

AMENDMENTS TO LB85

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. The Legislature finds that the enforcement of local
4 building and construction codes is a matter of state concern,
5 particularly in larger cities which contain a large number of residential
6 rental properties. The state provides guidelines for the adoption of
7 local building and construction codes under the Building Construction Act
8 and regulates the landlord and tenant relationship through the Uniform
9 Residential Landlord and Tenant Act. Recognizing the need to safeguard
10 life, health, property, and the public welfare through the appropriate
11 enforcement of local building and construction codes, the Legislature
12 hereby declares the necessity of establishing minimum requirements for
13 cities of the metropolitan class to enforce such codes through a
14 proactive rental housing inspection program.

15 Sec. 2. For purposes of sections 1 to 7 of this act:

16 (1) City means any city of the metropolitan class;

17 (2) Housing agency has the same meaning as in section 71-1575; and

18 (3) Newly constructed residential rental property means (a) a
19 single-family or multi-unit residential rental property that was
20 constructed within the past five years or (b) a non-residential rental
21 property that was converted into multi-unit residential rental property
22 within the past five years. For purposes of this subdivision, a rental
23 property shall be considered constructed or converted on the date of
24 issuance of an occupancy permit by the city.

25 Sec. 3. Any city which enacts and administers a local building or
26 construction code under section 71-6406 shall adopt a rental housing
27 inspection program to enforce the relevant provisions of such local

1 building or construction code for all residential rental property within
2 the corporate limits of the city. The enforcement procedures for a rental
3 housing inspection program adopted pursuant to this section shall be
4 designed to improve housing conditions. The city shall make reasonable
5 efforts to prevent unreasonable displacement of tenants from residential
6 rental property when enforcing such program.

7 Sec. 4. (1) A rental housing inspection program adopted under
8 section 3 of this act shall include:

9 (a) A requirement that all residential rental property within the
10 corporate limits of the city be registered with the city, except for any
11 such property that is owned by a housing agency;

12 (b) A requirement that all residential rental property within the
13 corporate limits of the city be inspected at least once within a three-
14 year cycle, except as provided in section 5 of this act, and except for
15 any such property that is:

16 (i) Newly constructed residential rental property;

17 (ii) Owned by a housing agency;

18 (iii) Inspected or caused to be inspected by a housing agency to
19 enforce housing quality standards required by the United States
20 Department of Housing and Urban Development;

21 (iv) A qualified low-income building or buildings, as such term is
22 defined in section 42 of the Internal Revenue Code of 1986, as amended;
23 or

24 (v) A building or buildings which are regularly inspected pursuant
25 to a governmental or quasi-governmental program for the provision of
26 affordable, safe, and sanitary housing;

27 (c) A supplemental system of inspections of residential rental
28 property upon receipt of any complaints; and

29 (d) A procedure for owners of residential rental property to appeal
30 adverse decisions under the rental housing inspection program.

31 (2)(a) The city shall comply with the requirements of subdivisions

1 (1)(a), (c), and (d) of this section no later than one year following the
2 effective date of this act.

3 (b) For residential rental property with three or more rental units,
4 the city shall comply with the requirements of subdivision (1)(b) of this
5 section no later than two years following the effective date of this act.
6 For residential rental property with less than three rental units, the
7 city shall comply with the requirements of subdivision (1)(b) of this
8 section no later than three years following the effective date of this
9 act.

10 Sec. 5. A rental housing inspection program adopted under section 3
11 of this act may include:

12 (1) A schedule of annual registration fees, which fees may vary
13 depending on the type of dwelling, dwelling unit, history of code
14 compliance, or other pertinent factors;

15 (2) A schedule of fines for failure to comply with registration and
16 local building and construction code requirements, including fines and
17 interest for late payments;

18 (3) A schedule of inspection fees for any reinspection required in
19 addition to a regular inspection of any residential rental property;

20 (4) A provision allowing for less frequent inspections of
21 residential rental properties with a history of code compliance and
22 responsiveness to prior code complaints; and

23 (5) A provision establishing an escrow account where monthly rental
24 fees are deposited for those units found to be in code violation and held
25 in escrow until such units are in code compliance.

26 Sec. 6. For multi-unit residential rental properties, a rental
27 housing inspection program adopted under section 3 of this act may
28 provide for inspections to be conducted on a random sampling of all units
29 of such property instead of inspecting all units of such property.

30 Sec. 7. (1) A city may enforce the collection of unpaid fees and
31 unpaid fines assessed or levied under any schedule adopted pursuant to

1 section 5 of this act by filing a civil action in any court of competent
2 jurisdiction.

3 (2) Unpaid fees and unpaid fines assessed or levied under any
4 schedule adopted pursuant to section 5 of this act shall become a lien on
5 the applicable property upon the recording of a notice of such lien in
6 the office of the register of deeds of the county in which the applicable
7 property is located. The lien created under this subsection shall be
8 subordinate to all other prior recorded liens on the applicable property.

9 Sec. 8. The Revisor of Statutes shall assign sections 1 to 7 of
10 this act to Chapter 14.