

LEGISLATIVE BILL 264

Approved by the Governor March 07, 2019

Introduced by La Grone, 49.

A BILL FOR AN ACT relating to the Disposition of Personal Property Landlord and Tenant Act; to amend section 69-2302, Reissue Revised Statutes of Nebraska; to redefine the term premises; and to repeal the original section.

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

Section 1. Section 69-2302, Reissue Revised Statutes of Nebraska, is amended to read:

69-2302 For purposes of the Disposition of Personal Property Landlord and Tenant Act:

(1) Landlord means ~~shall mean~~ the owner, lessor, or sublessor of furnished or unfurnished premises, including self-service storage units or facilities, for rent or his or her agent or successor in interest;

(2) Owner means ~~shall mean~~ one or more persons, jointly or severally, in whom is vested (a) all or part of the legal title to property or (b) all or part of the beneficial ownership and a right to present use and enjoyment of premises and shall include a mortgagee in possession;

(3) Premises means (a) a dwelling unit as defined in section 76-1410 shall mean a building or a distinct portion of a dwelling unit building, the facilities and appurtenances in such dwelling unit building, and the grounds, areas, and facilities held out for the use of tenants generally or the use of which is promised to the tenants or (b) self-service storage units or facilities;

(4) Reasonable belief means ~~shall mean~~ the knowledge or belief a prudent person should have without making an investigation, including any investigation of public records, except that when the landlord has specific information indicating that such an investigation would more probably than not reveal pertinent information and the cost of such an investigation would be reasonable in relation to the probable value of the personal property involved, reasonable belief shall include the actual knowledge or belief a prudent person would have if such investigation were made;

(5) Reasonable costs of storage includes ~~shall include~~:

(a) Reasonable costs actually incurred, the reasonable value of labor actually provided, or both in removing personal property from its original location on the vacated premises to the place of storage, including disassembly and transportation; and

(b) Reasonable storage costs actually incurred which shall not exceed the fair rental value of the space reasonably required for the storage of the personal property; and

(6) Tenant means ~~shall mean~~ a person entitled under a rental agreement to occupy any premises for rent or storage uses to the exclusion of others whether such premises are used as a dwelling unit or self-service storage unit or facility or not.

Sec. 2. Original section 69-2302, Reissue Revised Statutes of Nebraska, is repealed.