

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB1115

Hearing Date: Wednesday January 31, 2024
Committee On: Judiciary
Introducer: Dungan
One Liner: Provide a right to a trial by jury under the Uniform Residential Landlord and Tenant Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach, McKinney, Wayne
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator George Dungan
Jonathan Urbom
Caitlin Cedefeldt
Kasey Ogle
Scout Richters
Benjamin Buras

Representing:

Opening Presenter
Nebraska Association of Trial Attorneys
Legal Aid of Nebraska
Nebraska Appleseed
American Civil Liberties Union of Nebraska
Self

Opponents:

Lynn Fisher

Ryan Norman
Rick McDonald
Korby Gilbertson
Kristy Lamb
Tara E Holterhaus

Representing:

Statewide Property Owner Realty Renters Association | Nebraska Realtors Association
Apartment Association of Nebraska
Metro Omaha Property Owners Association
Nebraska Realtors Association
NP Dodge | Institute of Real Estate Management
Nebraska Association of Commercial Property Owners | Apartment Association of Nebraska

Neutral:

Tim Hruza

Representing:

Nebraska State Bar Association

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB1115 allows both landlords and tenants to demand a jury trial when a complaint for possession has been filed.



LB1115 also creates notice requirements for the Court presiding over such complaint.

Section-by-Section:

Section 1: Nebraska Revised Statute § 76-1415 currently prohibits landlords from requiring a tenant to waive or forgo their rights under the Uniform Residential Landlord and Tenant Act. LB1115 amends this section to also prohibit landlords from requiring a tenant to waive or forgo their rights under other federal or state law.

Section 2: Amends Nebraska Revised Statute § 76-1441 to allow landlords to request a jury trial when they file a complaint against a tenant seeking possession of the dwelling.

Section 3: Amends Nebraska Revised Statute § 76-1552 to require that a summons issued on a tenant contain a notice that the tenant has a right to a jury trial and that they may demand a jury trial.

Section 4: Amends Nebraska Revised Statute § 76-1445 to allow a tenant to demand a jury trial on or before the day of their first court appearance. The Court is required to advise the tenant of their right to a jury trial at their first court appearance and inquire whether the tenant wants a jury trial or bench trial.

Section 5: Amends Nebraska Revised Statute § 76-1446 to provide that all proceedings shall be as in other cases unless a jury trial is requested. If a jury trial is requested, the court shall schedule the trial as soon as is practicable.

Section 6: Repealer clause.

Explanation of amendments:

AM2678 amends Section 5 of the original bill to add that if a jury trial is not requested, then a trial before the judge must be held in not less than 10 days nor more than 14 days after the summons. AM2678 also adds the requirement that a tenant deposit rental payments with the clerk of the court if they request that a jury trial be continued beyond the initial trial date.

Justin Wayne, Chairperson

