

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 8

Introduced by Blood, 3.

Read first time January 05, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to mobile homes; to amend sections 60-166,
2 60-192, 76-1450, 76-1453, 76-1457, 76-1475, 76-1491, 76-1494,
3 76-1495, 76-14,104, 76-14,105, 76-14,106, and 76-14,109, Reissue
4 Revised Statutes of Nebraska, and section 60-149, Revised Statutes
5 Cumulative Supplement, 2022; to change and eliminate provisions
6 under the Mobile Home Landlord and Tenant Act relating to rules and
7 regulations, prohibited acts, termination of tenancy, landlord
8 remedies, retaliatory conduct, and abandonment; to provide for in-
9 park sales; to create liens for landlords as prescribed and provide
10 for certificates of title, priority, enforcement, and challenges; to
11 eliminate obsolete provisions; to provide for applicability; to
12 define terms; to harmonize provisions; to repeal the original
13 sections; and to outright repeal section 76-14,101, Revised Statutes
14 Cumulative Supplement, 2022.

15 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-149, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 60-149 (1)(a) If a certificate of title has previously been issued
4 for a vehicle in this state, the application for a new certificate of
5 title shall be accompanied by the certificate of title duly assigned
6 except as otherwise provided in the Motor Vehicle Certificate of Title
7 Act.

8 (b) Except for manufactured homes or mobile homes as provided in
9 subsection (2) of this section, if a certificate of title has not
10 previously been issued for the vehicle in this state or if a certificate
11 of title is unavailable, the application shall be accompanied by:

12 (i) A manufacturer's or importer's certificate except as otherwise
13 provided in subdivision (viii) of this subdivision;

14 (ii) A duly certified copy of the manufacturer's or importer's
15 certificate;

16 (iii) An affidavit by the owner affirming ownership in the case of
17 an all-terrain vehicle, a utility-type vehicle, or a minibike;

18 (iv) A certificate of title from another state;

19 (v) A court order issued by a court of record, a manufacturer's
20 certificate of origin, or an assigned registration certificate, if the
21 law of the state from which the vehicle was brought into this state does
22 not have a certificate of title law;

23 (vi) Evidence of ownership as provided for in section 30-24,125,
24 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections
25 60-2401 to 60-2411;

26 (vii) Documentation prescribed in section 60-142.01, 60-142.02,
27 60-142.04, 60-142.05, 60-142.09, or 60-142.11 or documentation of
28 compliance with section 76-1607;

29 (viii) A manufacturer's or importer's certificate and an affidavit
30 by the owner affirming ownership in the case of a minitruck; or

31 (ix) In the case of a motor vehicle, a trailer, an all-terrain

1 vehicle, a utility-type vehicle, or a minibike, an affidavit by the
2 holder of a motor vehicle auction dealer's license as described in
3 subdivision (11) of section 60-1406 affirming that the certificate of
4 title is unavailable and that the vehicle (A) is a salvage vehicle
5 through payment of a total loss settlement, (B) is a salvage vehicle
6 purchased by the auction dealer, or (C) has been donated to an
7 organization operating under section 501(c)(3) of the Internal Revenue
8 Code as defined in section 49-801.01.

9 (c) If the application for a certificate of title in this state is
10 accompanied by a valid certificate of title issued by another state which
11 meets that state's requirements for transfer of ownership, then the
12 application may be accepted by this state.

13 (d) If a certificate of title has not previously been issued for the
14 vehicle in this state and the applicant is unable to provide such
15 documentation, the applicant may apply for a bonded certificate of title
16 as prescribed in section 60-167.

17 (2)(a) If the application for a certificate of title for a
18 manufactured home or a mobile home is being made in accordance with
19 subdivision (4)(b) of section 60-137 or if the certificate of title for a
20 manufactured home or a mobile home is unavailable, the application shall
21 be accompanied by proof of ownership in the form of:

- 22 (i) A duly assigned manufacturer's or importer's certificate;
- 23 (ii) A certificate of title from another state;
- 24 (iii) A court order issued by a court of record;
- 25 (iv) Evidence of ownership as provided for in section 30-24,125,
26 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, ~~or~~ sections
27 60-2401 to 60-2411, or section 18 or 22 of this act, or documentation of
28 compliance with section 76-1607; or

29 (v) Assessment records for the manufactured home or mobile home from
30 the county assessor and an affidavit by the owner affirming ownership.

31 (b) If the applicant cannot produce proof of ownership described in

1 subdivision (a) of this subsection, he or she may submit to the
2 department such evidence as he or she may have, and the department may
3 thereupon, if it finds the evidence sufficient, issue the certificate of
4 title or authorize the county treasurer to issue a certificate of title,
5 as the case may be.

6 (3) For purposes of this section, certificate of title includes a
7 salvage certificate, a salvage branded certificate of title, or any other
8 document of ownership issued by another state or jurisdiction for a
9 salvage vehicle. Only a salvage branded certificate of title shall be
10 issued to any vehicle conveyed upon a salvage certificate, a salvage
11 branded certificate of title, or any other document of ownership issued
12 by another state or jurisdiction for a salvage vehicle. A previously
13 salvage branded certificate of title may be issued if, prior to
14 application, the applicant's vehicle has been repaired and inspected as
15 provided in section 60-146.

16 (4) The county treasurer shall retain the evidence of title
17 presented by the applicant and on which the certificate of title is
18 issued.

19 (5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of
20 this section, the holder of a motor vehicle auction dealer's license
21 shall certify that (i) it has made at least two written attempts and has
22 been unable to obtain the properly endorsed certificate of title to the
23 property noted in the affidavit from the owner and (ii) thirty days have
24 expired after the mailing of a written notice regarding the intended
25 disposition of the property noted in the affidavit by certified mail,
26 return receipt requested, to the last-known address of the owner and to
27 any lien or security interest holder of record of the property noted in
28 the affidavit.

29 (b) The notice under subdivision (5)(a)(ii) of this section shall
30 contain a description of the property noted in the affidavit and a
31 statement that title to the property noted in the affidavit shall vest in

1 the holder of the motor vehicle auction dealer's license thirty days
2 after the date such notice was mailed.

3 (c) The mailing of notice and the expiration of thirty days under
4 subdivision (5)(a)(ii) of this section shall extinguish any lien or
5 security interest of a lienholder or security interest holder in the
6 property noted in the affidavit, unless the lienholder or security
7 interest holder has claimed such property within such thirty-day period.
8 The holder of a motor vehicle auction dealer's license shall transfer
9 possession of the property noted in the affidavit to the lienholder or
10 security interest holder claiming such property.

11 Sec. 2. Section 60-166, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 ~~60-166 (1)(a) This subsection applies prior to the implementation~~
14 ~~date designated by the Director of Motor Vehicles pursuant to subsection~~
15 ~~(2) of section 60-1508.~~

16 ~~(b) In the event of (i) the transfer of ownership of a vehicle by~~
17 ~~operation of law as upon inheritance, devise, bequest, order in~~
18 ~~bankruptcy, insolvency, replevin, or execution sale or as provided in~~
19 ~~sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911, and 60-2401~~
20 ~~to 60-2411, (ii) the engine of a vehicle being replaced by another~~
21 ~~engine, (iii) a vehicle being sold to satisfy storage or repair charges~~
22 ~~or under section 76-1607, or (iv) repossession being had upon default in~~
23 ~~performance of the terms of a chattel mortgage, trust receipt,~~
24 ~~conditional sales contract, or other like agreement, the county treasurer~~
25 ~~of any county or the department, upon the surrender of the prior~~
26 ~~certificate of title or the manufacturer's or importer's certificate, or~~
27 ~~when that is not possible, upon presentation of satisfactory proof of~~
28 ~~ownership and right of possession to such vehicle, and upon payment of~~
29 ~~the appropriate fee and the presentation of an application for~~
30 ~~certificate of title, may issue to the applicant a certificate of title~~
31 ~~thereto.~~

1 ~~(2)(a) This subsection applies beginning on the implementation date~~
2 ~~designated by the director pursuant to subsection (2) of section 60-1508.~~

3 (1)(a) ~~(b)~~ In the event of (i) the transfer of ownership of a
4 vehicle by operation of law as upon inheritance, devise, bequest, order
5 in bankruptcy, insolvency, replevin, or execution sale or as provided in
6 section 30-24,125, sections 52-601.01 to 52-605, sections 60-1901 to
7 60-1911, and sections 60-2401 to 60-2411, (ii) the engine of a vehicle
8 being replaced by another engine, (iii) a vehicle being sold to satisfy
9 storage or repair charges or under section 76-1607, or (iv) repossession
10 being had upon default in performance of the terms of a chattel mortgage,
11 trust receipt, conditional sales contract, or other like agreement, and
12 upon acceptance of an electronic certificate of title record after
13 repossession, in addition to the title requirements in this section, the
14 county treasurer of any county or the department, upon the surrender of
15 the prior certificate of title or the manufacturer's or importer's
16 certificate, or when that is not possible, upon presentation of
17 satisfactory proof of ownership and right of possession to such vehicle,
18 and upon payment of the appropriate fee and the presentation of an
19 application for certificate of title, may issue to the applicant a
20 certificate of title thereto.

21 (b) Upon application under section 18 or 22 of this act and upon
22 payment of the fee prescribed in section 60-154, the department or the
23 county treasurer may issue the applicant a certificate of title for a
24 mobile home.

25 (2) ~~(3)~~ If the prior certificate of title issued for such vehicle
26 provided for joint ownership with right of survivorship, a new
27 certificate of title shall be issued to a subsequent purchaser upon the
28 assignment of the prior certificate of title by the surviving owner and
29 presentation of satisfactory proof of death of the deceased owner.

30 (3)(a) Except as provided in subdivision (3)(b) of this section,
31 only ~~(4)~~ Only an affidavit by the person or agent of the person to whom

1 possession of such vehicle has so passed, setting forth facts entitling
2 him or her to such possession and ownership, together with a copy of a
3 court order or an instrument upon which such claim of possession and
4 ownership is founded, shall be considered satisfactory proof of ownership
5 and right of possession, except that if the applicant cannot produce such
6 proof of ownership, he or she may submit to the department such evidence
7 as he or she may have, and the department may thereupon, if it finds the
8 evidence sufficient, issue the certificate of title or authorize any
9 county treasurer to issue a certificate of title, as the case may be.

10 (b) This subsection does not apply to an application for a
11 certificate of title under section 18 or 22 of this act.

12 (4) (5) If from the records of the county treasurer or the
13 department there appear to be any liens on such vehicle, such certificate
14 of title shall comply with section 60-164 or 60-165 regarding such liens
15 unless the application is accompanied by proper evidence of their
16 satisfaction or extinction.

17 Sec. 3. Section 60-192, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 60-192 (1) The transferor of any motor vehicle described in
20 subsection (2) of this section, which was equipped with an odometer by
21 the manufacturer, shall provide to the transferee a statement, signed by
22 the transferor, setting forth:

23 (a) The mileage on the odometer at the time of transfer; and

24 (b)(i) A statement that, to the transferor's best knowledge, such
25 mileage is that actually driven by the motor vehicle;

26 (ii) A statement that the transferor has knowledge that the mileage
27 shown on the odometer is in excess of the designated mechanical odometer
28 limit; or

29 (iii) A statement that the odometer reading does not reflect the
30 actual mileage and should not be relied upon because the transferor has
31 knowledge that the odometer reading differs from the actual mileage and

1 that the difference is greater than that caused by odometer calibration
2 error.

3 (2) ~~This~~ Prior to January 1, 2021, ~~this section applies to the~~
4 ~~transfer of any motor vehicle of an age of less than ten years. Beginning~~
5 ~~January 1, 2021, this section applies to the transfer of any motor~~
6 vehicle with a manufacturer's model year designation of 2011 or newer and
7 an age of less than twenty years.

8 (3) If a discrepancy exists between the odometer reading and the
9 actual mileage, a warning notice to alert the transferee shall be
10 included with the statement. The transferor shall retain a true copy of
11 such statement for a period of five years from the date of the
12 transaction.

13 (4) ~~If Beginning on the implementation date designated by the~~
14 ~~director pursuant to subsection (2) of section 60-1508, if motor vehicle~~
15 ownership has been transferred by operation of law pursuant to
16 repossession under subdivision ~~(1)(a)(iv) (2)(b)(iv)~~ of section 60-166,
17 the mileage shall be listed as the odometer reading at the time of the
18 most recent transfer of ownership prior to the repossession of the motor
19 vehicle. The adjustment shall not be deemed a violation of section
20 60-190.

21 Sec. 4. Section 76-1450, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 76-1450 Sections 76-1450 to 76-14,111 and sections 6, 7, 10 and 14
24 to 23 of this act shall be known and may be cited as the Mobile Home
25 Landlord and Tenant Act.

26 Sec. 5. Section 76-1453, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 76-1453 (1) Except as provided in subsection (4) of this section,
29 any person or class of persons damaged or otherwise aggrieved or
30 adversely affected by a violation of The remedies provided by the Mobile
31 Home Landlord and Tenant Act or a breach of a rental agreement may bring

1 a civil action for appropriate relief. Appropriate relief under this
2 section includes:

3 (a) Actual damages;

4 (b) Such preliminary and other equitable or declaratory relief as
5 may be appropriate; and

6 (c) Reasonable attorney's fees and other litigation costs reasonably
7 incurred.

8 (2) A court may declare any action taken in violation of the act or
9 a rental agreement void and unenforceable and order that any money paid
10 as a result of such action, together with interest at the rate of six
11 percent per annum, may be recovered from the date of such payment or
12 violation, whichever is later.

13 (3) A person seeking damages under this section has ~~shall be so~~
14 administered that the aggrieved party may recover appropriate damages.
15 The aggrieved party shall have a duty to mitigate damages.

16 (4) (2) Any right or obligation declared by the Mobile Home Landlord
17 and Tenant Act shall be enforceable by civil action unless the provision
18 declaring it specifies a different and limited effect.

19 Sec. 6. Section 76-1457, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 76-1457 As used in the Mobile Home Landlord and Tenant Act, unless
22 the context otherwise requires, the definitions found in sections 76-1458
23 to 76-1471 and section 7 of this act shall apply.

24 Sec. 7. Other lienholder or another lienholder means a person,
25 other than the landlord, who holds a lien or security interest in the
26 mobile home that is perfected pursuant to section 60-164.

27 Sec. 8. Section 76-1475, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 76-1475 (1) A landlord and tenant may include in a rental agreement
30 terms and conditions not prohibited by the Mobile Home Landlord and
31 Tenant Act or other rule of law including rent, term of the agreement,

1 and other provisions governing the rights and obligations of the parties.

2 (2) A rental agreement may require a tenant to maintain liability
3 insurance which names the landlord as an insured with respect to the
4 mobile home space rented by the tenant. For purposes of this subsection,
5 liability insurance shall mean insurance that protects the landlord from
6 negligence on the part of the tenant and any invitees or guests of the
7 tenant.

8 (3) The tenant shall pay as rent the amount stated in the rental
9 agreement. In the absence of a rental agreement, the tenant shall pay as
10 rent the fair rental value for the use and occupancy of the mobile home
11 space.

12 (4) Rent shall be payable without demand or notice at the time and
13 place agreed upon by the parties. Unless otherwise agreed, periodic rent
14 shall be payable at the beginning of any term of one month or less and
15 thereafter in equal monthly installments and rent shall be uniformly
16 apportionable from day to day.

17 (5) Rental agreements shall be from month to month unless otherwise
18 specified in writing. A tenant may terminate a rental agreement ~~may be~~
19 ~~canceled~~ by giving the landlord at least thirty days' written notice
20 ~~given by either party~~. A landlord may only terminate a rental agreement
21 as authorized by section 76-14,104. A landlord shall not cancel a rental
22 agreement solely for the purpose of making the tenant's mobile home space
23 available for another mobile home unless otherwise agreed in writing. ~~If~~
24 ~~the written rental agreement requires the removal by the tenant of the~~
25 ~~mobile home at the expiration of the lease period at the landlord's~~
26 ~~option, the landlord shall give the tenant thirty days' notice before~~
27 ~~exercising such option.~~

28 Sec. 9. Section 76-1491, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 76-1491 At the commencement of the term of tenancy, the landlord
31 shall deliver possession of the mobile home space to the tenant in

1 compliance with the rental agreement and section 76-1492. The landlord
2 may bring an action for possession against any person wrongfully in
3 possession and may recover the damages provided in section 76-14,104
4 ~~76-14,105~~.

5 Sec. 10. Section 76-1494, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 76-1494 (1) A landlord may adopt rules or regulations, however
8 described, concerning the tenant's use and occupancy of the mobile home
9 park. The rules and regulations shall be enforceable against the tenant
10 only if they are written and if:

11 (a) ~~(1)~~ Their purpose is to promote the convenience, safety, or
12 welfare of the tenants in the mobile home park, preserve the landlord's
13 property from abuse, make a fair distribution of services and facilities
14 held out for the tenants generally, or facilitate reasonable mobile home
15 park management;

16 (b) ~~(2)~~ They are reasonably related to the purpose for which
17 adopted;

18 (c) ~~(3)~~ They apply to all tenants in the mobile home park in a fair
19 manner;

20 (d) ~~(4)~~ They are sufficiently explicit in prohibition, direction, or
21 limitation of the tenant's conduct to fairly inform him or her of what
22 must or must not be done to comply;

23 (e) ~~(5)~~ They are not for the purpose of evading the obligations of
24 the landlord; and

25 (f) ~~(6)~~ The prospective tenant is given a copy of any existing rules
26 and regulations before entering into the rental agreement.

27 (2) Notice of all additions, changes, deletions, or amendments to
28 the rules and regulations shall be given to all mobile home tenants sixty
29 days before they become effective. Such notice shall be given by first-
30 class or certified mail.

31 (3) A landlord shall provide tenants with at least three months to

1 comply with a new or amended rule after the sixty-day notice period.
2 Within the three-month grace period, any violation of the new or amended
3 rule shall result in a warning only.

4 (4) The landlord may change, add, delete, or amend the rules and
5 regulations without sixty days' notice only with the written consent of
6 at least one adult resident from a minimum of sixty percent of the
7 households in the mobile home park. Adult resident means ~~shall mean~~ a
8 resident who has achieved the age of majority as defined in section
9 43-2101.

10 (5) Any rule or condition of occupancy which does not conform to the
11 requirements of the Mobile Home Landlord and Tenant Act shall be
12 unenforceable.

13 (6)(a) Except as provided in subdivision (6)(b) of this section, a A
14 rule or regulation adopted after the tenant enters into the rental
15 agreement shall be enforceable against the tenant only if it does not
16 conflict with or contradict the tenant's rental agreement.

17 (b) A new rule adopted after the execution of the tenant's initial
18 rental agreement that imposes a reoccurring financial obligation on a
19 tenant is not enforceable against the tenant.

20 (7) Nothing in this section shall prohibit a landlord from adopting
21 rules and regulations applicable to new tenants only and not to persons
22 who are tenants prior to the effective date of the rules and regulations.

23 Sec. 11. Section 76-1495, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 76-1495 A landlord shall ~~may~~ not:

26 (1) Deny rental on the basis of race, color, religion, sex,
27 disability, or national origin or for any reason prohibited by federal,
28 state, or local law;

29 (2) Require any person, as a precondition to renting, leasing, or
30 otherwise occupying or removing from a mobile home space in a mobile home
31 park, to pay an entrance or exit fee of any kind unless for services

1 actually rendered or pursuant to a written agreement. A landlord may
2 restrict the movement of mobile homes to reasonable hours and may require
3 that all work in connection with the removal or installation of a mobile
4 home, including, but not limited to, the hookup or disconnection of
5 utilities, be done in a good and workmanlike manner;

6 ~~(3) Deny any tenant the right to sell such tenant's mobile home
7 through an in-park sale as provided in section 12 of this act; or
8 resident of a mobile home park the right to sell that person's mobile
9 home at a price of his or her own choosing. The tenant shall, prior to
10 selling the mobile home, give notice to the landlord, including, but not
11 limited to, the name of the prospective purchaser. Unless otherwise
12 agreed in writing, the landlord may reserve the right to approve or
13 disapprove the prospective purchaser of the mobile home as a tenant
14 within ten days after receiving notice of the intended sale. Any
15 disapproval shall be in writing and shall be delivered to such tenant
16 pursuant to section 76-1474. The landlord shall not unreasonably refuse
17 or restrict the sale by a tenant of a mobile home located in his or her
18 mobile home park, but the landlord may consider the size, ages, and
19 composition of the prospective purchaser's family in determining if the
20 mobile home purchaser may leave the home in the park. The landlord may
21 also, in order to upgrade the quality of the mobile home park, prescribe
22 reasonable requirements governing the age, physical appearance, size, or
23 quality of the mobile home. In the event of a sale to a third party or
24 mutual termination of the rental agreement, the landlord may within ten
25 days after receiving written notice of the pending sale or mutual
26 termination require that any mobile home that is no longer appropriate
27 for the mobile home park or that is in disrepair be repaired to the
28 landlord's satisfaction or removed from the park within sixty days. The
29 landlord shall specify in writing the reasons for disapproval of the
30 mobile home;~~

31 ~~(4) Exact a commission or fee with respect to the price realized by~~

1 ~~the tenant selling the mobile home, unless the park owner or operator has~~
2 ~~acted as agent for the mobile home owner pursuant to a written agreement;~~
3 ~~or~~

4 (4) ~~(5)~~ Require a tenant to furnish permanent improvements which
5 cannot be removed by the tenant without damage to the mobile home or
6 mobile home space at the expiration of the rental agreement.

7 Sec. 12. (1) Except as otherwise provided in this section, a tenant
8 has the right to sell a mobile home through an in-park sale. An in-park
9 sale is the sale of a mobile home owned by a tenant and located in a
10 mobile home park, after which the mobile home remains in the park.

11 (2) A landlord shall not charge a fee for allowing a tenant to
12 exercise the right to sell a mobile home through an in-park sale, except
13 that a landlord may charge a reasonable fee for processing a prospective
14 buyer's tenancy application.

15 (3) A landlord may agree in writing to broker an in-park sale of a
16 tenant's mobile home which is a manufactured home as defined in section
17 71-4603. A landlord shall not require a tenant to use the landlord's
18 services as a broker. A landlord shall not give preferential treatment to
19 an application for tenancy from a person seeking to buy a mobile home
20 through an in-park sale brokered by a landlord.

21 (4) Any in-park sale is subject to the landlord's approval of the
22 buyer as a tenant. A landlord shall not deny a prospective buyer approval
23 as a tenant unless:

24 (a) The landlord has in place written procedures and criteria used
25 to evaluate the creditworthiness and suitability of a prospective buyer
26 as a tenant;

27 (b) The landlord includes the written procedures and criteria
28 required by subdivision (4)(a) of this section with each rental
29 application and makes such written procedures and criteria available at
30 no charge to a tenant, a prospective buyer, and an agent of a tenant or
31 prospective buyer;

1 (c) The landlord is available to the prospective buyer at reasonable
2 times if the landlord requires the prospective buyer to apply or be
3 interviewed in person;

4 (d) The specified procedures and criteria are reasonable and applied
5 uniformly;

6 (e) In evaluating a prospective buyer, the landlord does not use any
7 stricter standards than the landlord uses for evaluating other
8 prospective tenants;

9 (f) The landlord does not deny tenancy to a prospective buyer on the
10 basis of race, color, religion, sex, disability, or national origin or
11 for any reason prohibited by federal, state, or local law;

12 (g) Within fourteen days after receiving a completed application
13 form, the landlord makes a decision or gives the prospective buyer and
14 the tenant a written explanation of the specific reasons for the delay
15 and makes a decision as soon as practicable;

16 (h) If the landlord denies tenancy to a prospective buyer, the
17 landlord gives the tenant and the prospective buyer a written explanation
18 of the denial within three days after such denial; and

19 (i) The decision to deny tenancy is reasonable in light of the
20 obligation of good faith set forth in section 76-1472.

21 (5)(a) When a prospective buyer for an in-park sale seeks approval
22 as a tenant, the landlord may require the prospective buyer to submit
23 information reasonably necessary to determine whether the prospective
24 buyer satisfies the mobile home park's criteria as stated in the
25 landlord's rules and regulations. The required information may include
26 the purchase price of the mobile home and the amount of monthly payments
27 on the mobile home.

28 (b) The landlord may inquire into the creditworthiness of the
29 prospective buyer but shall not require the submission of any information
30 concerning the business relationship between the tenant and a broker
31 acting for the tenant.

1 (c) The landlord may require the prospective buyer to submit
2 documentation reasonably necessary to verify information that may be
3 required under this subsection.

4 (6)(a) Before approving an in-park sale, the landlord may inspect
5 the tenant's mobile home space and the exterior of the tenant's mobile
6 home to see whether they comply with reasonable and preexisting rules and
7 regulations applicable to the tenant and relating to maintenance. The
8 landlord shall not charge any fee for this inspection.

9 (b) As a condition to approving an in-park sale, the landlord may
10 require that the tenant or prospective buyer take whatever action is
11 necessary to bring the mobile home space or the mobile home exterior into
12 compliance with rules and regulations described in subdivision (6)(a) of
13 this section and may require that any rent and other charges due be paid.

14 (c) Except as provided in subdivision (6)(d) of this section, the
15 landlord may require the prospective buyer to agree to rules and
16 regulations different from those applicable to the tenant.

17 (d) Except as provided in subdivision (6)(e) of this section, the
18 landlord shall not require the prospective buyer or tenant to comply with
19 any rule or regulation adopted or amended after the tenant entered into
20 the rental agreement which would:

21 (i) Significantly increase the difficulty or time involved in
22 selling the mobile home;

23 (ii) Significantly decrease the price at which the mobile home can
24 be sold; or

25 (iii) Involve any other significant cost for either the tenant or
26 the prospective buyer, except for costs involved in doing any work
27 necessary to bring the home or lot into compliance with rules and
28 regulations described in subdivision (6)(a) of this section.

29 (e) If a part of a mobile home, shed, or other appurtenance on the
30 mobile home space has become so dilapidated that repair is impractical
31 and total replacement is necessary, a landlord may require the tenant or

1 prospective buyer to make the replacement in conformity with the tenant's
2 rental agreement or with a generally applicable rule or regulation
3 adopted before, after, or on the same day the tenant initially entered
4 into a rental agreement with the landlord.

5 (7) If a mobile home is being offered for in-park sale, the mobile
6 home may remain vacant for ninety days or for longer if not prohibited by
7 rules and regulations. A landlord shall not impose any additional fees or
8 requirements on the tenant of a vacant mobile home being offered for in-
9 park sale, but the rent must be paid on time and the mobile home and the
10 mobile home space must be maintained as required by the rental agreement
11 and any rules and regulations.

12 (8) If a contract for an in-park sale is not expressly made
13 contingent on the landlord's approval of the prospective buyer as a
14 tenant, the contract is voidable at the option of the prospective buyer
15 if the landlord's approval is denied.

16 (9) A holder of a security interest who repossesses a mobile home
17 located in a mobile home park has the same rights as a tenant to sell the
18 home through an in-park sale if:

19 (a) The secured party notifies the landlord that the mobile home has
20 been or is being repossessed;

21 (b) At the time the landlord receives notice under subdivision (9)
22 (a) of this section, the landlord has not already recovered possession of
23 the mobile home space through an action for possession;

24 (c) The secured party pays any past due rent, not to exceed three
25 months' rent. A secured party's liability for past due rent under this
26 subdivision does not include late fees or other charges;

27 (d) The secured party makes monthly rent payments until a buyer of
28 the repossessed mobile home has been approved by the landlord as a
29 tenant; and

30 (e) The secured party complies with all rules and regulations
31 relating to maintenance of mobile home spaces and mobile homes.

1 (10) A secured party who is offering a mobile home for in-park sale
2 under subsection (9) of this section is subject to an action for
3 possession on the same grounds as a tenant and subject to other remedies
4 available to a landlord against a tenant.

5 Sec. 13. Section 76-14,104, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 76-14,104 (1) A landlord may terminate a tenancy only by means of
8 the procedures provided in the Mobile Home Landlord and Tenant Act and
9 only for a reason specified in this section.

10 (2) For purposes of this section, applicable law means a city or
11 village ordinance, county ordinance or resolution, state or federal
12 statute, or state or federal rule or regulation that relates to mobile
13 homes, mobile home spaces, mobile home parks, dwellings, or health and
14 safety.

15 (3) A landlord may terminate a tenancy if any of the following
16 conditions are met:

17 (a) The landlord gives ten days' written notice to the tenant and to
18 any party holding a recorded security interest in the tenant's mobile
19 home that a periodic rent payment or utilities payment owed to the
20 landlord is overdue, and neither the tenant nor the secured party cures
21 the default within ten days after receiving the notice;

22 (b) The tenant refuses to allow the landlord or the landlord's
23 agents reasonable lawful access to the mobile home space, the landlord
24 has given written notice to the tenant of the need for such access, and
25 the tenant thereafter refuses to allow such access. The tenant shall have
26 seventy-two hours after receipt of the notice to allow such access unless
27 emergency conditions require access sooner, in which case the earlier
28 deadline shall be specified in the written notice;

29 (c) The tenant fails to comply with a housing code or applicable law
30 materially affecting health and safety within the time specified in such
31 housing code or law or, if no time is provided, within a reasonable time

1 after the tenant has received written notice of noncompliance;

2 (d) The tenant fails to comply with a rule or regulation of the
3 mobile home park within thirty days after receiving written notice of the
4 noncompliance. To be effective, the notice shall specify the date,
5 approximate time, and nature of the alleged violation. This subdivision
6 does not apply to nonpayment of rent or utilities as described in
7 subdivision (3)(a) of this section;

8 (e)(i)(A) There are repeated instances of noncompliance by the
9 tenant with section 76-1493 or with the rental agreement materially
10 affecting health and safety, (B) the landlord has given the tenant
11 written notice of such noncompliance and a written warning that any
12 further instance of such noncompliance will be treated as cause for
13 termination of the tenancy, and (C) within six months after receiving
14 such written warning, there is another instance of such noncompliance.

15 (ii) To be effective, the notice required under subdivision (3)(e)
16 (i) of this section shall specify the date, approximate time, and nature
17 of the noncompliance. This subdivision (e) does not apply to nonpayment
18 of rent or utilities as described in subdivision (3)(a) of this section
19 or loud noise violations under subdivision (3)(g) of this section;

20 (f) The tenant acts in the mobile home park in a manner which
21 endangers another tenant or park personnel, causes substantial damage to
22 the mobile home park premises, or substantially annoys another tenant,
23 and the tenant has received thirty days' written notice to vacate, except
24 that the landlord may require the tenant to vacate within seven days if
25 the tenant violates this subdivision a second or subsequent time after
26 receipt of the notice. This subdivision does not apply to loud noise
27 violations described in subdivision (3)(g) of this section. To be
28 effective, the notice shall specify the time, date, and nature of the
29 misconduct. A landlord seeking to terminate a tenancy pursuant to this
30 subdivision need not prove the commission of a criminal offense, even if
31 the misconduct constitutes a criminal offense;

1 (g) The tenant or a guest or invitee of a tenant creates loud noise
2 that disturbs another tenant's peaceful enjoyment of the mobile home park
3 and the tenant has received two previous written notices specifying the
4 approximate time, date, and nature of the noise. Upon a third such noise
5 violation occurring within sixty days after a second violation, the
6 landlord may by written notice require the tenant to vacate within seven
7 days;

8 (h) The tenant's application for tenancy contained a material
9 misstatement which induced the landlord to approve the application and
10 the landlord discovers and acts upon the misstatement within one year
11 after the time the tenant began paying rent; or

12 (i) The landlord has specific plans to make improvements to the
13 mobile home park which will substantially benefit the health and safety
14 of the tenants or which have been ordered by a government agency and such
15 improvements necessitate removal of the tenant's mobile home from the
16 mobile home park. The landlord shall give the tenant ninety days' written
17 notice and include in that notice a statement identifying how the
18 improvements will substantially benefit the health and safety of the
19 tenants. If another mobile home space is available in the mobile home
20 park or another mobile home park operated by the landlord, the landlord
21 shall allow the tenant to relocate the tenant's home to such mobile home
22 space unless the mobile home, because of its size, a housing code, or an
23 applicable law, is not compatible with such mobile home space.

24 (4)(a) ~~(2)~~ If a tenant remains in possession without the landlord's
25 consent after expiration of the term of the rental agreement or its
26 termination of tenancy under this section, the landlord may bring an
27 action for possession in the manner described in sections 76-1440 to
28 76-1447 and may recover actual damages and any appropriate equitable
29 relief.

30 (b) If the tenant's holdover is willful and in bad faith, the
31 landlord in addition may recover an amount not to exceed one and one-half

1 months' periodic rent as liquidated damages and reasonable attorney's
2 fees.

3 Sec. 14. Section 76-14,105, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 76-14,105 ~~(1) If a tenant refuses to allow reasonable lawful access~~
6 ~~to the mobile home space, the landlord may terminate the rental agreement~~
7 ~~and recover actual damages.~~

8 (2) If a landlord makes an unlawful entry or makes repeated demands
9 for entry otherwise lawful but which have the effect of unreasonably
10 harassing the tenant, the tenant may obtain injunctive relief to prevent
11 the recurrence of the conduct or terminate the rental agreement. In
12 either case, the tenant may recover actual damages not less than an
13 amount equal to one month's rent and reasonable attorney's fees.

14 Sec. 15. Section 76-14,106, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 76-14,106 (1) Except as provided in this section, a landlord shall
17 ~~may~~ not retaliate by increasing rent, decreasing services, bringing or
18 threatening to bring an action for possession, or failing to renew a
19 rental agreement because ~~after any of the following:~~

20 (a) A tenant has complained in good faith to a government agency
21 charged with responsibility for enforcement of any code of a violation
22 applicable to the mobile home park materially affecting health and
23 safety;

24 (b) A tenant has complained to the landlord of a violation of
25 section 76-1492;

26 (c) A tenant has organized or become a member of a tenants' union or
27 similar organization; or

28 (d) A tenant has exercised any of the rights or remedies provided by
29 the Mobile Home Landlord and Tenant Act or otherwise available at law.

30 (2) If a landlord acts in retaliation in violation of subsection (1)
31 of this section, the tenant shall be entitled to the remedies provided in

1 section 76-1498 and shall have a defense in an action for possession.

2 (3) In any proceeding in which retaliatory conduct prohibited by
3 this section is alleged:

4 (a) If the allegedly retaliatory conduct began within ninety days
5 after the tenant engaged in activities protected by subsection (1) of
6 this section, the landlord shall have the burden of proving that the
7 landlord's conduct was not retaliatory; and

8 (b) If the allegedly retaliatory conduct began ninety days or more
9 after the tenant engaged in such protected activity, the party claiming
10 retaliation must first make a prima facie showing of retaliation. If such
11 showing is made, the landlord must then prove otherwise.

12 ~~(3) Notwithstanding subsections (1) and (2) of this section, a~~
13 ~~landlord may bring an action for possession if:~~

14 ~~(a) The violation of any applicable housing code was caused~~
15 ~~primarily by lack of reasonable care by the tenant or other person in the~~
16 ~~tenant's household or upon the premises with the tenant's consent; or~~

17 ~~(b) The tenant is in default in rent five days after rent is due~~
18 ~~unless otherwise agreed to by the landlord and tenant.~~

19 ~~The maintenance of the action shall not release the landlord from~~
20 ~~liability under subsection (2) of section 76-1498.~~

21 Sec. 16. Section 76-14,109, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 ~~76-14,109~~ A mobile home placed on a mobile home space under a
24 rental agreement shall be presumed abandoned if: If a tenant abandons a
25 mobile home on a mobile home space, the mobile home may not be removed
26 from the mobile home space by the tenant or his or her agent without a
27 signed written authorization from the landlord granting clearance for
28 removal, showing all money due and owing paid in full, or an agreement
29 reached with the legal owner and the landlord. A mobile home shall be
30 considered to be abandoned if the tenant has defaulted in rent and has,
31 by absence of at least thirty days or by words or actions, reasonably

1 ~~indicated an intention not to continue the tenancy.~~

2 ~~Nothing in this section shall prohibit a landlord from removing an~~
3 ~~abandoned mobile home from the mobile space and placing it in storage at~~
4 ~~the owner's expense or from utilizing any other legal remedy.~~

5 (1) The landlord has an objectively reasonable belief that the
6 tenant has vacated the premises and intends not to return; and

7 (2) Rent is due and the tenant has not paid such rent for thirty
8 days.

9 Sec. 17. (1) A landlord shall have a lien against a mobile home for
10 a tenant's unpaid rent as provided in this section if:

11 (a) The mobile home is presumed abandoned as provided in section 16
12 of this act;

13 (b) Such abandonment is without the consent of the landlord;

14 (c) The mobile home is not subject to any lien of another
15 lienholder; and

16 (d) The landlord provides the notice required by subsection (2) of
17 this section.

18 (2) A landlord claiming a lien under this section shall give written
19 notice to the tenant by posting a copy on the front door of the mobile
20 home and mailing a copy to the tenant's last-known address by certified
21 mail, return receipt requested. The notice shall state:

22 (a) The name, address, and telephone number of the landlord;

23 (b) The name and last-known address of the tenant and the make,
24 year, and serial number of the mobile home;

25 (c) That the mobile home is presumed abandoned pursuant to section
26 16 of this act and any applicable rules and regulations adopted and
27 promulgated by the Department of Motor Vehicles;

28 (d) The duration of such abandonment;

29 (e) That the mobile home is located on a mobile home space of the
30 landlord;

31 (f) That the home is located on such mobile home space by reason of

1 a valid rental agreement;

2 (g) That the tenant is in default of the rental agreement;

3 (h) The amount of rent accrued to the date of the notice and the
4 monthly rate at which future rent will accrue until the abandoned home is
5 redeemed;

6 (i) That the tenant has not paid or made arrangements for the
7 payment of the accrued rent;

8 (j) That the landlord claims a lien for all such rent;

9 (k) That the tenant may redeem the abandoned mobile home at any time
10 within thirty days after the postmark date of the notice by paying all
11 unpaid rent accrued under the terms of the rental agreement;

12 (l) That the tenant has the right to contest the landlord's lien by
13 filing, within thirty days after the postmark date of the notice, a
14 petition under section 20 of this act; and

15 (m) That unless, within thirty days after the postmark date of the
16 notice, the mobile home is redeemed or a petition is filed to contest the
17 lien, the mobile home shall be deemed abandoned and the landlord may take
18 steps to sell the mobile home to recover unpaid rent and actual and
19 necessary expenses incurred in obtaining a certificate of title and
20 conducting and advertising the sale.

21 (3) A tenant may, within thirty days after the postmark date of the
22 notice under subsection (2) of this section, redeem the mobile home by
23 paying to the landlord the unpaid rent accrued under the terms of the
24 rental agreement.

25 (4) After a notice is mailed as provided in subsection (2) of this
26 section, a tenant shall not have the right to remove the mobile home from
27 the mobile home space unless the tenant has made payment as provided in
28 subsection (3) of this section.

29 Sec. 18. (1) If a landlord has obtained a lien against a mobile
30 home for unpaid rent by compliance with section 17 of this act, the
31 mobile home shall be deemed abandoned and the landlord may apply to the

1 Department of Motor Vehicles or county treasurer for a certificate of
2 title as provided in this section if, within thirty days after the
3 postmark date of the notice as provided in subsection (2) of section 17
4 of this act:

5 (a) The tenant has not paid accrued rent as provided in subsection
6 (3) of such section; and

7 (b) A petition under section 20 of this act has not been filed or,
8 if such petition has been filed, it has been dismissed with prejudice or
9 judgment has been entered in the landlord's favor establishing the lien.

10 (2) The application for a certificate of title shall be in a form
11 and manner prescribed by the Department of Motor Vehicles and shall be
12 accompanied by the fee prescribed in section 60-154. The application
13 shall include:

14 (a) The make, year, and serial number of the mobile home;

15 (b) An affidavit of the landlord seeking possession of the mobile
16 home that states:

17 (i) The mobile home was deemed abandoned as provided in section 16
18 of this act and any applicable rules and regulations adopted and
19 promulgated by the Department of Motor Vehicles;

20 (ii) The duration of such abandonment;

21 (iii) That the mobile home is located upon a mobile home space of
22 the landlord;

23 (iv) That the mobile home is located on the mobile home space by
24 reason of a valid rental agreement;

25 (v) That the tenant is in default of the rental agreement;

26 (vi) The amount of past-due rent and the monthly rate at which
27 future rent will accrue under the rental agreement;

28 (vii) That the tenant has not paid or made arrangements for the
29 payment of the accrued rent;

30 (viii) That the landlord claims a lien for all such rent;

31 (ix) That the landlord mailed the notice required by subsection (2)

1 of section 17 of this act; and

2 (x) That the tenant has not filed a petition under section 20 of
3 this act or that if such petition was filed, either the petition was
4 dismissed with prejudice or judgment was entered in the landlord's favor
5 establishing the lien;

6 (c) A copy of the notice required by subsection (2) of section 17 of
7 this act;

8 (d) A copy of the certified mail receipt indicating that the tenant
9 was sent the notice as required by subsection (2) of section 17 of this
10 act;

11 (e) Documentation that the tenant received the notice required under
12 subsection (2) of section 17 of this act or a copy of the envelope or
13 mailing container showing the address and postal marking that indicate
14 the notice was not forwardable or address unknown;

15 (f) A copy of the rental agreement;

16 (g) A copy of any judgment or order under section 20 of this act;
17 and

18 (h) Any other information required by the rules and regulations of
19 the Department of Motor Vehicles.

20 (3) If the Department of Motor Vehicles or county treasurer is
21 satisfied with the genuineness of the application and supporting
22 documents submitted under this section, the application and supporting
23 documents shall be considered satisfactory proof of ownership and right
24 of possession of the mobile home pursuant to section 60-166 and the
25 department or county treasurer shall issue the landlord a certificate of
26 title to the mobile home as provided in such section.

27 Sec. 19. (1) Upon receipt of a certificate of title under section
28 18 or 22 of this act, the landlord shall within thirty days begin
29 proceedings to sell the mobile home as prescribed in this section. The
30 landlord shall be entitled, from the proceeds of the sale, to the amount
31 of unpaid rent as well as any actual, necessary, and reasonable expenses

1 incurred in obtaining the certificate of title or conducting the sale,
2 including, but not limited to, attorney's fees and the cost of
3 advertising.

4 (2)(a) Before selling the mobile home, the landlord shall provide
5 the tenant with the notice set forth in subsection (3) of this section.
6 Such notice shall be provided at least twenty days before the sale.

7 (b) Such notice shall be provided by:

8 (i) Personal delivery to the tenant; or

9 (ii) Delivery, by registered mail, to the last-known address of the
10 tenant. If such delivery is used, a return receipt shall be evidence of
11 due notice.

12 (c) If notice cannot be provided under subdivision (2)(b) of this
13 section, the landlord shall publish the notice in a newspaper of general
14 circulation in the county in which the mobile home is located. The notice
15 shall be published at least once each week for two successive weeks.
16 Within five days after the first publication, the landlord shall send a
17 copy of the published notice by first-class mail to the last-known
18 address of the tenant. If such method is used, the last publication shall
19 be not less than twenty days prior to the date of sale.

20 (3) The form of the notice required by subsection (2) of this
21 section shall be substantially as follows:

22 NOTICE

23 Notice is hereby given that on (date), a sale will be held at
24 (place) to sell the following mobile home to enforce a lien for rent due
25 under the laws of the State of Nebraska, unless the mobile home is
26 redeemed prior to the date of sale:

27 Name of Tenant:

28 Mobile Home Serial Number:

29 Name of Landlord:

30 Amount of Lien:

31 (4) The tenant may redeem the mobile home prior to the sale by

1 paying the landlord all rent due under the rental agreement as of the
2 date of sale or payment, whichever is sooner, and the expenses described
3 in subsection (1) of this section. If the mobile home is redeemed, the
4 landlord shall transfer title to the mobile home to the tenant.

5 (5) If the mobile home is not redeemed prior to the date of sale
6 provided in the notice, the landlord may sell the mobile home on the day
7 and at the place specified in the notice. The proceeds of sale shall be
8 distributed first to the satisfaction of the landlord's past-due rent and
9 expenses described in subsection (1) of this section and the excess, if
10 any, to the tenant.

11 (6)(a) If the tenant cannot be located within thirty days after the
12 sale, any excess proceeds shall be considered abandoned property to be
13 reported to the State Treasurer in accordance with the Uniform
14 Disposition of Unclaimed Property Act.

15 (b) If a landlord fails to comply with the requirements of this
16 section regarding excess proceeds, the landlord shall be liable to the
17 tenant for double the amount of such excess proceeds, as well as
18 reasonable attorney's fees.

19 (7) The landlord may be a purchaser at the public sale conducted
20 under this section.

21 Sec. 20. (1) Within thirty days after the postmark date of the
22 notice under subsection (2) of section 17 of this act, a tenant of a
23 mobile home presumed to be abandoned may file a petition to contest the
24 landlord's lien. Such petition shall be filed in the county court of the
25 county in which the mobile home is located. The petition shall name the
26 landlord as a defendant.

27 (2) The Department of Motor Vehicles and county treasurer shall not
28 be parties to the proceedings, but the tenant shall serve a copy of the
29 petition on the department and the county treasurer. Upon the filing of a
30 petition and unless and until the court by judgment upholds the lien or
31 dismisses the tenant's petition with prejudice, the landlord shall not

1 apply for a certificate of title for such mobile home.

2 (3) Upon filing the petition, the tenant may have the mobile home
3 released from the lien by posting with the court, for the benefit of the
4 landlord, a cash or surety bond or other adequate security equal to the
5 amount of the rental charges due and those which accrue during the term
6 of the proceedings to ensure payment of such rent in the event the tenant
7 does not prevail. Upon posting of the bond, the court shall issue an
8 order notifying the landlord of the posting of the bond and directing the
9 landlord to release the mobile home to the tenant. The court shall then
10 proceed to determine the parties' rights to the proceeds of the bond.

11 (4) If the court determines that the tenant owes unpaid rent under
12 the rental agreement and that the landlord has complied with section 17
13 of this act and:

14 (a) If no bond has been posted, the court shall enter judgment in
15 favor of the landlord in the sum of the unpaid rent and declare a lien in
16 the landlord's favor against the mobile home. The landlord shall then
17 apply for a certificate of title as provided in section 18 of this act
18 and proceed to sell the mobile home as provided in section 19 of this
19 act; or

20 (b) If a bond has been posted, the court shall enter judgment in the
21 landlord's favor and order that so much of the bond proceeds as are
22 necessary to satisfy the judgment be immediately paid to the landlord.

23 Sec. 21. (1) If a mobile home is subject to a perfected lien or
24 security interest of another lienholder, the landlord shall have a
25 superior lien against such mobile home for a tenant's unpaid rent as
26 provided in this section if:

27 (a) The mobile home is presumed abandoned as provided in section 16
28 of this act;

29 (b) Such abandonment is without the consent of the landlord; and

30 (c) The landlord provides the notice required by subsection (2) of
31 this section.

1 (2) A landlord claiming a lien under this section shall give written
2 notice to the tenant at the tenant's last-known address and to the other
3 lienholder. Such notice shall be by certified mail, return receipt
4 requested. The notice shall state:

5 (a) The name, address, and telephone number of the landlord;

6 (b) The name and last-known address of the tenant and the make,
7 year, and serial number of the mobile home;

8 (c) That the mobile home is presumed abandoned pursuant to section
9 16 of this act and any applicable rules and regulations adopted and
10 promulgated by the Department of Motor Vehicles;

11 (d) The duration of such abandonment;

12 (e) That the mobile home is located on a mobile home space of the
13 landlord;

14 (f) That the home is located on such mobile home space by reason of
15 a valid rental agreement;

16 (g) That the tenant is in default of the rental agreement;

17 (h) The amount of rent accrued to the date of the notice and the
18 monthly rate at which future rent will accrue until the abandoned home is
19 redeemed;

20 (i) That the tenant has not paid or made arrangements for the
21 payment of the accrued rent;

22 (j) That the landlord claims a lien for all such rent;

23 (k) That the tenant may redeem the mobile home by paying the amount
24 provided in subsection (3) of this section;

25 (l) That the other lienholder may redeem the mobile home by removing
26 it as provided in subsection (4) of this section;

27 (m) That the tenant and the other lienholder have the right to
28 contest the landlord's lien by filing, within thirty days after the
29 postmark date of the notice, a petition under section 23 of this act; and

30 (n) That unless, within thirty days after the postmark date of the
31 notice, the mobile home is redeemed or a petition is filed to contest the

1 lien, the mobile home shall be deemed abandoned, the landlord shall have
2 a lien against the mobile home which shall be superior to the other
3 lienholder's, and the amount of the landlord's lien shall continue to
4 accrue monthly until the mobile home is removed from the mobile home
5 park.

6 (3)(a) A tenant may, within thirty days after the postmark date of
7 the notice under subsection (1) of this section, redeem the mobile home
8 by paying to the landlord the unpaid rent accrued under the terms of the
9 rental agreement.

10 (b) After a notice is mailed as provided in subsection (2) of this
11 section, a tenant shall not have the right to remove the mobile home from
12 the mobile home park until the tenant makes the payment required under
13 this subsection.

14 (4) The other lienholder may, within thirty days after the postmark
15 date of the notice under subsection (2) of this section, remove the
16 mobile home from the mobile home park. Unless the other lienholder has so
17 removed the mobile home, the other lienholder shall not apply for a
18 certificate of title for the mobile home.

19 Sec. 22. (1) If a landlord has obtained a lien against a mobile
20 home for unpaid rent by compliance with section 21 of this act, the
21 mobile home shall be deemed abandoned and the landlord may apply to the
22 Department of Motor Vehicles or county treasurer for a certificate of
23 title as provided in this section if, within thirty days after the
24 postmark date of the notice as provided in subsection (2) of section 21
25 of this act:

26 (a) The tenant has not paid accrued rent as provided in subsection
27 (3) of section 21 of this act;

28 (b) The other lienholder has not removed the mobile home from the
29 mobile home park as provided in subsection (4) of section 21 of this act;
30 and

31 (c) A petition under section 23 of this act has not been filed or,

1 if such petition has been filed, it has been dismissed with prejudice or
2 judgment has been entered in the landlord's favor establishing the lien.

3 (2) The application for a certificate of title shall be in a form
4 and manner prescribed by the Department of Motor Vehicles and shall be
5 accompanied by the fee prescribed in section 60-154. The application
6 shall include:

7 (a) The make, year, and serial number of the mobile home;

8 (b) An affidavit of the landlord seeking possession of the mobile
9 home that states:

10 (i) The mobile home was deemed abandoned as provided in section 16
11 of this act and any applicable rules and regulations adopted and
12 promulgated by the Department of Motor Vehicles;

13 (ii) The duration of such abandonment;

14 (iii) That the mobile home is located upon a mobile home space of
15 the landlord;

16 (iv) That the mobile home is located on the mobile home space by
17 reason of a valid rental agreement;

18 (v) That the tenant is in default of the rental agreement;

19 (vi) The amount of past-due rent and the monthly rate at which
20 future rent will accrue under the rental agreement;

21 (vii) That the tenant has not paid or made arrangements for the
22 payment of the accrued rent;

23 (viii) That the landlord claims a lien for all such rent;

24 (ix) That the mobile home is subject to a previous lien;

25 (x) That the landlord mailed the notice required by subsection (2)
26 of section 21 of this act;

27 (xi) That the other lienholder did not remove the mobile home from
28 the mobile home park as provided in subsection (4) of section 21 of this
29 act; and

30 (xii) That neither the other lienholder nor the tenant has filed a
31 petition under section 23 of this act or that, if any such petition was

1 filed, it was dismissed without a judgment on the merits of the
2 landlord's lien;

3 (c) A copy of the notice required by subsection (2) of section 21 of
4 this act;

5 (d) A copy of the certified mail receipts indicating that the tenant
6 and other lienholder were sent the notice as required by subsection (2)
7 of section 21 of this act;

8 (e) Documentation that the tenant and the other lienholder received
9 the notice required under subsection (2) of section 21 of this act or a
10 copy of the envelope or mailing container showing the address and postal
11 marking that indicate the notice was not forwardable or address unknown;

12 (f) A copy of the rental agreement; and

13 (g) Any other information required by the rules and regulations of
14 the Department of Motor Vehicles.

15 (3) If the Department of Motor Vehicles or county treasurer is
16 satisfied with the genuineness of the application and supporting
17 documents submitted under this section, the application and supporting
18 documents shall be considered satisfactory proof of ownership and right
19 of possession of the mobile home pursuant to section 60-166 and the
20 department or county treasurer shall issue the landlord a certificate of
21 title to the mobile home as provided in such section. Such issuance of a
22 certificate of title shall extinguish any lien held by any other
23 lienholder to which notice was provided pursuant to subsection (2) of
24 section 21 of this act.

25 Sec. 23. (1) Within thirty days after the postmark date of the
26 notice under subsection (2) of section 21 of this act, the tenant or
27 other lienholder, or both, may file a petition to contest the landlord's
28 lien. Such petition shall be filed in the county court of the county in
29 which the mobile home is located. The petition shall name the landlord as
30 a defendant. The tenant and other lienholder shall both be necessary
31 parties to such action and a petition filed by one shall be served upon

1 the other.

2 (2) The Department of Motor Vehicles and county treasurer shall not
3 be parties to the proceedings, but the petitioner shall serve a copy of
4 the petition on the department and the county treasurer.

5 (3) Upon the filing of a petition and unless and until any petition
6 is dismissed or judgment entered:

7 (a) The tenant, landlord, or other lienholder shall not remove the
8 mobile home from the mobile home space; and

9 (b) The landlord or other lienholder shall not apply for a
10 certificate of title for such mobile home.

11 (4) If the court determines that the tenant owes unpaid rent under
12 the rental agreement and that the landlord has complied with section 21
13 of this act, the court shall enter judgment in the landlord's favor and
14 shall separately state the amount that the tenant or other lienholder
15 must pay.

16 Sec. 24. Sections 16 to 25 of this act do not apply to a mobile
17 home which is affixed to real estate as described in section 60-169.

18 Sec. 25. The Department of Motor Vehicles may adopt and promulgate
19 rules and regulations as necessary to carry out sections 16 to 24 of this
20 act.

21 Sec. 26. Original sections 60-166, 60-192, 76-1450, 76-1453,
22 76-1457, 76-1475, 76-1491, 76-1494, 76-1495, 76-14,104, 76-14,105,
23 76-14,106, and 76-14,109, Reissue Revised Statutes of Nebraska, and
24 section 60-149, Revised Statutes Cumulative Supplement, 2022, are
25 repealed.

26 Sec. 27. The following section is outright repealed: Section
27 76-14,101, Revised Statutes Cumulative Supplement, 2022.