

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 256

Introduced by Briese, 41.

Read first time January 11, 2017

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to cities and villages; to adopt the Vacant

2 Property Registration Act.

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

1 Section 1. Sections 1 to 7 of this act shall be known and may be
2 cited as the Vacant Property Registration Act.

3 Sec. 2. The purposes of the Vacant Property Registration Act are to
4 promote the health, safety, and welfare of Nebraska residents by
5 providing authority for municipalities to enact vacant property
6 registration ordinances. Such ordinances will allow communities to
7 identify and register vacant properties, collect fees to compensate for
8 the public costs of vacant properties, plan for the rehabilitation of
9 vacant properties, and encourage the occupancy of vacant properties.

10 Sec. 3. The Legislature finds and declares that:

11 (1) Vacant properties create a host of problems for Nebraska
12 communities, including a propensity to foster criminal activity, create
13 public health problems, and otherwise diminish quality of life;

14 (2) Vacant properties reduce the value of area properties, increase
15 the risk of property damage through arson and vandalism, and discourage
16 neighborhood stability;

17 (3) Vacant properties represent unrealized economic growth in
18 Nebraska communities;

19 (4) A vacant property registration ordinance allows a municipality
20 to discourage property vacancy, maintain unoccupied buildings, provide a
21 data base of vacant properties and their owners, and assess fees for the
22 increased public costs associated with vacant properties;

23 (5) Fees imposed under a vacant property registration ordinance
24 benefit the owners of vacant properties by helping to finance additional
25 government services to protect the value and security of such properties;
26 and

27 (6) Enactment of a vacant property registration ordinance is a
28 proper exercise of governmental authority to protect the public health,
29 safety, and welfare of community residents and a valid regulatory scheme.

30 Sec. 4. For purposes of the Vacant Property Registration Act:

31 (1) Evidence of vacancy means any condition or circumstance that on

1 its own or in combination with other conditions or circumstances would
2 lead a reasonable person to believe that a residential building or
3 commercial building is vacant. Such conditions or circumstances may
4 include, but are not limited to:

5 (a) Overgrown or dead vegetation including grass, shrubbery, and
6 other plantings;

7 (b) An accumulation of abandoned personal property, trash, or other
8 waste;

9 (c) Visible deterioration or lack of maintenance of any building or
10 structure on the property;

11 (d) Graffiti or other defacement of any building or structure on the
12 property; or

13 (e) Any other condition or circumstance reasonably indicating that
14 the property is not occupied for residential purposes or being used for
15 the operation of a lawful business;

16 (2) Owner means the person, persons, or entity shown to be the owner
17 or owners of record on the records of the county register of deeds;

18 (3) Residential building means a house, condominium, townhouse, an
19 apartment unit or building, or a trailer house; and

20 (4) Vacant means that a residential building or commercial building
21 exhibits evidence of vacancy.

22 Sec. 5. Notwithstanding any other provision of law, under the
23 Vacant Property Registration Act a municipality may adopt a vacant
24 property registration ordinance which applies to either residential or
25 commercial buildings or both, except that a vacant property registration
26 ordinance shall not apply to property owned by the federal government,
27 the State of Nebraska, or any political subdivision thereof. A vacant
28 property registration ordinance shall create a city-wide vacant property
29 registration data base and clearly designate a program administrator.

30 Sec. 6. (1) Owners of vacant property subject to a vacant property
31 registration ordinance shall be required to register such property, if

1 the property has been vacant for one hundred eighty days or longer, with
2 the program administrator. If the vacant property becomes occupied prior
3 to expiration of the one hundred eighty-day period, registration under
4 this section shall not be required upon proof of residency or occupancy
5 filed with the program administrator. A vacant property registration
6 ordinance registration form shall be in either paper or electronic form,
7 and the following information shall be required:

8 (a) The name, street address, mailing address, phone number, and if
9 applicable, the facsimile number and email address of the property owner
10 and his or her agent;

11 (b) The property street address and parcel identification number;

12 (c) The transfer date of the instrument conveying the property to
13 the owner; and

14 (d) The date on which the property became vacant.

15 (2)(a) A vacant property registration ordinance may require payment
16 of a fee one hundred eighty days after initial registration of the vacant
17 property pursuant to subsection (1) of this section or three hundred
18 sixty days after the property becomes vacant, whichever is sooner, and
19 may require the payment of supplemental registration fees at intervals
20 not more frequently than every six months thereafter for as long as the
21 property remains on the vacant property registration data base. The
22 initial registration fee shall be not more than two hundred fifty dollars
23 for a residential property and not more than one thousand dollars for a
24 commercial property. A supplemental registration fee shall be not more
25 than double the previous fee amount, with a maximum supplemental
26 registration fee of ten times the initial registration fee amount.
27 Registration fees may be refundable for the year preceding the date on
28 which the property becomes occupied.

29 (b) A vacant property registration ordinance may provide exemptions
30 to the registration fee requirement, including, but not limited to, for
31 vacant property:

- 1 (i) Advertised in good faith for sale or lease;
2 (ii) Only considered to be a seasonal residence;
3 (iii) Damaged by fire, weather, an act of God, or vandalism, but
4 only for a period of ninety days;
5 (iv) Under construction or renovation, but only for a period of
6 ninety days;
7 (v) Where the owner is temporarily absent, but who has demonstrated
8 his or her intent to return; and
9 (vi) Which is subject to divorce, probate, or estate proceedings,
10 but not to exceed a period of one year.

11 Sec. 7. (1) A vacant property registration ordinance shall:

12 (a) Provide that a subsequent owner or owners of property subject to
13 the ordinance will assume the obligations of the previous owner or
14 owners;

15 (b) Provide for removal of the property from the vacant property
16 registration database when the property is no longer vacant;

17 (c) Require submission of an owner plan for occupancy of the
18 property; and

19 (d) Provide that owners have the right to appeal adverse decisions
20 of the municipality or the program administrator.

21 (2) A vacant property registration ordinance may allow the program
22 administrator to inspect the interior and exterior of the vacant property
23 upon registration and at one-year intervals thereafter. A vacant property
24 registration ordinance may provide for municipal fines for failure to
25 comply with its requirements. A municipality may enforce the collection
26 of vacant property registration fees by civil action in any court of
27 competent jurisdiction. Unpaid vacant property registration fees and
28 unpaid fines for any violation of a vacant property registration
29 ordinance shall become a lien on the applicable property upon the
30 recording of a notice of such lien in the office of the register of deeds
31 of the county in which the applicable property is located. The lien

1 created under this section shall be subordinate to all liens on the
2 applicable property recorded prior to the time the notice of such lien
3 under this section is recorded.