

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 256**

FINAL READING

Introduced by Briese, 41; Blood, 3.

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; and to provide a duty for the Revisor of
- 3 Statutes.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 8 of this act shall be known and may be  
2 cited as the Vacant Property Registration Act.

3           Sec. 2. The Legislature finds and declares that:

4           (1) Vacant properties have the potential to create a host of  
5 problems for Nebraska communities, including a propensity to foster  
6 criminal activity, create public health problems, and otherwise diminish  
7 quality of life;

8           (2) Vacant properties have the potential to reduce the value of area  
9 properties, increase the risk of property damage through arson and  
10 vandalism, and discourage neighborhood stability;

11           (3) Vacant properties represent unrealized economic growth in  
12 Nebraska communities;

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

17           (5) Fees imposed under a vacant property registration ordinance have  
18 the potential to benefit the owners of vacant properties by helping to  
19 finance additional government services to protect the value and security  
20 of such properties; and

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

24           Sec. 3. The purposes of the Vacant Property Registration Act are to  
25 promote the health, safety, and welfare of Nebraska residents by  
26 providing authority for municipalities to enact vacant property  
27 registration ordinances. Such ordinances will allow communities to  
28 identify and register vacant properties, collect fees to compensate for  
29 the public costs of vacant properties, plan for the rehabilitation of  
30 vacant properties, and encourage the occupancy of vacant properties.

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

1       (1) Evidence of vacancy means any condition or circumstance that on  
2 its own or in combination with other conditions or circumstances would  
3 lead a reasonable person to believe that a residential building or  
4 commercial building is vacant. Such conditions or circumstances may  
5 include, but are not limited to:

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

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

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

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

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

17       (2) Municipality means a city of the first class, city of the second  
18 class, or village;

19       (3) Owner means the person or persons shown to be the owner or  
20 owners of record on the records of the register of deeds;

21       (4) Residential building means a house, a condominium, a townhouse,  
22 an apartment unit or building, or a trailer house; and

23       (5) Vacant means that a residential building or commercial building  
24 exhibits evidence of vacancy.

25       Sec. 5. Under the Vacant Property Registration Act, a municipality  
26 may adopt a vacant property registration ordinance which applies to any  
27 type of either residential or commercial buildings or both, located  
28 within the corporate limits of the municipality, except that a vacant  
29 property registration ordinance shall not apply to property owned by the  
30 federal government, the State of Nebraska, or any political subdivision  
31 thereof. A vacant property registration ordinance shall create a city-

1 wide vacant property registration data base and clearly designate a  
2 program administrator.

3       Sec. 6. (1) Owners of vacant property subject to a vacant property  
4 registration ordinance adopted pursuant to section 5 of this act shall be  
5 required to register such property with the program administrator if the  
6 property has been vacant for one hundred eighty days or longer. A vacant  
7 property registration ordinance registration form shall be in either  
8 paper or electronic form, and the following information shall be  
9 required:

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

13       (b) The street address and parcel identification number of the  
14 vacant property;

15       (c) The transfer date of the instrument conveying the property to  
16 the owner; and

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

18       (2)(a) A vacant property registration ordinance may require payment  
19 of a fee one hundred eighty days after initial registration of the vacant  
20 property pursuant to subsection (1) of this section or three hundred  
21 sixty days after the property becomes vacant, whichever is sooner, and  
22 may require the payment of supplemental registration fees at intervals  
23 not more frequently than every six months thereafter for as long as the  
24 property remains on the vacant property registration data base. The  
25 initial registration fee shall be not more than two hundred fifty dollars  
26 for a residential property and not more than one thousand dollars for a  
27 commercial property. A supplemental registration fee shall be not more  
28 than double the previous fee amount, with a maximum supplemental  
29 registration fee of ten times the initial registration fee amount.  
30 Registration fees may be refundable for the year preceding the date on  
31 which the property is no longer vacant.

1       (b) A vacant property registration ordinance shall provide an  
2 exemption to the registration and fee requirements for vacant property  
3 that is advertised in good faith for sale or lease.

4       (c) A vacant property registration ordinance may provide exemptions  
5 to the registration and fee requirements, including, but not limited to,  
6 for vacant property:

7       (i) Only considered to be a seasonal residence;

8       (ii) Damaged by fire, weather, an act of God, or vandalism;

9       (iii) Under construction or renovation;

10       (iv) Where the owner is temporarily absent, but who has demonstrated  
11 his or her intent to return; and

12       (v) Which is subject to divorce, probate, or estate proceedings.

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

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

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

19       (c) Require submission of an owner plan for occupancy of the  
20 property; and

21       (d) Provide that owners have the right to prior notice and to appeal  
22 adverse decisions of the municipality or the program administrator. Such  
23 notice shall be sent by certified mail to the registered owner at the  
24 address maintained in the register of deeds' office at least ten days  
25 prior to such adverse decision.

26       (2) A vacant property registration ordinance may allow the program  
27 administrator or his or her designee to inspect the interior and exterior  
28 of the vacant property upon registration and at one-year intervals  
29 thereafter for so long as the property remains on the vacant property  
30 registration data base. A vacant property registration ordinance may  
31 provide for municipal fines for failure to comply with its requirements.

1 A municipality may enforce the collection of vacant property registration  
2 fees by civil action in any court of competent jurisdiction. Unpaid  
3 vacant property registration fees and unpaid fines for any violation of a  
4 vacant property registration ordinance shall become a lien on the  
5 applicable property upon the recording of a notice of such lien in the  
6 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 liens on the applicable property recorded prior to the  
9 time the notice of such lien under this subsection is recorded.

10       Sec. 8. The provisions of the Vacant Property Registration Act  
11 shall be supplemental and in addition to any other laws of the State of  
12 Nebraska relating to vacant property.

13       Sec. 9. The Revisor of Statutes shall assign sections 1 to 8 of  
14 this act to Chapter 19.