

One Hundred Eighth Legislature - First Session - 2023

Introducer's Statement of Intent

LB175

Chairperson: Senator Justin Wayne

Committee: Judiciary

Date of Hearing: March 08, 2023

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 175 would adopt the Residential Tenant Clean Slate Act. Under this act, a judicial action to evict tenants from a residential dwelling unit would automatically seal when the action ends in a dismissal. The Act also provides a statutory cause of action under which a tenant can petition the trial court for clean slate relief under the following circumstances:

1. The eviction action ended in dismissal, but the record nonetheless remains public.
2. The eviction action resulted in a judgment against the tenant that was later reversed or vacated.
3. The eviction action resulted in judgment against the tenant and a writ of restitution was issued, but never executed—meaning the eviction was never carried out.
4. Three (3) years or more have passed since the eviction judgment was entered against the tenant and the writ for restitution of the premises was executed.

Ultimately, LB 175 would allow tenants to obtain clean slate relief when they have faced wrongful eviction actions, have come to settlement agreements with their landlord or vacate the unit voluntarily prior to an entry of judgment, or have rehabilitated their rental history. Sealing such an eviction record would protect tenants from having their housing options arbitrarily limited based on a judicial action that either did not result in an eviction, or that no longer accurately reflects the tenant's current course of conduct.

Principal Introducer: _____

Senator George Dungan