

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1007

Introduced by Dungan, 26.

Read first time January 13, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant
2 Act; to amend section 76-1415, Reissue Revised Statutes of Nebraska,
3 and section 76-1416, Revised Statutes Cumulative Supplement, 2024;
4 to prohibit a landlord from keeping a security deposit when a rental
5 agreement is not signed; to prohibit a landlord from including
6 nondisclosure terms in rental agreements as prescribed; and to
7 repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 76-1415, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1415 (1) No rental agreement may provide that the tenant:

4 (a) Agrees to waive or to forego rights or remedies under the
5 Uniform Residential Landlord and Tenant Act;

6 (b) Authorizes any person to confess judgment on a claim arising out
7 of the rental agreement;

8 (c) Agrees to pay the landlord's or tenant's attorney's fees; ~~or~~

9 (d) Agrees to the exculpation or limitation of any liability of the
10 landlord arising due to active and actionable negligence of the landlord
11 or to indemnify the landlord for that liability arising due to active and
12 actionable negligence or the costs connected therewith; or -

13 (e) Agrees not to disclose the contents of the rental agreement.

14 (2) A provision prohibited by subsection (1) of this section
15 included in a rental agreement is unenforceable. If a landlord
16 deliberately uses a rental agreement containing provisions known by him
17 or her to be prohibited, the tenant may recover actual damages sustained
18 by him or her and reasonable attorney's fees.

19 **Sec. 2.** Section 76-1416, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 76-1416 (1) A landlord may not demand or receive security, however
22 denominated, in an amount or value in excess of one month's periodic
23 rent, except that a pet deposit not in excess of one-fourth of one
24 month's periodic rent may be demanded or received when appropriate, but
25 this subsection shall not be applicable to housing agencies organized or
26 existing under the Nebraska Housing Agency Act.

27 (2) Upon termination of the tenancy, property or money held by the
28 landlord as prepaid rent and security may be applied to the payment of
29 rent and the amount of damages which the landlord has suffered by reason
30 of the tenant's noncompliance with the rental agreement or section
31 76-1421. The balance, if any, and a written itemization shall be

1 delivered or mailed to the tenant within fourteen days after the date of
2 termination of the tenancy. If no mailing address or instructions are
3 provided by the tenant to the landlord, the landlord shall mail, by
4 first-class mail, the balance of the security deposit to be returned, if
5 any, and a written itemization of the amount of the security deposit not
6 returned to the tenant's last-known mailing address. If the mailing is
7 returned as undeliverable, or if the returned balance of the security
8 deposit remains outstanding for one year, it shall be considered
9 abandoned property to be reported and paid to the State Treasurer in
10 accordance with the Uniform Disposition of Unclaimed Property Act.

11 (3) If a landlord receives a payment of prepaid rent or security
12 prior to entering into a rental agreement and the tenant thereafter
13 declines to enter into such agreement, the landlord shall return such
14 prepaid rent or security.

15 (4) (3) If the landlord fails to comply with subsection (2) or (3)
16 of this section, the tenant may recover the property and money due him or
17 her, court costs, and reasonable attorney's fees. In addition, if the
18 landlord's failure to comply with subsection (2) or (3) of this section
19 is willful and not in good faith, the tenant may recover an amount equal
20 to one month's periodic rent or two times the amount of the security
21 deposit, whichever is less, as liquidated damages.

22 (5) (4) This section does not preclude the landlord or tenant from
23 recovering other damages to which he or she may be entitled under the
24 Uniform Residential Landlord and Tenant Act. However, a tenant shall not
25 be liable for damages directly related to the tenant's removal from the
26 premises by order of any governmental entity as a result of the premises
27 not being fit for habitation due to the negligence or neglect of the
28 landlord.

29 (6) (5) The holder of the landlord's interest in the premises at the
30 time of the termination of the tenancy is bound by this section.

31 **Sec. 3.** Original section 76-1415, Reissue Revised Statutes of

1 Nebraska, and section 76-1416, Revised Statutes Cumulative Supplement,
2 2024, are repealed.