



LB34 - Adopt the Carbon Monoxide Safety Act – Effective January 1, 2017

LB34 seeks to ensure that adequate measures are taken to prevent carbon monoxide poisoning in Nebraska homes and requires the installation and maintenance of carbon monoxide detectors with alarms to be on each inhabitable floor and be operational in any dwelling sold, rented, or for which a building permit is issued after January 1, 2017.

Carbon monoxide detectors options:

- Battery operated, attached to wall or ceiling
- Plugged into an electrical outlet as long as the outlet is **NOT** on a light switch where power can be turned off
- Wired directly into the system

REALTORS® keep in mind: If you have a listing in November or December that continues into January 2017 you will need to get a new **Seller Property Condition Disclosure Statement**, or an addendum, signed indicating that the carbon monoxide detectors have been added. The Nebraska Real Estate Commission will have a revised SPCD by then.

LB221 - Uniform Residential Landlord and Tenant Act - Effective July 19, 2016

How LB221 affects landlords and tenants.

LB221 provides a procedure for the disposition of a tenant's personal property upon the death of a tenant.



LB221 permits landlords to request a tenant to provide and routinely update the name of an authorized person to retrieve and store a tenant's personal property upon the tenant's death. It requires the landlord to contact the authorized person within ten days. The

authorized person would then have ten days to notify the landlord that the authorized person will remove the property and an additional twenty days after that notice to actually remove the property. If the authorized person does not respond or does not fully remove the property within the provided time limits, the landlord is permitted to remove the property. If a landlord follows the described procedure, the landlord is protected from any liability to the tenant's estate or heirs.

LB465 - Adopt the Electronic Notary Public Act - Effective July 1, 2017

What does LB465 mean to the Notary process?

LB465 is the 1st step of the e-Notary process. Even with this bill passing, the Notary will still need to be present to affirm the signature. LB465 simply allows that signature to be made on an electronic device versus on pen and paper. This will require an additional registration to the Secretary of State, and letting them know the device(s) that will be used. The next step could be similar to Colorado where by signatures can be made electronically, without the need of a Notary being present. However, that next step is currently not in the works in Nebraska.

LB465 sets up rules and regulations for an individual to become an electronic Notary Public allowing electronic documents to be signed and notarized electronically. The act sets up the process, including registering with the Secretary of State, payment of fees, and other requirements.

NOTE: Even if you are currently registered as a Notary that does not exempt you from this additional registration.

LB678 - Change provisions of the Nebraska Real Estate License Act – Effective October 1, 2016.

What aspects of a REALTOR® Team does LB678 focus on?

Definition of a Team: A team consists of two or more persons licensed by the commission who (a) work under the

supervision of the same broker, (b) work together on real estate transactions to provide real estate brokerage services, (c) represent themselves to the public as being part of a team, **and** (d) are designated by a team name.



Definition of a Team Leader: A team leader is any person licensed by the commission and appointed or recognized by his or her broker as the leader for his or her team. They shall be responsible for supervising the real estate activities of his or her team performed under the Nebraska Real Estate License Act subject to the overall supervision by the designated broker of the team leader and team members.

A team leader is to provide a current list of all team members to his or her designated broker. A designated broker is to maintain a record of all team leaders and team members working under him or her.

Team Advertising: When advertising a team or team name it is required to prominently display the name under which the designated broker does business as filed with the commission, and is not to suggest the team is an independent real estate brokerage.

The Nebraska Real Estate Commission is currently reviewing and considering rules and regulations to carry out the Nebraska Real Estate License Act. It is likely that the topic of teams will be on its August 18-19 meeting agenda.

LB704 - Change building code provisions applicable to political subdivisions and provisions relating to cities of the first class – Effective July 19, 2016

LB704 makes a series of technical changes to the building code statutes, including:



Legislative Update

Nebraska REALTORS® Association

- Clarifying that local building or construction codes must be adopted and enforced as provided under the Building Construction Act
- Clarifying that counties and municipalities must keep a copy of their local building code available for use and examination by the public as long as the code is in effect
- Clarifying that only counties and municipalities may adopt a local building code
- Defining "component" for purposes of the Building Construction Act
- Streamlining the process for local building code adoption, allowing counties and municipalities to either adopt the state building code or a code that conforms generally with the state building code
- Clarifying that a prior edition of a component of the state building code does not conform generally with the state building code
- Striking language that provides for unconstitutional delegation of legislative authority by municipalities
- Repealing duplicate language

LB729 - Change provisions of the Real Property Appraiser Act - Effective March 9, 2016

LB729 amends section 76-2221 of the Real Property Appraiser Act and repeals a one-year moratorium, beginning August 30, 2015, on enforcement action by the Real Property Appraiser Board involving mass appraisals conducted under the authority of a county assessor by employees or independent contractors.

What does this mean?

LB729 should increase the availability of appraisers throughout Nebraska.

LB884 - Change the Convention Center Facility Financing Assistance Act and the Sports Arena Facility Financing Assistance Act and adopt the Affordable

Housing Tax Credit Act - Effective October 1, 2016

LB884 amends Section 13-2610 to give a city of the primary class (Lincoln) the option of investing 10% of its 70% state throwback sales tax "in areas with high concentration of poverty" to assist with low-income housing needs.

LB884 provides for a Low Income Housing Tax Credit to start in 2018.

LB958 - Change provisions relating to property tax credits - Effective in the tax year 2017

LB958 provides that an additional \$20MM is put into the Property Relief Fund, but can only be applied to Agricultural Land.

The intent of LB958 is to slow down the increase in state-wide agricultural and horticultural land valuation and to slow the growth of property taxes levied by the political subdivisions. Slowing the growth of spending and property taxes levied by school districts is in LB959, the companion bill to LB958.

LB1012 - Adopt the Property Assessed Clean Energy Act - Effective July 19, 2016

LB1012 adopts the Property Assessed Clean Energy (PACE) Act. PACE is a financing mechanism that allows municipalities to finance the up-front costs of energy efficiency and renewable energy improvements on commercial, industrial, and residential properties.

- Under the Act, municipalities are authorized to create clean energy assessment districts. Owners of qualifying property within the boundaries of the district could apply to participate in the PACE program, and would enter into a contract with the municipality spelling out the details of the financing arrangement.
- An assessment under the PACE Act, including any interest and penalties, constitutes a lien against the qualifying property until the assessment is paid in full. PACE liens run with the qualifying

property, but are subordinate to all prior recorded liens on the qualifying property, as well as any first mortgage or trust deed on the qualifying property recorded after the PACE lien.

LB1067 - Change provisions relating to learning communities and funding for education Effective July 19, 2016

LB1067 provides 2 main things:

- 1) It eliminates the Common Levy. The 11 school districts go back to deciding and assessing their own level to what their local board wants.
- 2) With the levy going away there are agreements in place to move school boundaries. This will encourage development.

NOTE: The common levy does not go away until the 2017/18 fiscal year.

LB1075 - Change provisions of the Disposition of Personal Property Landlord and Tenant Act - Effective July 19, 2016

The previous law required a landlord to sell abandoned property that is reasonably believed to be valued at more than \$1,000 and remit the proceeds not claimed by the former tenant to the State Treasurer after deducting expenses. LB1075 increased this threshold to \$2,000.

Nebraska's revenue projections are \$113 million below estimates which means the state will be looking to cut the budget and there most likely will be no extra resources for tax cuts. As well, items such as the affordable housing trust fund and housing tax credits could be questioned this next session.