

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 264

Introduced by La Grone, 49.

Read first time January 15, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Disposition of Personal Property
- 2 Landlord and Tenant Act; to amend section 69-2302, Reissue Revised
- 3 Statutes of Nebraska; to redefine the term premises; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 69-2302, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-2302 For purposes of the Disposition of Personal Property
4 Landlord and Tenant Act:

5 (1) Landlord means ~~shall mean~~ the owner, lessor, or sublessor of
6 furnished or unfurnished premises, including self-service storage units
7 or facilities, for rent or his or her agent or successor in interest;

8 (2) Owner shall mean one or more persons, jointly or severally, in
9 whom is vested (a) all or part of the legal title to property or (b) all
10 or part of the beneficial ownership and a right to present use and
11 enjoyment of premises and shall include a mortgagee in possession;

12 (3) Premises means (a) a dwelling unit as defined in section 76-1410
13 ~~shall mean a building~~ or a distinct portion of a dwelling unit building,
14 the facilities and appurtenances in such dwelling unit building, and the
15 grounds, areas, and facilities held out for the use of tenants generally
16 or the use of which is promised to the tenants or (b) self-service
17 storage units or facilities;

18 (4) Reasonable belief means ~~shall mean~~ the knowledge or belief a
19 prudent person should have without making an investigation, including any
20 investigation of public records, except that when the landlord has
21 specific information indicating that such an investigation would more
22 probably than not reveal pertinent information and the cost of such an
23 investigation would be reasonable in relation to the probable value of
24 the personal property involved, reasonable belief shall include the
25 actual knowledge or belief a prudent person would have if such
26 investigation were made;

27 (5) Reasonable costs of storage includes ~~shall include~~:

28 (a) Reasonable costs actually incurred, the reasonable value of
29 labor actually provided, or both in removing personal property from its
30 original location on the vacated premises to the place of storage,
31 including disassembly and transportation; and

1 (b) Reasonable storage costs actually incurred which shall not
2 exceed the fair rental value of the space reasonably required for the
3 storage of the personal property; and

4 (6) Tenant means ~~shall mean~~ a person entitled under a rental
5 agreement to occupy any premises for rent or storage uses to the
6 exclusion of others whether such premises are used as a dwelling unit or
7 self-service storage unit or facility or not.

8 Sec. 2. Original section 69-2302, Reissue Revised Statutes of
9 Nebraska, is repealed.