

## **Temporary Residential Eviction Relief Expires in Nebraska**

On March 25, 2020, Nebraska Governor Pete Ricketts signed Executive Order No. 20-07 (the "Order"), suspending a residential landlord's right to proceed to trial in an eviction action for unpaid rents accruing from March 13, 2020, through May 31, 2020, effectively deferring enforcement of Neb. Rev. Stat. § 76-1431(2) and Neb. Rev. Stat. § 76-14,101(2). This Order gave temporary relief to residential tenants unable to pay rent due to loss of income or other hardships related to the inability to work as a result of COVID-19.

**However, as of June 1, 2020, this Order is expired and residential landlords can again proceed to trial to enforce unpaid rents.**

Under Nebraska law, if a tenant fails to remedy overdue rent by paying within seven (7) calendar days after written notice by the landlord of nonpayment and the landlord's intention to terminate the rental agreement if the rent is not paid within that period of time, then the landlord may terminate the rental agreement. Neb. Rev. Stat. § 76-1431(2). Once terminated, an eviction action is filed with the court and trial shall be held not less than ten (10) nor more than fourteen (14) days after the court issues its summons on the defendant. Neb. Rev. Stat. §§ 76-1446.

Following the proper notice procedure ensures a speedy eviction trial and protects the landlord against a tenant's statutory defenses. Accordingly, a landlord should not attempt to evict a tenant until the following actions have been taken: receipt of a summons from the court; service of the summons at the defendant's last-known address and mailing a copy to such address; obtaining a judgment at trial; and directing the sheriff to restore possession of the premises by writ of restitution. See Neb. Rev. Stat. §§ 76-1442.01-1446.

### **Contact Us**

If you have any questions, please contact the following Fraser Stryker attorneys for more information:



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