

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 628**

Introduced by Larson, 40.

Read first time January 18, 2017

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to political subdivisions; to prohibit
- 2 ordinances and resolutions prohibiting short-term rentals of
- 3 residential property as prescribed.
- 4 Be it enacted by the people of the State of Nebraska,

1           Section 1.   (1) For purposes of this section, short-term rental  
2 means a residential property, including a single-family dwelling or a  
3 unit in a condominium, cooperative, or time-share, that is rented wholly  
4 or partly for a fee for a period not longer than thirty consecutive days.

5           (2) A city, village, or county may not adopt or enforce an ordinance  
6 or resolution that expressly or effectively prohibits the use of a  
7 property as a short-term rental. Except as provided by this section, a  
8 city, village, or county may not adopt or enforce an ordinance or a  
9 resolution that restricts the use of or otherwise regulates a short-term  
10 rental based on the short-term rental's classification, use, or  
11 occupancy.

12           (3) A city, village, or county may adopt or enforce an ordinance or  
13 a resolution that specifically regulates property used as a short-term  
14 rental only if the city, village, or county demonstrates that the primary  
15 purpose of the ordinance or resolution is to protect the public's health  
16 and safety. An ordinance or resolution authorized by this subsection  
17 includes regulation:

18           (a) Addressing:

19           (i) Fire and building codes;

20           (ii) Health and sanitation;

21           (iii) Traffic control; and

22           (iv) Solid or hazardous waste and pollution control; and

23           (b) Requiring the designation of an emergency contact for the  
24 property.

25           (4) A city, village, or county may adopt or enforce an ordinance or  
26 a resolution that limits or prohibits the use of a short-term rental only  
27 if the law limits or prohibits the use of a short-term rental for the  
28 purpose of:

29           (a) Housing sex offenders;

30           (b) Operating a structured sober living home or similar enterprise;

31           (c) Selling illegal drugs;

1        (d) Selling alcohol or another activity that requires a permit or  
2 license under the Nebraska Liquor Control Act; or

3        (e) Operating as a sexually oriented business.

4        (5) A city, village, or county shall apply an ordinance or a  
5 resolution regulating land use to a short-term rental in the same manner  
6 as another similar property. An ordinance or a resolution described by  
7 this subsection includes regulations governing:

8        (a) Residential use and other zoning matters;

9        (b) Noise and other nuisances; and

10       (c) Property maintenance.

11       (6) This section may not be construed to affect regulations of a  
12 private entity, including a homeowners association organized under the  
13 Condominium Property Act or the Nebraska Condominium Act.