

# Senate Study Bill 3170

## Bill Text

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1 1 Section 1. Section [384.84](#), subsection 3, paragraph d, Code  
1 2 Supplement 1999, is amended to read as follows:  
1 3 d. Residential rental property

~~where a charge for water~~

1 4

~~service is separately metered and paid directly to the city~~

1 5

~~utility or enterprise by the tenant~~

~~is exempt from a lien for~~

1 6 delinquent rates or charges associated with

~~such water service~~

1 7 a city utility or enterprise service if the landlord gives  
1 8 written notice to the city utility or enterprise that the  
1 9 property is residential rental property and that the tenant is  
1 10 liable for the rates or charges. A city utility or enterprise  
1 11 may require a deposit not exceeding the usual cost of ninety  
1 12 days of

~~water~~

~~such utility or enterprise service to be paid to~~

1 13 the utility or enterprise. Upon receipt, the utility or  
1 14 enterprise shall acknowledge the notice and deposit. A  
1 15 written notice shall contain the name of the tenant  
1 16 responsible for charges, address of the residential rental  
1 17 property that the tenant is to occupy, and the date that the  
1 18 occupancy begins. A change in tenant shall require a new  
1 19 written notice to be given to the city utility or enterprise  
1 20 within ten business days of the change in tenant. When the  
1 21 tenant moves from the rental property, the city utility or  
1 22 enterprise shall return the deposit if the

~~water~~

~~utility or~~

1 23 enterprise service charges are paid in full. A change in the  
1 24 ownership of the residential rental property shall require  
1 25 written notice of such change to be given to the city utility  
1 26 or enterprise within ten business days of the completion of  
1 27 the change of ownership. The lien exemption for rental  
1 28 property does not apply to charges for repairs to a

~~water~~

1 29 utility or enterprise service if the repair charges become  
1 30 delinquent, provided that the damages resulting in such  
1 31 repairs were not the fault of the landlord.

1 32

### EXPLANATION

1 33 This bill provides that the lien exemption on residential  
1 34 property for unpaid rates or charges associated with water  
1 35 service is expanded to include all utility or enterprise

2 1 services. The landlord must give written notice to the city  
2 2 utility or enterprise service that the property is residential  
2 3 rental property and that the tenant is liable for such rates  
2 4 or charges. The bill also provides that the lien exemption  
2 5 applies with respect to charges for repairs to a utility or  
2 6 enterprise service if the repair charges become delinquent,  
2 7 provided that the damages resulting in such repairs were not  
2 8 the fault of the landlord.  
2 9 LSB 6311SC 78  
2 10 mj/as/5