



New Law Increases Housing Protections for Renters and Survivors of Domestic and Sexual Violence

Legislative Bill 320 was passed during the 2021 legislative session,¹ and its provisions will be in effect on August 27, 2021. This document summarizes new rental protections for tenants and how they work.

What's New

- New rental housing protections available to survivors of domestic violence, sexual assault, stalking, labor or sex trafficking, and abuse, neglect or exploitation of a vulnerable adult or senior adult.
- **Expanded Protections from Eviction.** Currently, the law protects a victim from eviction if an abuser conducts illegal activity that violates a lease agreement, but only if the victim reports to law enforcement or seeks a protection or restraining order. For some victims, these options may not be the best or safest first step in response to abuse. LB 320 now creates an alternative process for obtaining such eviction protections through certification by a service provider who works with victims of domestic and sexual violence.
- **Right to Early Termination of Lease.** Survivors of violence also have the right to terminate their lease in the aftermath of abuse. If a survivor's rental housing is unsafe due to the violence experienced, if they need to move out from living with a harm-doer or if they are unable to afford a unit because the harm-doer is no longer contributing to rent, LB 320 now provides survivors the right to terminate their rental lease early.

How it Works

To terminate the lease, a survivor or household member must either 1) obtain a protection or restraining order against the harm-doer or 2) obtain certification from a domestic or sexual violence service provider confirming the abuse. When requesting the lease termination, a tenant must provide the landlord with written notice containing the date the tenant wishes to terminate the lease (14 to 30 days from when notice is provided), names of household members to also be released from the lease, and a copy of the protection or restraining order or certification from a service provider.

In the case of any early termination of lease, survivors and household members are only financially responsible for the current month's rent and cannot be charged for remaining months of the rental agreement, including any termination fees, or held liable for damages to the premise incurred after the release date.

All housing protections under LB 320 apply to survivors and those they identify as household members, such as children, other family members living with the survivor or roommates. Legal protections do not apply to a harm-doer. Landlords maintain the right to evict the harm-doer or hold them responsible for remaining months' rent after a survivor's early termination of lease if the harm-doer is cosigned on the lease.

Anyone experiencing domestic or sexual violence should contact the Nebraska Coalition to End Sexual and Domestic Violence at https://www.nebraskacoalition.org/get_help/ to find assistance near you.

If you are facing eviction, please consider contacting Legal Aid of Nebraska at 877-250-2016.

If you need financial assistance for rental housing, please consider contacting the Emergency Rental Assistance Programs across the state: <https://coronavirus.nebraska.gov/EmergencyRentalAssistanceProgram>.

Continue to back for additional renter protections and housing provisions included in LB 320.

ADDITIONAL RENTER PROTECTIONS AND HOUSING PROVISIONS INCLUDED IN LB 320:

Increased Access to Rescheduling Eviction Hearings for Tenants

- **What's New:** Previously, tenants were rarely able to reschedule (called a "continuance") an eviction hearing, even when unable to attend through no fault of their own. LB 320 ensures tenants and landlords have the same legal access to rescheduling hearings.
- **How it Works:** Tenants and landlords will now both have the same legal standard ("good cause") to reschedule an eviction hearing on the first request, and the same higher legal standard for subsequent requests ("extraordinary cause").

Ensuring Tenants Receive Notice of Evictions and their Court Hearing

- **What's New:** Previous requirements for leaving notice of eviction do not specify where such notice must be left to ensure a tenant receives information that they are facing eviction and when their hearing will be.
- **How it Works:** Landlords must post the notice on the front door of the individual's unit and mail it to the tenant's last known address.²

Requiring Landlords to List the Reason for Eviction when Filing Eviction Proceedings

- **What's New:** Landlords have previously not been required to cite the reason for the eviction, leaving tenants unsure why they are being evicted and less able to prepare for an eviction hearing.
- **How it Works:** Landlords are now required to list the legal reason for eviction when filing eviction proceedings with the court.

Ensuring Tenants Receive Advance Notice of Landlord Entry into their Rental Unit

- **What's New:** LB 320 strengthens previous notice of entry requirements before a landlord enters a unit to ensure tenants know who is entering their home and when.
- **How it Works:** Landlords must provide written notice to each individual unit at least 24 hours in advance, stating the reason for entering a unit and anticipated time of entry.

Harmonizing Provisions in Mobile Home Landlord-Tenant Act

- **What's New:** Previous changes to the Uniform Residential Landlord-Tenant Act have not been reflected in the Mobile Home Landlord-Tenant Act, resulting in fewer protections for tenants living in a mobile home. LB 320 ensures all tenants hold the same protections, regardless of where they live.
- **How it Works:** New protections include providing tenants a longer notice period when behind on rent that they must either pay owed rent or move out³ and requiring landlords to return any balance of a security deposit, even without an explicit request.

Semi-Annual Report on Eviction Data

- **What's New:** The Nebraska Supreme Court will now report semi-annual eviction data to the Legislature.
- **How it Works:** The data will be reported by county and include number of eviction proceedings, number of tenants with attorneys, number of landlords with attorneys, number of evictions granted by default, and number of evictions granted (broken down by reason for eviction).

¹ Legislative bill 320, *The 107th Nebraska Unicameral Legislature*, (May 5, 2021).

<https://nebraskalegislature.gov/FloorDocs/107/PDF/Slip/LB320.pdf>

² This pertains to serving a summons for eviction proceedings if a landlord has already made diligent efforts to serve the summons in person.

³ This extends the current five-day notice to quit experienced by mobile home renters to a seven-day notice to quit experienced by all other renters for nonpayment of rent.