

AMENDMENTS TO LB1039

Introduced by Linehan, 39.

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

3 Section 1. Section 76-1416, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 76-1416 (1) A landlord may not demand or receive security, however
6 denominated, in an amount or value in excess of one month's periodic
7 rent, except that a pet deposit for cats or dogs in an amount not in
8 excess of ~~one-fourth~~ of one month's periodic rent may be demanded or
9 received when appropriate. No pet deposit may be demanded for an animal
10 that is a service animal or an assistance animal. This ~~, but this~~
11 subsection shall not be applicable to housing agencies organized or
12 existing under the Nebraska Housing Agency Act.

13 (2) Upon termination of the tenancy, property or money held by the
14 landlord as prepaid rent and security may be applied to the payment of
15 rent and the amount of damages which the landlord has suffered by reason
16 of the tenant's noncompliance with the rental agreement or section
17 76-1421. The balance, if any, and a written itemization shall be
18 delivered or mailed to the tenant within fourteen days after demand and
19 designation of the location where payment may be made or mailed.

20 (3) If the landlord fails to comply with subsection (2) of this
21 section, the tenant may recover the property and money due him or her and
22 reasonable attorney's fees.

23 (4) This section does not preclude the landlord or tenant from
24 recovering other damages to which he or she may be entitled under the
25 Uniform Residential Landlord and Tenant Act.

26 (5) The holder of the landlord's interest in the premises at the
27 time of the termination of the tenancy is bound by this section.

1 (6) For purposes of this section:

2 (a) Assistance animal means an animal that qualifies as a reasonable
3 accommodation under the federal Fair Housing Act, 42 U.S.C. 3601 et seq.,
4 as such act existed on January 1, 2018; and

5 (b) Service animal has the same meaning as in 28 C.F.R. 36.104, as
6 such section existed on January 1, 2018.

7 Sec. 2. Original section 76-1416, Reissue Revised Statutes of
8 Nebraska, is repealed.