

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 182

Introduced by Cavanaugh, J., 9.

Read first time January 09, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to eviction proceedings; to amend sections
- 2 24-232 and 76-1441, Revised Statutes Cumulative Supplement, 2022; to
- 3 change provisions relating to a report on eviction proceedings and
- 4 complaints for restitution; to define terms; to harmonize
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-232, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 24-232 (1) On or before January 15, 2022, and July 15, 2022, and on
4 or before each January 15 and July 15 thereafter, the Supreme Court shall
5 electronically submit a report to the Clerk of the Legislature that
6 includes, for the preceding six months the following information
7 pertaining to eviction proceedings, broken down by county:

8 (a) The number of eviction proceedings initiated;

9 (b) The number of tenants represented by counsel;

10 (c) The number of landlords represented by counsel;

11 (d) The number of orders granting restitution of the premises
12 entered by default, including under section 76-1444; and

13 (e) The number of orders granting restitution of the premises
14 entered, broken down by the specific statutory authority under which
15 possession was sought.

16 (2) The Supreme Court shall make all reasonable efforts to ensure
17 the accuracy of the data in the report, including, but not limited to,
18 staff review of eviction filings.

19 (3) (2) For purposes of this section:

20 (a) Eviction proceeding means an action involving a claim for
21 forcible entry and detainer involving a residential tenancy under
22 sections 25-21,219 to 25-21,235, the Uniform Residential Landlord and
23 Tenant Act, or the Mobile Home Landlord and Tenant Act;

24 (b) Landlord includes a landlord as defined in section 76-1410 and a
25 landlord as defined in section 76-1462;

26 (c) Residential tenancy means a tenancy subject to the Uniform
27 Residential Landlord and Tenant Act or the Mobile Home Landlord and
28 Tenant Act or any other tenancy involving a dwelling unit as defined in
29 section 76-1410;

30 (d) Specific statutory authority has the same meaning as in section
31 76-1441;

1 (e) ~~(d)~~ Tenant means a tenant or former tenant of a residential
2 tenancy; and

3 (f) ~~(e)~~ When reference in this section is made to a definition found
4 in both the Uniform Residential Landlord and Tenant Act and the Mobile
5 Home Landlord and Tenant Act, the definition relevant to the type of
6 tenant at issue applies for purposes of this section.

7 Sec. 2. Section 76-1441, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 76-1441 (1) The person seeking possession shall file a complaint for
10 restitution with the clerk of the district or county court. The complaint
11 shall contain (a) the specific statutory authority under which possession
12 is sought; (b) the facts, with particularity, on which he or she seeks to
13 recover; (c) a reasonably accurate description of the premises; and (d)
14 the requisite compliance with the notice provisions of the Uniform
15 Residential Landlord and Tenant Act. The complaint may notify the tenant
16 that personal property remains on the premises and that it may be
17 disposed of pursuant to section 69-2308 or subsection (5) of section
18 76-1414. The complaint may also contain other causes of action relating
19 to the tenancy, but such causes of action shall be answered and tried
20 separately, if requested by either party in writing.

21 (2) The person seeking possession pursuant to subsection (4) of
22 section 76-1431 shall include in the complaint the incident or incidents
23 giving rise to the suit for recovery of possession.

24 (3) A complaint which does not comply with this section shall be
25 dismissed without prejudice.

26 (4) For purposes of this section, specific statutory authority means
27 a reference to the specific statute under which possession is sought,
28 including a reference to the appropriate subsection or subdivision.

29 Sec. 3. Original sections 24-232 and 76-1441, Revised Statutes
30 Cumulative Supplement, 2022, are repealed.