

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 689**

Introduced by Cavanaugh, 6.

Read first time January 23, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to real estate; to amend sections 20-317,  
2 20-318, 20-320, 20-321, and 76-1495, Reissue Revised Statutes of  
3 Nebraska; to prohibit discrimination by a seller or landlord on the  
4 basis of sexual orientation, gender identity, and citizenship status  
5 in any real estate transaction or lease; and to repeal the original  
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 20-317, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 20-317 Restrictive covenant shall mean any specification limiting  
4 the transfer, rental, or lease of any housing because of race, creed,  
5 religion, color, national origin, sex, handicap, familial status, sexual  
6 orientation, gender identity, citizenship status, or ancestry.

7 Sec. 2. Section 20-318, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 20-318 Except as exempted by section 20-322, it shall be unlawful  
10 to:

11 (1) Refuse to sell or rent after the making of a bona fide offer,  
12 refuse to negotiate for the sale or rental of or otherwise make  
13 unavailable or deny, refuse to show, or refuse to receive and transmit an  
14 offer for a dwelling to any person because of race, color, religion,  
15 national origin, familial status, sexual orientation, gender identity,  
16 citizenship status, or sex;

17 (2) Discriminate against any person in the terms, conditions, or  
18 privileges of sale or rental of a dwelling or in the provision of  
19 services or facilities in connection therewith because of race, color,  
20 religion, national origin, familial status, sexual orientation, gender  
21 identity, citizenship status, or sex;

22 (3) Make, print, publish, or cause to be made, printed, or published  
23 any notice, statement, or advertisement with respect to the sale or  
24 rental of a dwelling that indicates any preference, limitation, or  
25 discrimination based on race, color, religion, national origin, handicap,  
26 familial status, sexual orientation, gender identity, citizenship status,  
27 or sex or an intention to make any such preference, limitation, or  
28 discrimination;

29 (4) Represent to any person because of race, color, religion,  
30 national origin, handicap, familial status, sexual orientation, gender  
31 identity, citizenship status, or sex that any dwelling is not available

1 for inspection, sale, or rental when such dwelling is in fact so  
2 available;

3 (5) Cause to be made any written or oral inquiry or record  
4 concerning the race, color, religion, national origin, handicap, familial  
5 status, sexual orientation, gender identity, citizenship status, or sex  
6 of a person seeking to purchase, rent, or lease any housing;

7 (6) Include in any transfer, sale, rental, or lease of housing any  
8 restrictive covenants or honor or exercise or attempt to honor or  
9 exercise any restrictive covenant pertaining to housing;

10 (7) Discharge or demote an employee or agent or discriminate in the  
11 compensation of such employee or agent because of such employee's or  
12 agent's compliance with the Nebraska Fair Housing Act; and

13 (8) Induce or attempt to induce, for profit, any person to sell or  
14 rent any dwelling by representations regarding the entry or prospective  
15 entry into the neighborhood of a person or persons of a particular race,  
16 color, religion, national origin, handicap, familial status, sexual  
17 orientation, gender identity, citizenship status, or sex.

18 Sec. 3. Section 20-320, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 20-320 (1) It shall be unlawful for any person or other entity whose  
21 business includes engaging in transactions related to residential real  
22 estate to discriminate against any person in making available such a  
23 transaction or in the terms or conditions of such a transaction because  
24 of race, color, religion, sex, handicap, familial status, sexual  
25 orientation, gender identity, citizenship status, or national origin.

26 (2) For purposes of this section, transaction related to residential  
27 real estate shall mean any of the following:

28 (a) The making or purchasing of loans or providing other financial  
29 assistance:

30 (i) For purchasing, constructing, improving, repairing, or  
31 maintaining a dwelling; or

1 (ii) Secured by residential real estate; or

2 (b) The selling, brokering, or appraising of residential real  
3 property.

4 (3) Nothing in this section shall prohibit a person engaged in the  
5 business of furnishing appraisals of real property from taking into  
6 consideration factors other than race, color, religion, national origin,  
7 sex, handicap, sexual orientation, gender identity, citizenship status,  
8 or familial status.

9 Sec. 4. Section 20-321, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 20-321 It shall be unlawful to deny any person access to or  
12 membership or participation in any multiple listing service, real estate  
13 brokers organization, or other service, organization, or facility  
14 relating to the business of selling or renting dwellings or to  
15 discriminate against any person in the terms or conditions of such  
16 access, membership, or participation on account of race, color, religion,  
17 national origin, handicap, familial status, sexual orientation, gender  
18 identity, citizenship status, or sex.

19 Sec. 5. Section 76-1495, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 76-1495 A landlord may not:

22 (1) Deny rental on the basis of race, color, religion, sex, sexual  
23 orientation, gender identity, citizenship status, or national origin;

24 (2) Require any person, as a precondition to renting, leasing, or  
25 otherwise occupying or removing from a mobile home space in a mobile home  
26 park, to pay an entrance or exit fee of any kind unless for services  
27 actually rendered or pursuant to a written agreement. A landlord may  
28 restrict the movement of mobile homes to reasonable hours and may require  
29 that all work in connection with the removal or installation of a mobile  
30 home, including, but not limited to, the hookup or disconnection of  
31 utilities, be done in a good and workmanlike manner;

1           (3) Deny any resident of a mobile home park the right to sell that  
2 person's mobile home at a price of his or her own choosing. The tenant  
3 shall, prior to selling the mobile home, give notice to the landlord,  
4 including, but not limited to, the name of the prospective purchaser.  
5 Unless otherwise agreed in writing, the landlord may reserve the right to  
6 approve or disapprove the prospective purchaser of the mobile home as a  
7 tenant within ten days after receiving notice of the intended sale. Any  
8 disapproval shall be in writing and shall be delivered to such tenant  
9 pursuant to section 76-1474. The landlord shall not unreasonably refuse  
10 or restrict the sale by a tenant of a mobile home located in his or her  
11 mobile home park, but the landlord may consider the size, ages, and  
12 composition of the prospective purchaser's family in determining if the  
13 mobile home purchaser may leave the home in the park. The landlord may  
14 also, in order to upgrade the quality of the mobile home park, prescribe  
15 reasonable requirements governing the age, physical appearance, size, or  
16 quality of the mobile home. In the event of a sale to a third party or  
17 mutual termination of the rental agreement, the landlord may within ten  
18 days after receiving written notice of the pending sale or mutual  
19 termination require that any mobile home that is no longer appropriate  
20 for the mobile home park or that is in disrepair be repaired to the  
21 landlord's satisfaction or removed from the park within sixty days. The  
22 landlord shall specify in writing the reasons for disapproval of the  
23 mobile home;

24           (4) Exact a commission or fee with respect to the price realized by  
25 the tenant selling the mobile home, unless the park owner or operator has  
26 acted as agent for the mobile home owner pursuant to a written agreement;  
27 or

28           (5) Require a tenant to furnish permanent improvements which cannot  
29 be removed by the tenant without damage to the mobile home or mobile home  
30 space at the expiration of the rental agreement.

31           Sec. 6.   Original sections 20-317, 20-318, 20-320, 20-321, and

1 76-1495, Reissue Revised Statutes of Nebraska, are repealed.