

INFORMATION ABOUT REMAINING CAUSES HEARINGS

WHAT IS A “REMAINING CAUSES” HEARING?

- When a landlord brings an eviction action against a tenant, it’s typical for there to be 3 causes of action: the 1st is for the eviction, and the other 2 are the “remaining causes,” which are tried separately from the eviction.
- Remaining causes are for any monetary damages at stake: unpaid rent, late fees, and/or physical damages to the rental property that go beyond ordinary wear and tear.

Ordinary wear and tear generally includes things like worn carpets, dirty windows, or a few small nail holes from hanging pictures. Major stains, broken windows or screens, holes in walls or doors, deep scratches in walls, or trash left in the unit are generally not considered ordinary wear and tear, even if they result from an accident.

DO I NEED TO COME TO COURT FOR THE HEARING?

- **Yes!** If you are not present for your remaining causes hearing, a default judgment will likely be entered and the court will order you to pay your landlord all of the money they are requesting.
- Plan to arrive at the 2nd floor of the Lancaster County Courthouse 15–20 minutes before your hearing is scheduled to begin so you can check the screen near the elevators to verify which courtroom to go to (usually, they are in courtroom 21—the same as eviction hearings).

HOW DO I FIND OUT IF MY HEARING HAS BEEN DISMISSED?

- You can call the Lancaster County Court Clerk at 402-441-7291.
- You can look up your hearing online at: <https://www.nebraska.gov/courts/calendar/index.cgi>.
 - This website is likely going to be accurate, but there is no guarantee that it has been updated—**both calling and checking online is best practice.**

HOW DO I KNOW WHAT WILL BE PRESENTED AT THE HEARING?

- The best place to start to figure out what your landlord might present at the remaining causes hearing is your security deposit.
 - Your landlord is **required** to return your security deposit or explain how they used your security deposit within 14 days of the end of the tenancy (the date you officially moved out). If your landlord believes you owe more than your security deposit covered, they will generally say so within the explanation they send to you.
- If you had any unpaid rent from when you vacated the premises, that will likely be sought in the remaining causes hearing.
 - The amount of unpaid rent should be on the notice given by your landlord when they told you to move out; but note that more rent could have accrued since then.

WHAT SHOULD I BRING WITH ME TO THE HEARING?

- Proof of when you moved out of the rental unit—for example, a copy of a text message, email, or letter stating that you are moved out and what you did with the keys to the unit.
- Photos of your unit—after all personal items are removed and the unit is cleaned, take photos of **everything**.
- Copies of your lease and any relevant communications between you and your landlord.

You will need to print out any of the above records that you want to show the court. Lincoln Public Libraries have mobile printing for 10¢ per page for black and white and 25¢ per page for color.

- Legal Aid of Nebraska has a Landlord-Tenant Handbook, which can provide you with information about legal terms, some arguments you can make, and your rights as a tenant: <https://www.legalaidofnebraska.org/wp-content/uploads/2021/09/2021-LLT-Handbook-1.pdf>.

DO I NEED AN ATTORNEY FOR THE REMAINING CAUSES HEARING?

- While you are not required to have an attorney, it is always beneficial to have legal representation, especially if your landlord does.
 - Contact Legal Aid of Nebraska regarding potential representation. While there is no guarantee that they will be able to assist, it may be helpful to reach out.

You can apply for services from Legal Aid:

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.

- There are also legal resources provided on the Nebraska Supreme Court's "Self-Help" website: <https://supremecourt.nebraska.gov/self-help/legal-resources-information>.
 - Particularly if you decide not to have an attorney help you at the remaining causes hearing, you should register your email address with the court: <https://supremecourt.nebraska.gov/sites/default/files/DC-3-01.pdf>.
 - Make sure to look at the page about "Representing Yourself in Court": <https://supremecourt.nebraska.gov/self-help/representing>.
- You can file an answer if you disagree that you owe any rent or fees or caused damage to the unit.
 - An answer can be filed with the Lancaster County Court Clerk on the 2nd floor of the courthouse within 30 days of when you were served by the sheriff or constable in the eviction action.
 - If you are uncertain when you were served, you can call the Lancaster County Court Clerk at 402-441-7291, tell them your case number, and ask them to check the return of service.
 - Legal Aid of Nebraska's website has a template and instructions you can use to write out your answer, which can be accessed here: <https://lawhelpne.legalaidofnebraska.org/#/login>.
 - **Note:** You will need to create an account, then click on the "New Issue" button on the top right-hand corner and follow the prompts provided.

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.

