the opportunity to speak and I'd be happy to answer any questions.

DeBOER: Thank you. Are there questions from the committee? Don't see any tonight. Thank you.

SCOTT MERTZ: Thank you.

DeBOER: Thanks for being here.

SCOTT MERTZ: Thank you.

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DeBOER: Next proponent. Anyone else wish to-- there we go.

JESS GIESEKE: Jess Gieseke, J-e-s-s G-i-e-s-e-k-e. Once again, representing myself as landlord and also as a former tenant who has lived in substandard housing where the water has been turned off for a couple days. I've gone weeks without heat and a couple of months without a bathroom once so I have experience with substandard housing. As far as the lead service pipes, the lead service pipes in my 120-year-old building were updated probably 15 or so years ago. That's not-- that, that, that's not, like, a, a really expensive endeavor. I mean, you know, yes, thousands of dollars, but over the life of a building, I feel like that's a fairly, that's a fairly small cost to absorb and the impact that it has in preventing exposure to lead toxins, I think, is-- the, the, the, the benefit far outweighs the cost of replacing those lead service pipes. As far as minimum housing codes and registry requirements, there are, you know, having a 120-year-old building and having to get it up to minimum housing codes and in compliance and when I bought the place I had to get a certificate of compliance, go through annual inspections. There was a long list of things that I had to do in order to get in compliance but in the end it was I have nice rentals and I have tenants that pay their rent on time. And I, I think, you know, that's a, that's a fair trade, you know, a safe, habitable building in exchange for, in exchange for rent. And I think that's, like, a minimum expectation we could have here. I, I feel like if I'm providing less than habitable conditions, it's unreasonable to expect, you know, full rent from my tenants every month. And if I'm providing substandard housing, I feel it's unfair to be charging somebody market value and, and forcing them through the eviction process when I'm really not abiding by local codes or ordinances. I, I, I support this bill and I understand that this, this could force some landlords to get their buildings in compliance, but I think the cost is worth it.

DeBOER: Thank you for testifying. Any questions? I don't see any. Thank you for being here so late. Next proponent. Anyone else want to testify in favor of this bill? We'll switch to opponents. Thank you for sticking here so late.

DENNIS TIERNEY: Thank you for sitting here. Dennis, D-e-n-n-i-s, Tierney T-i-e-r-n-e-y. I just want to say first off for any of the senators that don't know for the Omaha Rental Registration program, there's about 96,000 that have already been registered so in many ways this bill is moot. I mean, it's already being done by the landlords. They are, they are complying with, with registering their properties,

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96,000 have been, have been registered in Omaha. But anyway, I think this-- I'm not a lawyer, but I think this bill is unconstitutional. It violates the, the Fifth and the Fourteenth Amendment rights of a property owner and potentially their Fourth Amendment rights. The Fifth Amendment states that: no person shall be deprived of life, liberty, or property, without due process of law. And the Fourteenth Amendment, quote, nor shall any state deprive any person of life, liberty, or property, without due process of law, unquote. The only real control a landlord has over his or her property when a tenant violates the legal contract, called a lease, is in a court of law by evicting a tenant and obtaining a writ of restitution so they may repossess the property. This bill states that if a rental property owner forgets to register his or her property under a rental registration ordinance that property owner automatically and arbitrarily loses his or her right to evict a tenant, therefore, loses their right to possess that property. It is, therefore, illegal taking of the landlord's property by the tenant sanctioned by the state without due process. Do you really think that an investor accidentally forgets to-- inadvertently forgets to register a property, they should be deprived of their constitutional rights to due process regarding that property? It is also-- doesn't make clear what, quote, comply with any rental registration ordinances, unquote, on line 19 entails. Does it mean that if a landlord registers a property but exerts his or her Fourth Amendment right to withhold consent to a warrantless inspection, that the landlord is deprived of the right to possess the property? If that is the case, this bill flouts the U.S. Eighth Circuit Court ruling of 3/15/21 that clearly states a landlord has the right to withhold such consent without penalty and cannot be prohibited from renting their property. It's in the, the U.S. Circuit ruling. If a landlord cannot possess their property, they can't rent it. Senators, this is a bad law, flagrantly unconstitutional, and I urge you to reject it.

DeBOER: Thank you for your testimony. Are there any questions? I don't see any right now. Next opponent.

GENE ECKEL: Evening, Senator DeBoer, members of the Judiciary Committee. My name is Gene Eckel. That's G-e-n-e E-c-k-e-l, testifying on behalf of the Apartment Association of Nebraska and the Nebraska Association of Commercial Property Owners. What, what we want to do is just point out some what we see as some problems with the bill. When you look at Section 1 of the bill, it talks about, you know, that the city needs to inform residents if there's been a code violation, you've got to take into account that sometimes it's the tenant that

created the code violation. So, for example, one of our members is-- the, the resident went in and hit the HVAC unit outside, the air conditioning unit with his truck. Well, they couldn't replace that particular unit for a couple of days. Do they give temporary air conditioning? Yes, but he got mad about that and filed a code violation and now they got a code violation against the property. But it was the tenant that caused the damage. These things do happen. When we look at Section 2, the question is, if there is a fire or flood, does that mean the city has to come up with all this, this plan because it wasn't the landlord's fault or maybe it was a tornado. It wasn't the landlord's fault that the place was condemned, it was because an act of God. So, again, we need to look at those and say, OK, this needs to be addressed because you can't, I don't think, put the burden on the city for something that was an act of God. It was no control of the city or the landlord that the, the property was, was going to be condemned. With regard to the lead lines, you know, it's focused strictly on the onus is on the landlord. I think perhaps if someone's going to be selling the property, maybe they, they might have that responsibility as well. You just can't necessarily put it on a landlord. Right? Because if the landlord sells his property or somebody sells the property and doesn't tell the person that there's lead lines and then they purchase it, it could be dangerous for them as well. Right? It's a health hazard. So those are some things that we've, we've had some concerns over. I'm happy to answer your questions. But I think right now as the bill is written, we just urge the committee not to, not to advance it to General File.

DeBOER: Are there any questions for this testifier? Don't see any, thanks for being here--

GENE ECKEL: Thank you.

DeBOER: --so late. Next opponent.

LYNN FISHER: Good evening again. Thank you, Senator DeBoer. And thanks to all the senators for all your hard work and working these long, long days. It's very tough, I know. Representing the Statewide-- oh, Lynn Fisher, L-y-n-n F-i-s-h-e-r. I'm representing the Statewide Property Owners Association and we're generally opposed to this bill for some of the same reasons that other people have spoken about. And even though personally, and I think as an organization, we abhor the types of situations like Legacy Crossing and the Yale Park disaster that Senator McKinney has talked about and those are horrible situations. Any kind of unsafe and unhealthy living conditions and,

and any kind of rental property or any property at all, those things need to be addressed. What we would say is that if a city has a registration ordinance and it has ordinances which it should have against these kinds of poor practices on the part of certain property owners, that the local ordinances and the local health ordinances, building code enforcement, those are the things that should be utilized. And even the Landlord Tenant Act has provisions for remedies for landlords who are not holding up their end of a, of a lease. So there are existing laws, there are existing remedies, and a lot of resources out there, and I think those should be brought to bear. And this is not necessarily a bill that would do good for the whole state. I think the majority of, of property owners do a good job, provide very safe housing. And unfortunately, it seems like there's a concentration up in Omaha of these kinds of issues that need to be addressed locally. I'll be happy, be happy to answer any questions.

DeBOER: Thank you. Are there any questions?

LYNN FISHER: Thank you.

DeBOER: Thank you for being here so late. Next testifier in opposition.

PIERCE CARPENTER: Hi, my name is Pierce Carpenter, P-i-e-r-c-e C-a-r-p-e-n-t-e-r. I'm representing myself as a landlord. I thought it was kind of odd that the bill has the lead pipe and the code stuff in it, but regarding the code violations, Scott Lane runs the code department in Omaha and he's had people that have had an inspection and failed it and they fix everything and they go back to inspect it and something is broken. Like the example used was a, a door off a cabinet had the handle broke off, so they wrote them up again, and then the guy went back and inspected it a, a third time and the handle was broken. And what was going on is the tenant was breaking the handle. So if you pass something like this, this would put evictions in the hands of the tenants. The tenants would be able to stave off any eviction by just breaking everything as fast as you could get it repaired. And there, there wouldn't be any recourse because city code does not make the tenant responsible for anything. So, I mean, that, that was one of the concerns I have. The other is if you get a, a problem that simply can't be fixed in any reasonable way, you need to get the tenant out of there. This would prevent that. The last thing is lead pipes is kind of an odd thing. I, I, I, I know I don't have any lead inside, but what I would be concerned about is any joints and connections going out to the, to the main line in the street. And I'm

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not sure how you'd find that, you'd probably have to use a, probably a lead test or something. But from what my, my plumber tells me, he says that lead oxidizes and water flows over and really no lead comes out. So I don't even know if you could find any of the lead connections that are out there. And if you did and you got to make a street cut, it's 3,000 to 6,000 bucks and the landlord or the homeowner would pay for it. I'm totally against the lead pipe. I'm totally against this other stuff. I think our system works good as they have it. I don't think you should approve this along. Thank you.

DeBOER: Thank you. Are there questions?

PIERCE CARPENTER: No questions?

DeBOER: Thank you for being here so late.

PIERCE CARPENTER: Yes.

DeBOER: Next opponent. Is there anyone else who would like to testify in opposition to this bill? Is there anyone who would like to testify in the neutral capacity? Senator McKinney, there are 18 letters in support, 33 in opposition for a total of 51 letters on LB270.

McKINNEY: Well, this is how our night ends. But thank you for everybody that came out to testify today, whether you supported or didn't support this bill. I enjoy these days. They're actually enjoyable and they're not just boring. But I want to be clear that I'm fundamentally against landlords being able to evict people and not being-- comply with the rental registry or being-- or having code violations. It, it, it just should be a thing. You know, these landlords coming here saying that they, they agree that they don't support these terrible situations, but they also argue against exactly against us being able to enforce code violet-- code, code enforcement. They sued the city over the rental ordinance and lost because it's not unconstitutional. They come in here on one hand and act as if they are legal scholars, but then they come up here and say we don't understand the landlord/tenant statute so we hire lawyers. So either you're legal scholars or, or you're not. Lead service pipes are bad and water running over lead pipes is very harmful. There's many studies, many studies, and I'd advise the landlord behind me that said somebody told him you can't find any traces of lead. If that was the case, you know, areas in north Omaha wouldn't have been declared a lead-- dang, I'm, I'm-- it's slipping my mind, but there's a huge issue with lead, especially in, you know, communities like the one that I represent and

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the one that I represent has the most lead pipes for homes that are being rented. And most of those homes are being rented by slumlords who have code violations, who don't want to follow the law, who want to evict people and not care about humanity, and just only make-- only to make money. And lastly, the city of Omaha needs to get it together. They basically displaced people a week, the week of Christmas because of code violations that they knew were there. And they don't want to support this bill because they would have to come up with a displacement plan and tell residents that there are code violations in their residence. Just think about that. The city of Omaha doesn't want to tell a resident that your house is potentially going to go up in flames because they think it's too much work. That's ridiculous. And they just need to get it together. So thank you and I open myself up to any questions.

DeBOER: I am confident you won't get any but let me check. Any questions? I don't see any.

DeKAY: No, I'm just kidding.

DeBOER: I don't see any. That will end our hearing on LB270 and end our hearings for the day.