

TENANTS' RIGHTS UNDER THE DISPOSSESSION OF PERSONAL PROPERTY LANDLORD & TENANT ACT

NEB. REV. STAT. §§ 69-2301 to 69-2314

WHAT COUNTS AS PERSONAL PROPERTY?

- Personal property is the physical, moveable items that someone owns.
 - This includes things like *clothes, shoes, furniture, or knickknacks*.

WHO IS PROTECTED?

- Tenants with:
 - Lease agreements to use or occupy a rental unit as a residence or for storage purposes; and
 - Personal property that is present within a rental unit after the tenancy ends or is terminated and the tenant moves out.

WHAT CAN MY LANDLORD DO?

- Your landlord **must** provide you with a notice that:
 - Describes the personal property.
 - Tells you where you can pick up the personal property.
 - Provides a date by which you must pick up the property that is at least 7 days after the notice is personally delivered to you, or 14 days after notice is mailed to you.
 - Tells you what will happen if you do not pick up the personal property by that date.
- If you do not retrieve your personal property before the date provided, your landlord can either:
 - Dispose of it however they see fit **if they reasonably believe the personal property is worth less than \$2,000**.
 - Sell it at a public sale after providing notice of the sale by publication. After subtracting the reasonable costs for storing the property and for advertising and carrying out the sale, the landlord must give you any remaining money from the sale or turn it over to the State Treasurer for you to claim.
- Your landlord can move your personal property from the rental unit into a safe place to store it.
- Your landlord can require you to pay the costs they incurred to remove and store **all** your personal property before returning **any** of it to you.

WHAT CAN'T MY LANDLORD DO?

- Get rid of your personal property without giving you written notice and the opportunity to get your property back after paying back the costs of removing and storing your items.
- Refuse to return any of your personal property that is within your landlord's custody if:
 - Within 14 days after the date you moved out, you give your landlord a written request describing the personal property, asking for it back, and giving your mailing address.
 - You pay the reasonable costs the landlord incurred removing and/or storing your personal property **if** they gave you a written demand itemizing all the charges.
 - You come get the property within 72 hours after paying those moving and storage costs.

HOW CAN I BEST PROTECT MYSELF?

- Make sure that before you move out of a rental unit—if at all possible—you collect all your personal property and take it with you.
- If you cannot move all your personal property out before the end of your tenancy, calmly communicate with your landlord; inform them of your situation and propose a feasible plan for you to come back and get the rest of your items.
- Provide your landlord with a written request describing the personal property you want back within 14 days after you've moved out.

WHAT IF MY LANDLORD WON'T RETURN MY PERSONAL PROPERTY?

- If your landlord violated the Dispossession of Personal Property Landlord and Tenant Act, they can be liable to you for:
 - Money equal to the amount of loss you suffered, not exceeding how much the personal property was worth, *if* your landlord did not give your personal property back within a reasonable amount of time after you asked for it and paid them for any moving and storage costs after they gave you a written itemization.
 - *Note:* 3 days is considered reasonable time, unless your landlord can show extenuating circumstances.
 - Money to compensate you for damages to your personal property caused by your landlord's intentional or negligent actions when removing and storing your personal property.
 - Reasonable attorney's fees and court costs.
- Reach out to an attorney for help.
 - Contact Legal Aid of Nebraska regarding potential representation.
 - *Online:* 24/7 at www.legalaidofnebraska.org.
 - *Over the phone:* By calling the Access Line at 877-250-2016 on Mondays/Wednesdays between 8:30 a.m. to 11:30 a.m., or Tuesdays/Thursdays 1:00 p.m. to 4:00 p.m.
 - The Nebraska State Bar Association's "Free Legal Answers" program allows users to post civil legal questions to be answered by pro bono attorneys for free: <https://ne.freelegalanswers.org/>
 - There are also legal resources provided on the Nebraska Supreme Court's "Self-Help" website: <https://supremecourt.nebraska.gov/self-help/legal-resources-information>

Important Disclaimer: The information in this handout is for educational purposes only. This handout does not create an ongoing attorney-client relationship between you and the Tenant Assistance Project or the Housing Justice Clinic at the University of Nebraska College of Law. Nothing in this handout should be considered legal advice or used as a substitute for legal advice.

