

# GETTING THE BOOT: THE POLICY AND PROCESS OF RESIDENTIAL EVICTION

*A Legislative Research Office Backgrounder*

**EVICTION NOTICE**  
NOTICE TO QUIT



**DECEMBER 2024**



*Image Credit: simpson33 via iStock*



# GETTING THE BOOT: THE POLICY AND PROCESS OF RESIDENTIAL EVICTION

## *A Legislative Research Office Backgrounder*

**December 2024**

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# Out in the Cold

The experience of being evicted is profoundly detrimental to the mental and physical health of families and can lead to homelessness, unemployment, increased hospital visits, and diminished credit scores (Acharya et al., 2022; Collinson, et al., 2024). Unfortunately, comprehensive eviction data is scarce, and much of the information about who is being evicted (and why) comes from state court records and U.S. Census Bureau survey estimates (U.S. Government Accountability Office, 2024). The insufficient available data also comes with caveats; for instance, court records represent only formal legal filings and survey research has inherent limitations, further exacerbating the issue of analyzing eviction policy in Nebraska.

Due to the natural power imbalance between property owners and renters, and rising eviction rates, many states are passing laws to enhance tenants' rights, including Nebraska. Formal eviction processes are abundantly complicated for a legal layperson. Because eviction proceedings occur in civil court, rather than criminal court, defendants are generally not provided with an attorney by the state if they cannot afford legal representation. The power imbalance between these types of litigants is evidenced by the vast difference in their legal representation. Legal studies in the U.S. have suggested that roughly 90% of landlords retain an attorney for eviction proceedings while less than 10% of tenants receive legal counsel (Engler, 2010; Prusak, 2022).

Eviction proceedings are intended to consider the rights and interests of renters and property owners. Yet the rights of both parties may still be difficult to uphold in the face of such a legal knowledge imbalance between litigants. Court proceedings are governed by state laws; thus, policymakers have the power to improve eviction outcomes for both tenants and property owners while taking care to avoid usurping judicial discretion or diminishing the rights of either party. However, lawmakers require accurate information to make data-driven policy decisions, but such information is woefully lacking.

Lawmakers in Nebraska, and legislatures around the country, are examining methods that would improve court records data and also balance the interests of property owners and renters.



# Available Evictions Data

Across the country, available eviction data is sparse and unreliable. The federal government does not collect or standardize data from local court records, and the Nebraska court filing system was not built to provide meaningful research conclusions. However, a project at Princeton University (in collaboration with the U.S. Census Bureau) called the [Eviction Lab](#) has endeavored to make nationwide eviction data publicly accessible.

Fundamentally, only formal eviction court filings are captured in data records. Informal actions taken by property owners that result in the tenant vacating the premises are not recorded, like when a landlord changes the locks, shuts off utility services, or threatens an eviction - all of which may force the renter to abandon the dwelling.

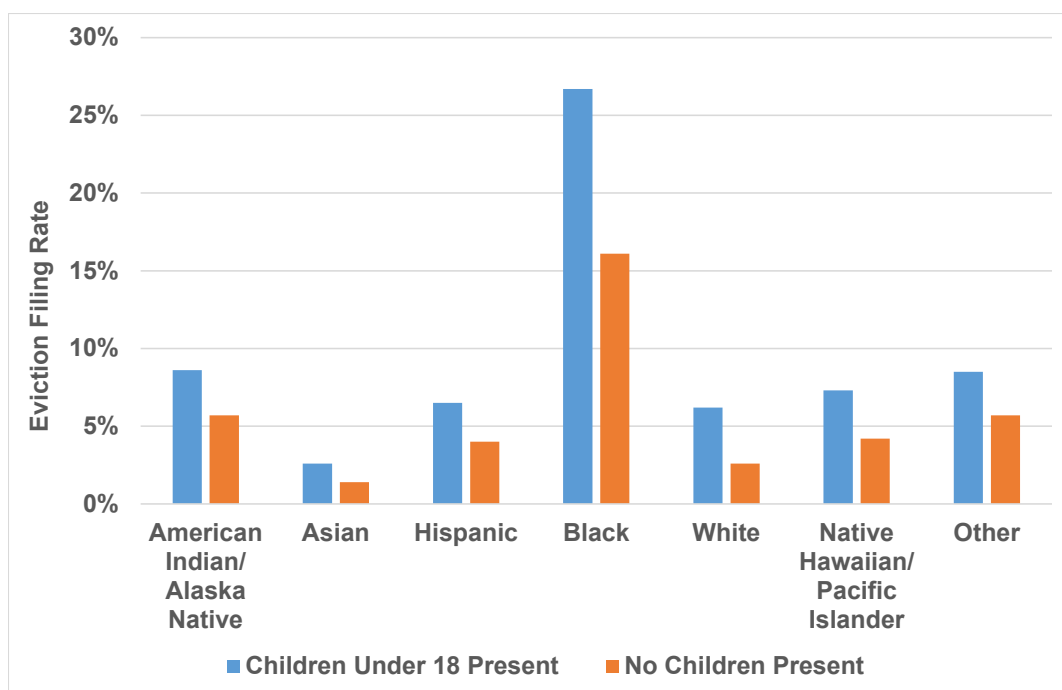
## National Demographics

According to researchers at the Eviction Lab, between 2007 and 2016, an annual average of 7.6 million individuals had an eviction proceeding filed against them, and 3.9 million people lived in a household that received an eviction judgment. Nearly 40% of the 7.6 million who faced eviction were children under 18 (2.9 million).

Research conducted at the Eviction Lab also found that non-Hispanic Black renters disproportionately faced higher eviction rates compared to other racial and ethnic groups. Despite making up only 18% of all renters, Black tenants accounted for 51% of all those threatened with eviction and 43% of those who were ultimately evicted. In contrast, 50% of all renters were White but White renters only accounted for 26% of those who faced eviction and 32% of all evictions.

Annually, nearly 27% of Black renters living with children had evictions filed against them, which was vastly more than that of members of any other racial or ethnic group. Similarly, the annual rate of eviction judgments for Black renters with children (nearly 12%) was more than double the rate of evictions for any other racial or ethnic group (Graetz et al., 2023).

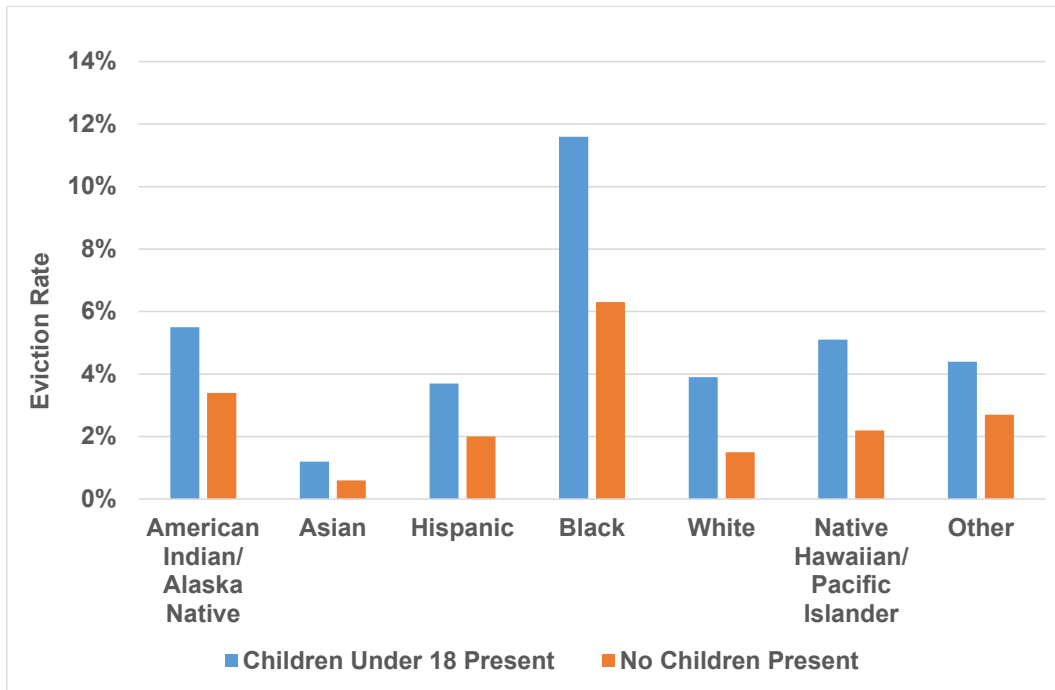
Average Annual Eviction Filing Rate by Race and Ethnicity (2007-2016)



Source: Graetz et al., 2023

# Available Evictions Data

Average Annual Rate of Eviction by Race and Ethnicity (2007-2016)



Source: Graetz et al., 2023

The racial disparity in national eviction data is also illustrated when examining income groups. Low-income households had a higher risk of eviction than households that had an income equal to or above the county median income for all adult renters. However, regardless of income group or the presence of children, Black renters were more likely to be evicted than White renters.

Eviction Rate by Race and Income for Households with Children Present (2007-2016)



Source: Graetz et al., 2023



# Available Evictions Data

Despite the protections afforded to renters in the Fair Housing Act, which include prohibitions on housing discrimination based on race and familial status, the Eviction Lab found that Black renters and children (of all races) face a disparate impact of eviction compared to other races and age groups in the U.S. (Graetz, et al., 2023).

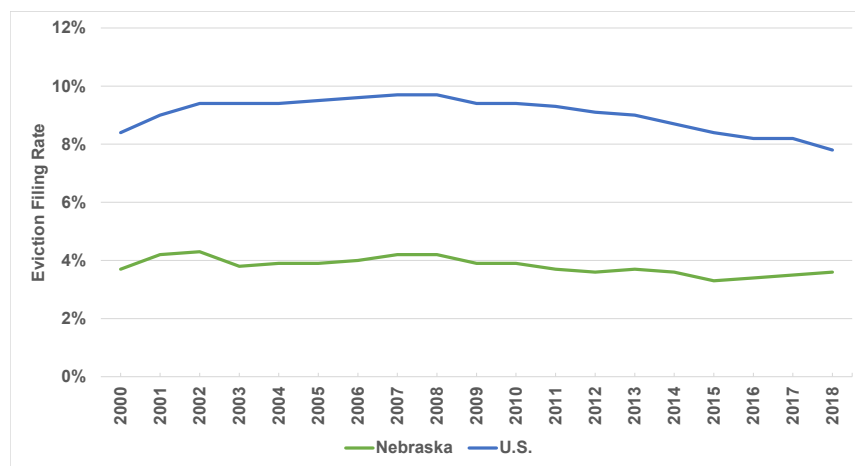
Additional research from the Eviction Lab has also found significant gender gaps in eviction filings and judgments. After examining eviction records in 39 states from 2012 to 2016, researchers concluded that the risk of eviction was approximately 2% higher for women than for men. When dividing renters by race, the eviction rate for Black women was 4% higher than Black men and 9% higher for Hispanic women than Hispanic men. These differences amount to “thousands of more evictions for women each year,” compared to men (Hepburn et al., 2020). Also, preliminary analysis by the Eviction Lab on data from 10 states and 36 cities revealed that in 2023, [60%](#) of eviction defendants were women.

More recently, during the COVID-19 pandemic, research published by the [Eviction Lab](#) revealed that policies meant to promote stable housing in the U.S. dramatically cut the number of eviction filings observed in 31 cities. From the start of the pandemic until the end of 2021, roughly 800,000 fewer eviction cases were filed in the observed cities than were expected, which amounted to a 57% reduction in eviction cases. Because courts in various jurisdictions interpret and implement federal law differently, the eviction case filings in the observed cities ranged from a 22% reduction of the historical average of the city’s pre-pandemic average count of eviction filings (Las Vegas) to an 85% reduction (Austin) (Hepburn, et al., 2023).

## Evictions in Nebraska

The [Eviction Lab](#) estimated that 3.6% of renters in Nebraska had an eviction case filed against them in 2018, which was less than half the national average (7.8%). Throughout 2018, researchers estimated that 9,300 households in Nebraska received an eviction filing notice. Between 2000 and 2018, eviction rates in the U.S. and Nebraska remained relatively consistent (Gromis, et al., 2022).

Eviction Filing Rate by Year for the U.S. and Nebraska (2000-2018)



Source: Gromis et al., 2022

Information regarding eviction cases is available via state court tracking systems, but the data comes with many caveats. Similar to problems with eviction case records in other states, inconsistencies between jurisdictions in Nebraska regarding how attorneys, judges, and court administrators conduct and record eviction proceedings result in data interpretation difficulties.

# Available Evictions Data

## Nebraska Court System Data

The digital case tracking system employed by county and district courts in Nebraska has limited research capabilities. Unveiled in 1993, the judicial branch system of tracking court cases, called JUSTICE, has several issues specifically related to the record keeping of eviction cases.

For example, data about plaintiffs (who are landlords in most cases) are not consistently or uniformly entered into the system. This increases the difficulty and time necessary to glean meaningful conclusions from court cases in Nebraska, such as how many times certain plaintiffs filed to evict tenants. Legislation introduced in 2023 ([LB 182](#)) proposed to mandate additional oversight over the data, but the bill was indefinitely postponed in 2024.

During the [2024 State of the Judiciary](#) address to the Nebraska Legislature, former Chief Justice Michael G. Heavican noted that the JUSTICE system is, “held together with baling wire and bubble gum. A 30-plus-year-old case management system is inadequate to meet current and future court demands.”

However, new court filing software is likely to cost tens of millions of dollars partially due to the complicated nature of system linkages to various state agencies. In testimony to the Appropriations Committee in 2024, Chief Justice Heavican noted that building a new court case management system cost Arkansas \$40 million over three years. He suggested that the Nebraska Legislature should expect that a similar appropriation would be required to update the state’s case management system.





# Available Evictions Data

## Eviction Data Required by the Legislature

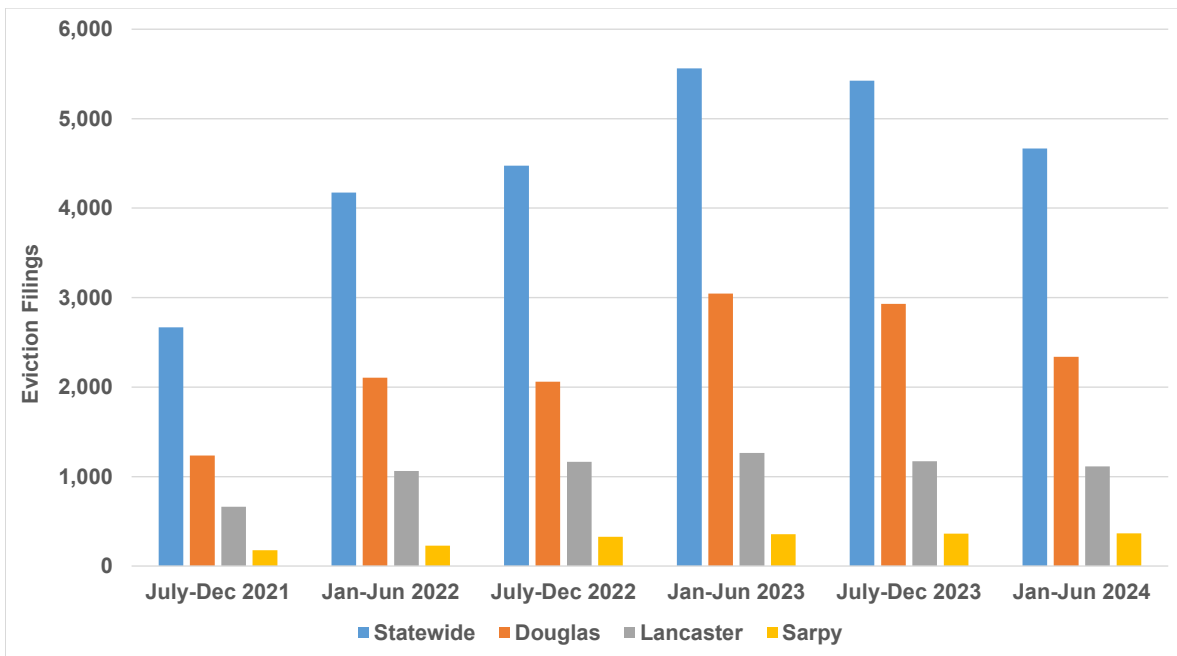
As required by [Neb. Rev. Stat. § 24-232](#) (created by the passage of [LB 320](#) in 2021), the Nebraska Supreme Court must submit a report to the legislature twice annually. The Nebraska Eviction Proceedings Bi-Annual Data Report includes snapshot-in-time data about eviction proceedings initiated or closed during the previous six months.

Data points in the report include (by county), the number of eviction proceedings initiated; the number of tenants and landlords represented by counsel; the number of default eviction orders; and the number of eviction orders by the statutory authority under which possession of the property was sought by the owner.

In an analysis of the reports delivered to the Legislature, the total number of initiated legal eviction proceedings peaked in the first six months of 2023 at 5,563 cases. Despite a decrease from 2023 levels, more evictions were filed between January and June of 2024 (4,668) than were counted in either 2022 report.

In Nebraska, the most populous counties processed the majority of initiated eviction proceedings. For example, between January and June of 2024, 82% of the total legally initiated evictions in the state were filed in Douglas, Lancaster, and Sarpy counties.

### Number of Eviction Proceedings Initiated in Nebraska and Selected Counties



Source: The Nebraska Eviction Proceedings Bi-Annual Data Report

Naturally, the required snapshot-in-time report to the Legislature does not provide the same insights as a longitudinal research study. Furthermore, most of the data in the JUSTICE system is entered by attorneys, and if data is entered erroneously, judicial branch policy states that the court is not responsible nor will court administrators adjust incorrectly entered data.

Considering the issues inherent in the data, the legislative intent of the required report may not be ultimately fulfilled by the available information contained in the current case tracking system.

# Available Evictions Data

## Tenant Assistance Project

Operating as a collaboration, primarily with the Nebraska State Bar Association’s Volunteer Lawyers Project, the Tenant Assistance Project ([TAP](#)) provides free legal representation to “low-income” renters facing eviction in two Nebraska counties - Douglas and Lancaster.

The Department of Housing and Urban Development (HUD) calculates the area median income (AMI) for states, counties and urban areas, and defines several levels of “low-income” for housing purposes. Households earning an income equal to or less than 80% of the AMI are eligible for assistance from TAP. HUD annually calculates these income limits for up to 8-person families, and these limits guide who is eligible for assistance from certain federal (and other) programs (U.S. Department of Housing and Urban Development, 2024). For example, after the release of the 2024 limits, a family of four could receive legal help from TAP if they earned \$81,700 or less annually in Lincoln and \$87,600 or less in Omaha. HUD income limits are higher for larger families and lower for smaller households.

### HUD 2024 Nebraska Area Median Income Groups by Family Size for Lincoln and Omaha

Area*	AMI	Income Level	Family Size							
			1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Lincoln Metro	\$102,100	Low (80% of AMI)	\$57,200	\$65,400	\$73,550	\$81,700	\$88,250	\$94,800	\$101,350	\$107,850
		Very Low (50% of AMI)	\$35,750	\$40,850	\$45,950	\$51,050	\$55,150	\$59,250	\$63,350	\$67,400
		Extremely Low (30% of AMI)	\$21,500	\$24,550	\$27,600	\$31,200	\$36,580	\$41,960	\$47,340	\$52,720
Omaha-Council Bluffs Metro	\$109,500	Low (80% of AMI)	\$61,350	\$70,100	\$78,850	\$87,600	\$94,650	\$101,650	\$108,650	\$115,650
		Very Low (50% of AMI)	\$38,350	\$43,800	\$49,300	\$54,750	\$59,150	\$63,550	\$67,900	\$72,300
		Extremely Low (30% of AMI)	\$23,000	\$26,300	\$29,600	\$32,850	\$36,580	\$41,960	\$47,340	\$52,720

Source: [HUD](#)

\*HUD used custom geographic definitions for the Lincoln and Omaha-Council Bluffs Metros. Lincoln Metro includes Lancaster County, NE. The Douglas Metro includes Harrison County, IA; Mills County, IA; Pottawattamie County, IA; Cass County, NE; Douglas County, NE; Sarpy County, NE; and Washington County, NE.

In Douglas County, more than 1,800 households received legal assistance from volunteer attorneys in 2023. All those who were served by TAP were eligible based on the 80% AMI low-income limit, but most of these families were classified as extremely low income (70%) or very low income (20%). Furthermore, over half of the households served by TAP lawyers in 2023 were families with children (53%). Ultimately, the preponderance of cases resulted in the renter staying housed and paying rent (45%), slightly fewer cases resulted in the tenant moving out (38%), and only 2% of cases resulted in the tenant’s immediate eviction (Tenant Assistance Project, 2024a).



# Available Evictions Data

Lancaster County data provided by TAP revealed that in 2023, nearly 1,600 adults facing eviction (and 1,309 children) had legal representation, up from 1,200 adults and over 900 children in 2022. A majority of tenants' income levels were classified as extremely low in both 2023 (68%) and 2022 (65%). Of those Lancaster County renters assisted by TAP in 2023, only 1% were immediately evicted (Tenant Assistance Project, 2024b).

## Housing Justice Clinic

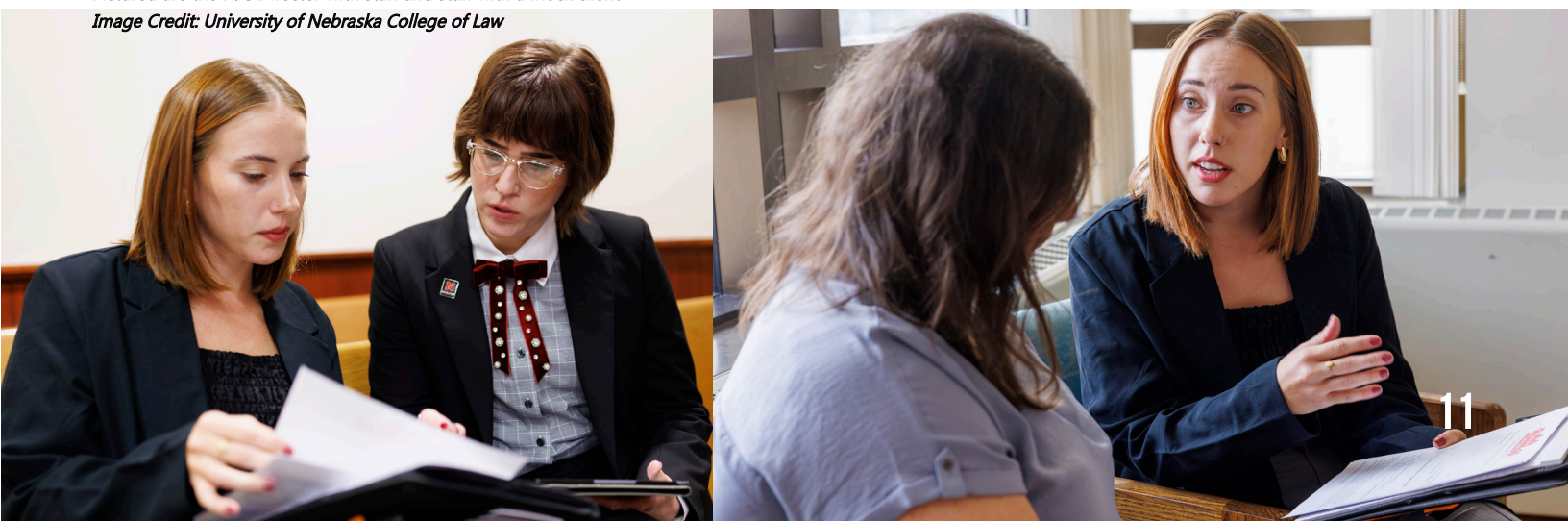
Attorneys and law students working in the [Housing Justice Clinic](#) (HJC) at the University of Nebraska College of Law have partnered with TAP to provide legal services to low-income renters in Lancaster County. In 2023, more than 625 tenants were represented by the HJC who were earning 80% AMI or less annually. Ultimately, only 10% of cases in which HJC represented low-income tenants resulted in evictions in 2023 (Housing Justice Clinic, 2024).

Research provided by the HJC Director showed that in 2023, 75% of the eviction cases represented by the HJC were dismissed or should be dismissed. Of these cases, 55% were dismissed either at the initial hearing (or ultimately) and almost 20% should eventually be dismissed under the terms of settlement agreements reached by parties. Although no cases in 2023 resulted in any tenants' immediate eviction, several cases occurred in which HJC represented tenants who appeared to court late – after a default judgment had been entered against them. However, in most of these instances (75% of cases), the eviction judgments were vacated because of settlement agreements negotiated by the HJC.

In a review of over 3,000 eviction-related court hearings in Lancaster County between 2019 and 2021, Nebraska College of Law researchers found that over 93% of eviction actions were conducted unlawfully in some manner (Sullivan, 2022). Often, plaintiffs failed to state a proper claim for relief (62% of cases), did not properly notify tenants of eviction actions (62% of cases), and sometimes entered erroneously named parties to conceal the volume of eviction filings emanating from certain landlords. Ultimately, the research concluded that fewer than 10% of observed eviction filings fulfilled minimum statutory requirements. However, actions that did not comply with the law were nevertheless allowed to proceed to trial in nearly every instance.

During the data collection period of the study referenced above, TAP was formed in Lancaster County. Previously, of those tenants who appeared at their eviction hearings, only 11% had legal representation. Demonstrating the disparity seen nationally, over the entire study, landlords were found to have been represented by legal counsel in 94% of observed cases. After the formation of TAP, nearly 96% of renters had an attorney present at their eviction hearings.

*Pictured are the HJC Director with staff and staff with a mock client*  
*Image Credit: University of Nebraska College of Law*



# Eviction Law in Nebraska

The initial [intent](#) of the Uniform Residential Landlord and Tenant Act (Act) ([Neb. Rev. Stat. §§ 76-1401 to 76-1449](#)) was to codify the relationship between property owners and renters, which relied on case law at the time. The [committee statement](#) for the original bill noted considerable opposition at the hearing in 1973, but the Legislature eventually passed [LB 293](#) in 1974.

Law review articles published by the Nebraska College of Law have examined the legislative history of eviction (Sullivan, 2021) and proposals to amend landlord/tenant law in Nebraska (Sullivan, 2022).

The Act was approved by the Nebraska Legislature without many of the tenant-related protections that were included in the model legislation that passed, mostly intact, in 20 other states. The 1972 model legislation (developed by the National Conference of Commissioners of Uniform State Laws) intended to update and simplify landlord/tenant law. It originally featured 43 sections of substantive provisions, but 30 sections of the bill that eventually passed in Nebraska were amended or removed, which resulted in fewer protections for tenants and a clear legal advantage for property owners. Furthermore, additional sections were added to the law in Nebraska allowing for an expedited eviction process (Sullivan, 2021).

## Late Fees

When a tenant is past due on a rent payment, property owners may require the renter to pay a late fee. Some states mandate that rental contracts must provide a grace period after the rent is due before late fees can accrue. State laws also place caps on the amount that a tenant can be charged in late fees.

Because late fees are not prohibited in Nebraska law, and there is no mandated grace period, late fees can be included in rental contracts if a tenant's payment is delivered past the agreed-upon due date ([Neb. Rev. Stat. § 76-1414\(1\)](#)). However, an egregiously large late fee would presumably be deemed "unconscionable" and would likely result in a court decision not to enforce the rental agreement ([Neb. Rev. Stat. § 76-1412](#)) (Sullivan, 2022). Introduced in 2021, [LB 205](#) proposed limits on the maximum late fees that a property owner could charge a tenant (capped at the lesser of \$100 or 5% of the periodic rent in total), but the bill was not advanced out of the Judiciary Committee.

## Notifications and Reasons for Eviction

Landlords are often required to notify tenants about certain measures they take, such as an eviction action. Policies that require notifications be sent to tenants may help limit, or prevent, curable situations – those that can be resolved before eviction proceedings begin – like a late rent payment. The content and timing of these notifications are regulated by state statutes in Nebraska.

Property owners in Nebraska are provided with several lawful justifications to remove a tenant. Reasons for a formal eviction proceeding often include the nonpayment of rent, a breach of the lease agreement, or criminal activity. However, under the federal [Fair Housing Act](#), landlords in the U.S. are prohibited from evicting a tenant or their guest based on race, religion, sex (including gender identity and sexual orientation), disability, family status, and nation of origin.

Both [landlords](#) and [tenants](#) are required by the Act to maintain a suitable dwelling unit. However, if the tenant does not comply with such obligations, the landlord is permitted to notify the renter that the rental agreement will be terminated in 30 days, if the breach of responsibility is not remedied within 14 days after receipt of the notice. If the problem is rectified by the tenant, then the agreement does not terminate, but if the same issue occurs again within six months, the landlord can terminate the rental agreement after a 14-day notice ([Neb. Rev. Stat. § 76-1431\(1\)](#)).



# Eviction Law in Nebraska

If a tenant fails to pay rent on the due date and again fails to pay their past due rent within seven calendar days after receiving a written notice, the landlord may terminate the rental agreement ([Neb. Rev. Stat. § 76-1431\(2\)](#)). In the original Act, landlords could terminate a rental contract three days after receiving written notice despite model legislation suggesting 14 days. In 2019, [LB 433](#) extended the rental agreement termination threshold from three days after a tenant is notified to seven.

Furthermore, if the tenant willfully fails to comply with anything in the rental agreement or their obligations (as stated in [Neb. Rev. Stat. § 76-1421](#)), a property owner may recover damages and reasonable attorney's fees ([Neb. Rev. Stat. § 76-1431\(3\)](#)).

If certain criminal activity occurs on the property, whether committed by the tenant, a family member, or a guest, the landlord may provide a written notice specifying the breach of the rental contract. After five days (rather than 14), the property owner may terminate the rental agreement without allowing the renter to cure the eviction ([Neb. Rev. Stat. § 76-1431\(4\)](#)). However, if the tenant or another household member does not conduct themselves illegally and takes certain measures, such as obtaining a restraining order against the actual offender or receiving a certification as a victim of domestic violence, then the landlord may not evict the tenant ([Neb. Rev. Stat. § 76-1431\(5\)\(a\)](#)).

## Eviction Filing Fees

Because eviction cases are not separate from other civil court cases, the same court costs and [filing fees](#) related to any civil court case also apply to eviction proceedings. Therefore, property owners in Nebraska must pay filing fees for each eviction filed in civil court, a total of \$51.

## Eviction Complaint and Summons

In Nebraska, a landlord who wishes to evict a tenant must file a complaint for restitution with the clerk of the district or county court ([Neb. Rev. Stat. § 76-1441](#)). The complaint must contain a specific statutory authority under which the tenant is to be evicted, the circumstances under which the landlord seeks to recover the property, and a description of the premises in question. If the reason for the eviction complaint is due to illegal activity, then the complaint must include the incident for which an eviction is sought.

All states require that, after filing for an eviction, tenants must be sent a summons requiring their appearance in court. In Nebraska, a copy of the complaint is attached to the summons. The summons must state the cause of the complaint, the time and place for the associated civil trial, the answer day for other causes of action, and a notice that if the tenant fails to appear, they will receive an eviction judgment ([Neb. Rev. Stat. § 76-1442](#)).

Passed in 2021, [LB 320](#) made several changes to the Act including the method of service of a summons. If diligent efforts to serve the summons traditionally are unsuccessful, then service of the summons may be made by posting a copy on the front door of the dwelling unit and mailing a copy by first-class mail to the defendant's last-known address ([Neb. Rev. Stat. § 76-1442.01](#)). Previously, common practice was to post a renter's eviction notice in a common area or on a shared entrance.

Also amending [Neb. Rev. Stat. § 76-1443](#), LB 320 instituted a provision allowing each party a continuance at trial. Previously, Nebraska was the only state in the country that banned granting such a continuance except under extraordinary circumstances (Sullivan, 2021).

# Eviction Law in Nebraska

[Neb. Rev. Stat. § 76-1446](#) details that the timing of a trial for possession of the premises, “shall be held not less than ten nor more than fourteen days after the issuance of the summons.” Notably, the countdown to trial officially begins immediately when the summons is issued by the court.

## Right to a Jury Trial

In 1995, the Nebraska Legislature passed [LB 52](#), which removed a renter’s right to a trial by jury in an action for restitution – a right previously afforded to renters in the Act ([Neb. Rev. Stat. § 76-1446](#)). Legislation introduced in 2024, [LB 1115](#), attempted to reinstate the previous language but the bill was not advanced to Select File debate.

## Right to Counsel

Unlike criminal cases, attorneys are not provided to those who cannot afford legal representation in civil matters, such as eviction hearings.

Recently, a limited right to counsel was instituted in Nebraska for renters facing eviction from the Omaha Housing Authority (OHA). The law was enacted with the passage of [LB 840](#) in 2024, which contained provisions from the original bill ([LB 1046](#)).

**In a series of articles published by the Flatwater Free Press, reporters analyzed court records and found that OHA initiated 400 legal evictions in 2023, often for nonpayment of rent (Turley & Xu, 2023). Nearly 85% of OHA eviction filings in 2023 alleged a nonpayment of rent. Furthermore, a third of filings for financial debts were due to a nonpayment of less than \$500. Ultimately, OHA evicted nearly 50 tenants in 2023 who each owed less than \$300. In June 2024, a federal class-action lawsuit was filed, which alleged that OHA violated tenants’ rights regarding this matter since at least 2017 (Turley, 2024).**

Starting in July of 2025, an attorney must be provided to a public housing authority resident in Omaha before any eviction proceedings in a court of law or any hearings before a public housing authority board. The cost of any court-appointed counsel in these cases must be paid by the public housing agency. Furthermore, the new law prohibits housing agencies in Omaha from assessing fees against residents for legal services provided or attempting to recoup such costs in other ways ([Neb. Rev. Stat. § 71-15,139](#)).

## Execution Waiting Period

Many states require a waiting period between when an eviction judgment is issued and when tenants must vacate the premises.

In Nebraska, tenants with an eviction judgment against them are not guaranteed any time to prepare and vacate the premises, and the constable or sheriff must restore the premises to the property owner in ten days or less ([Neb. Rev. Stat. § 76-1446](#)). In effect, a renter can be removed from their home on the same day as their eviction hearing in Nebraska.



# Eviction Law in Nebraska

## Opportunity to Cure

Thirteen states, not including Nebraska, allow a tenant to pay past-due rent during a certain time, called a redemption period, to stop an eviction order (Sullivan, 2022). States vary regarding whether a partial or full payment of back rent is necessary to cancel an eviction order.

Introduced in 2019, [LB 434](#) proposed to institute a 7-day redemption period where the renter could retain tenancy by paying past-due rent and fees, but the bill was not advanced past General File debate.

## Eviction Record Expungement

After a renter receives an eviction judgment against them, that decision will often remain on their record for many years. An eviction judgment in a tenant's history usually creates major difficulties when they attempt to acquire new housing. Furthermore, the record of an eviction proceeding can be attached to the renter despite an unlawful eviction, a dismissal of the case, or an eventual judgment in favor of the tenant.

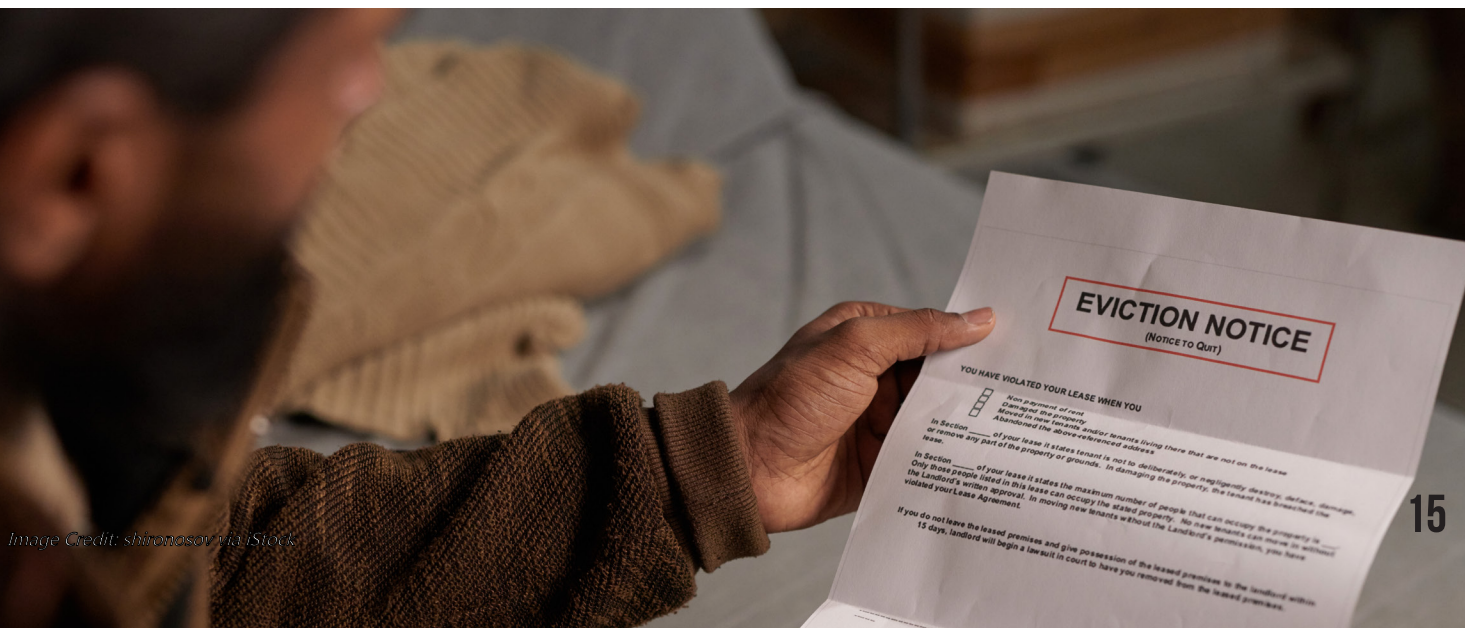
Introduced in 2023, [LB 175](#) would have allowed tenants to ask the court to seal their eviction records in certain circumstances. The bill did not advance to Select File debate.

## Security Deposit

Legislation passed in 2019 ([LB 433](#)) made several changes to Nebraska landlord/tenant law related to the disposition of security deposits after an eviction. Originally, tenants were required to demand the balance of their deposit from the property owner. Now, without a requirement to demand it, the property owner must return a renter's security deposit within 14 days after an eviction.

## County Differences

According to judicial branch employees, court processes related to eviction cases vary depending on the Nebraska county where the case is being heard. Two of the most populous counties in the state - [Lancaster](#) and Sarpy - have generally treated eviction cases much differently than their counterparts. Unlike other counties, if defendants do not appear for their trial, judges in these two jurisdictions have instructed their staffs to try the case despite their absence (presumably based on an interpretation of [Neb. Rev. Stat. § 76-1444](#), according to judicial branch employees).



# Eviction Policy in the States

Research conducted by the National Conference of State Legislatures (NCSL) on a sample of states (Georgia, Indiana, Michigan, Nevada, Tennessee, and Washington) revealed that several elements of the eviction process are common, including limits on late fees, waiting periods, allowable justifications for eviction, and protected classes of renters. However, other components of eviction law differ in these states such as the duration of waiting periods, what must be included in notices and summons, the right to counsel, and mediation programs (Stevens, 2023). Additionally, NCSL maintains a [Housing and Homelessness Legislation Database](#) that includes recently enacted legislation related to eviction (National Conference of State Legislatures, 2024).

Recently, several states have enacted policies that provide tenants with protections during each stage of the eviction process - before the initiation of formal eviction procedures, during civil court proceedings, and after a renter has been evicted. States have also attempted to improve data collection in their civil courts and to develop accessible judicial systems through statewide legislation and oversight.

## Prior to Eviction

Late fees for past due rent in Nevada are capped at 5% of the cost of rent. Furthermore, renters in Nevada are afforded a 3-day grace period before late fees begin to accrue. Tennessee state law includes a 5-day late fee grace period for tenants and late charges are capped at 10%. Washington does not have a limit on late fees in statute.

Before taking certain actions like raising the rent or evicting a tenant, landlords must provide a 60-day notice to renters in Nevada. In contrast, the states of Indiana and Washington require a 30-day notice. Some states do not require any notice before raising the price of rent including Georgia, Michigan, and Tennessee.

The content of an eviction notice in most states must include reasons for the potential removal. In other states, landlords are not mandated to include such information in an eviction notice. In both Nevada and Washington, the notice must provide renters with advice on how to prevent being evicted, the consequences of eviction, and a list of tenant's rights. Eviction notices in Washington also include guidance regarding how to find legal services.

For nonpayment of rent, Georgia law does not require any period between when the eviction notice is provided and when a formal eviction can be filed. Other states vary in the amount of time between notices that landlords are required to provide to renters and eviction filings: Michigan and Nevada (7 days), Indiana (10 days), Tennessee and Washington (14 days).

Lease agreements in some states, like Indiana, are allowed to contain a section that removes the landlord's requirement to notify the renter before an eviction filing is submitted to the court. Tennessee also allows this practice (only for nonpayment of rent), but laws in Michigan, Nevada, and Washington prohibit landlords from including such a provision in lease agreements.



# Eviction Policy in the States

## Pending Eviction

Justifications for eviction in other states also include property damage, an accumulation of waste, and noise complaints.

In addition to federally protected classes, landlords in Washington are prohibited from evicting renters based on their sexual orientation, citizenship or immigration status, honorably discharged veteran or military status, certain disabilities, and their use of a service animal.

Some states do not require filing fees, including Georgia, Indiana, and Tennessee, while Michigan, Nevada, and Washington each require fees ranging from \$45 to \$56 for each eviction filing.

If tenants do not respond to an eviction summons in Georgia, Indiana, Nevada, or Washington, courts in those jurisdictions may (or shall in some cases) elicit a default judgment in favor of the property owner. This result can occur despite the tenant acting lawfully in every other regard. Concerning the content of the eviction summons, Michigan requires that several instructions are included: the tenant's rights in the eviction proceeding, consequences for failing to comply with the summons, and information about legal assistance.

Washington became the first state in the U.S. to provide low-income tenants facing eviction with a right to counsel after the passage of [SB 5160](#) in 2021. Soon after, [Maryland](#), [Connecticut](#), and [Minnesota](#) passed statewide right-to-counsel laws for eligible tenants.

Most states provide tenants with a period between when an eviction order is issued and when they are ordered to vacate the premises, including Georgia (7 days), Washington (5 days), Indiana (2 days), and Nevada (1 day). However, some states like Michigan and Tennessee provide for evictions to be executed immediately after an eviction order is issued.

Michigan, Nevada, and Washington all provide tenants with the opportunity to cure evictions that were initiated due to nonpayment of rent. Michigan allows for an eviction to be cured with a partial payment while Nevada law requires that all past due rent must be paid to cure an eviction. Washington does allow for a partial payment of rent to cure an eviction but only if the property owner and renter agree in writing, otherwise all past due rent is required.

Some states provide eviction mediation or diversion programs that guide parties from the court process. If eviction can be avoided, renters retain stable housing and landlords circumvent the cost of replacing the tenant. Nevada and Washington both feature voluntary mediation programs, but Washington state has recently deployed a mandatory [Eviction Resolution Pilot Program](#) for eviction cases regarding nonpayment of rent.

## Post-Eviction

In certain cases, the states of Indiana, Nevada, and Washington require that eviction records be sealed, which helps to prevent housing instability for a renter who has been evicted. Renters in Indiana who had their eviction case dismissed or received a judgment in their favor may request that the record be sealed, and the court must comply.

# Shown the Door


Due to the societal and individual detrimental effects of eviction, legislators are examining methods to balance the power imbalance between landlords and tenants. Effective policy options designed to improve eviction processes should be both practical for property owners and accessible to renters.

Regrettably, national and state eviction data is scarce, unreliable, and difficult to obtain. The Eviction Lab at Princeton University is publishing valuable national research, but limitations with Nebraska's case tracking system present barriers to gleaning vital information about evictions in the Cornhusker State.

Certain property owners have been shown to file more evictions than others, but volunteer attorneys and law students in Lincoln and Omaha have recently begun to address the power imbalance in eviction hearings by providing free legal representation to low-income tenants.

Recent changes to eviction law in Nebraska, and in other state legislatures, have provided renters with various protections. However, over the past few years, several proposals to modernize Nebraska's landlord/tenant law have faced fierce opposition from property owners and real estate interest groups.

The concept of eviction is complicated, and lawmakers tackling the issue are confronted with competing interests. Data-driven lawmaking may ultimately provide landlords and tenants with the best possible, and most equitable, outcomes so that revenues remain stable and fewer renters are shown the door.



**EVICTIION NOTICE**  
NOTICE NONPAYMENT OF RENT

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