

AMENDMENTS TO LB842

Introduced by Urban Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 19-901, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 19-901 (1) For the purpose of promoting health, safety, morals, or
6 the general welfare of the community, the city council of a city of the
7 first class or city of the second class or the village board of trustees
8 of a village may adopt zoning regulations which regulate and restrict the
9 height, number of stories, and size of buildings and other structures,
10 the percentage of lots that may be occupied, the size of yards, courts,
11 and other open spaces, the density of population, and the location and
12 use of buildings, structures, and land for trade, industry, residence, or
13 other purposes. For a city of the first class as described in subdivision
14 (4) ~~(3)~~ of section 19-5503, such regulations shall comply with the
15 Municipal Density and Missing Middle Housing Act.

16 (2) Such powers shall be exercised only after the city council or
17 village board of trustees has established a planning commission, received
18 from its planning commission a recommended comprehensive development plan
19 as defined in section 19-903, adopted such comprehensive development
20 plan, and received the specific recommendation of the planning commission
21 on the adoption or amendment of zoning regulations. The planning
22 commission shall make a preliminary report and hold public hearings on
23 its recommendations regarding the adoption or repeal of the comprehensive
24 development plan and zoning regulations and shall hold public hearings
25 thereon before submitting its final report to the city council or village
26 board of trustees. Amendments to the comprehensive plan or zoning
27 regulations shall be considered at public hearings before submitting

1 recommendations to the city council or village board of trustees.

2 (3) A comprehensive development plan as defined in section 19-903
3 which has been adopted and not rescinded by a city council or village
4 board of trustees prior to May 17, 1967, shall be deemed to have been
5 recommended and adopted in compliance with the procedural requirements of
6 this section when, prior to the adoption of the plan by the city council
7 or village board of trustees, a recommendation thereon had been made to
8 the city council or village board of trustees by a zoning commission in
9 compliance with the provisions of section 19-906, as such section existed
10 prior to its repeal by Laws 1967, c. 92, section 7, or by a planning
11 commission appointed under the provisions of Chapter 19, article 9,
12 regardless of whether the planning commission had been appointed as a
13 zoning commission.

14 (4) The requirement that a planning commission be appointed and a
15 comprehensive development plan be adopted shall not apply to cities of
16 the first class, cities of the second class, and villages which have
17 legally adopted a zoning ordinance prior to May 17, 1967, and which have
18 not amended the zoning ordinance or zoning map since May 17, 1967. Such
19 city or village shall appoint a planning commission and adopt the
20 comprehensive plan prior to amending the zoning ordinance or zoning map.

21 Sec. 2. Section 19-902, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 19-902 (1) For any or all of the purposes designated in section
24 19-901, the city council or village board of trustees may divide the
25 municipality into districts of such number, shape, and area as may be
26 deemed best suited to carry out the purposes of sections 19-901 to 19-915
27 and may regulate and restrict the erection, construction, reconstruction,
28 alteration, repair, or use of buildings, structures, or land within such
29 districts. All such regulations shall be uniform for each class or kind
30 of buildings throughout each district, but the regulations applicable to
31 one district may differ from those applicable to other districts. For a

1 city of the first class as described in subdivision (4) ~~(3)~~ of section
2 19-5503, such regulations shall comply with the Municipal Density and
3 Missing Middle Housing Act. If a regulation affects the Niobrara scenic
4 river corridor as defined in section 72-2006 and is not incorporated
5 within the boundaries of the municipality, the Niobrara Council shall act
6 on the regulation as provided in section 72-2010.

7 (2)(a) The city council or village board of trustees shall not adopt
8 or enforce any zoning ordinance or regulation which prohibits the use of
9 land for a proposed residential structure for the sole reason that the
10 proposed structure is a manufactured home if such manufactured home bears
11 an appropriate seal which indicates that it was constructed in accordance
12 with the standards of the Uniform Standard Code for Manufactured Homes
13 and Recreational Vehicles, the Nebraska Uniform Standards for Modular
14 Housing Units Act, or the United States Department of Housing and Urban
15 Development. The city council or village board of trustees may require
16 that a manufactured home be located and installed according to the same
17 standards for foundation system, permanent utility connections, setback,
18 and minimum square footage which would apply to a site-built, single-
19 family dwelling on the same lot. The city council or village board of
20 trustees may also require that manufactured homes meet the following
21 standards:

22 (i) The home shall have no less than seven ~~nine~~ hundred square feet
23 of floor area;

24 (ii) The home shall have no less than an eighteen-foot exterior
25 width;

26 (iii) The roof shall be pitched with a minimum vertical rise of two
27 and one-half inches for each twelve inches of horizontal run;

28 (iv) The exterior material shall be of a color, material, and scale
29 comparable with those existing in residential site-built, single-family
30 construction;

31 (v) The home shall have a nonreflective roof material which is or

1 simulates asphalt or wood shingles, tile, or rock; and

2 (vi) The home shall have wheels, axles, transporting lights, and
3 removable towing apparatus removed.

4 (b) The city council or village board of trustees may not require
5 additional standards unless such standards are uniformly applied to all
6 single-family dwellings in the zoning district.

7 (c) Nothing in this subsection shall be deemed to supersede any
8 valid restrictive covenants of record.

9 (3) For purposes of this section, manufactured home shall mean (a) a
10 factory-built structure which is to be used as a place for human
11 habitation, which is not constructed or equipped with a permanent hitch
12 or other device allowing it to be moved other than to a permanent site,
13 which does not have permanently attached to its body or frame any wheels
14 or axles, and which bears a label certifying that it was built in
15 compliance with national Manufactured Home Construction and Safety
16 Standards, 24 C.F.R. 3280 et seq., promulgated by the United States
17 Department of Housing and Urban Development, or (b) a modular housing
18 unit as defined in section 71-1557 bearing a seal in accordance with the
19 Nebraska Uniform Standards for Modular Housing Units Act.

20 (4) Subdivision regulations and building, plumbing, electrical,
21 housing, fire, or health codes or similar regulations and the adoption
22 thereof shall not be subject to sections 19-901 to 19-915.

23 Sec. 3. Section 19-5503, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 19-5503 For purposes of the Municipal Density and Missing Middle
26 Housing Act:

27 (1) Accessory dwelling unit means an interior, attached, or detached
28 residential structure that is used in connection with, or that is an
29 accessory to, a single-family dwelling and is located on the same lot or
30 parcel as such single-family dwelling;

31 (2) Affordable housing means residential dwelling units that:

1 (a) Are affordable to a household earning not more than one hundred
2 twenty percent of the area median income; and

3 (b) For rental units, require that monthly rental costs, including
4 tenant-paid utilities, not exceed:

5 (i) The maximum rent allowed under the applicable state or federal
6 program involved; or

7 (ii) If no such program is involved, one-twelfth of thirty percent
8 of one hundred twenty percent of the area median income eighty percent of
9 the income limit as set forth by the United States Department of Housing
10 and Urban Development under its Income Limits Documentation System, as
11 such limits existed on January 1, 2022, for the county in which the units
12 are located and for a particular household size;

13 (3) Area median income means the median household income, adjusted
14 for family size, for applicable income limit areas as determined by the
15 United States Department of Housing and Urban Development;

16 (4) {3} City means any city of the metropolitan class, city of the
17 primary class, or city of the first class in the State of Nebraska with a
18 population of at least twenty thousand inhabitants as determined by the
19 most recent federal decennial census or the most recent revised certified
20 count by the United States Bureau of the Census;

21 (5) {4} Cottage cluster means a grouping of no fewer than four
22 detached housing units per acre with a footprint of less than nine
23 hundred square feet each and that includes a common courtyard;

24 (6) {5} Density bonus means a density increase over the otherwise
25 maximum allowable residential density under a city's zoning codes,
26 ordinances, and regulations;

27 (7) {6} Middle housing means:

28 (a) Duplexes;

29 (b) Triplexes;

30 (c) Quadplexes;

31 (d) Cottage clusters; or

1 (e) Townhouses;

2 (8) ~~(7)~~ Townhouse means a dwelling unit constructed in a row of two
3 or more attached units where each dwelling unit is located on an
4 individual lot or parcel and shares at least one common wall with an
5 adjacent unit; and

6 (9) ~~(8)~~ Workforce housing means:

7 (a) Housing that meets the needs of working families;

8 (b) Owner-occupied housing units that have an after-construction
9 appraised value of at least one hundred twenty-five thousand dollars but
10 not more than three ~~two~~ hundred ~~seventy-five~~ thousand dollars to
11 construct;

12 (c) Owner-occupied housing units for which the cost to substantially
13 rehabilitate exceeds fifty percent of a unit's assessed value;

14 (d) Upper-story housing for occupation by a homeowner; and

15 (e) Housing that does not receive federal or state low-income
16 housing tax credits, community development block grants, HOME funds as
17 defined in section 81-1228, or funds from the Affordable Housing Trust
18 Fund.

19 Sec. 4. Section 58-701, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 58-701 Sections 58-701 to 58-711 and section 5 of this act shall be
22 known and may be cited as the Nebraska Affordable Housing Act.

23 Sec. 5. For purposes of the Nebraska Affordable Housing Act:

24 (1) Affordable housing means residential dwelling units that:

25 (a) Are affordable to a household earning not more than one hundred
26 twenty percent of the area median income; and

27 (b) For rental units, require that monthly rental costs, including
28 tenant-paid utilities, not exceed:

29 (i) The maximum rent allowed under the applicable state or federal
30 program involved; or

31 (ii) If no such program is involved, one-twelfth of thirty percent

1 of:

2 (A) For moderate-income households, one hundred twenty percent of
3 the area median income;

4 (B) For low-income households, eighty percent of the area median
5 income;

6 (C) For very low-income households, fifty percent of the area median
7 income; or

8 (D) For extremely low-income households, thirty percent of the area
9 median income;

10 (2) Area median income means the median household income, adjusted
11 for family size, for applicable income limit areas as determined by the
12 United States Department of Housing and Urban Development;

13 (3) Extremely low-income household means a household with a
14 household income that does not exceed thirty percent of the area median
15 income;

16 (4) Low-income household means a household with a household income
17 that does not exceed eighty percent of the area median income;

18 (5) Moderate-income household means a household with a household
19 income that does not exceed one hundred twenty percent of the area median
20 income; and

21 (6) Very low-income household means a household with a household
22 income that does not exceed fifty percent of the area median income.

23 Sec. 6. Section 58-706, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 58-706 The following activities are eligible for assistance from the
26 Affordable Housing Trust Fund:

27 (1) New construction, rehabilitation, or acquisition of housing to
28 assist moderate-income households, low-income households, and very low-
29 income households, and extremely low-income households families;

30 (2) Matching funds for new construction, rehabilitation, or
31 acquisition of housing units to assist moderate-income households, low-

1 income households, and very low-income households, and extremely low-
2 income households families;

3 (3) Technical assistance, design and finance services, and
4 consultation for eligible nonprofit community or neighborhood-based
5 organizations involved in the creation of affordable housing;

6 (4) Matching funds for operating costs for housing assistance groups
7 or organizations when such grant or loan will substantially increase the
8 recipient's ability to produce affordable housing;

9 (5) Mortgage insurance guarantees for eligible projects;

10 (6) Acquisition of housing units for the purpose of preservation of
11 housing to assist moderate-income households, low-income households, or
12 very low-income households, or extremely low-income households families;

13 (7) Projects making affordable housing more accessible to families
14 with elderly members or members who have disabilities;

15 (8) Projects providing housing in areas determined by the Department
16 of Economic Development to be of critical importance for the continued
17 economic development and economic well-being of the community and where,
18 as determined by the department, a shortage of affordable housing exists;

19 (9) Infrastructure projects necessary for the development of
20 affordable housing;

21 (10) Downpayment and closing cost assistance;

22 (11) Demolition of existing vacant, condemned, or obsolete housing
23 or industrial buildings or infrastructure;

24 (12) Housing education programs developed in conjunction with
25 affordable housing projects. The education programs ~~may~~ must be directed
26 toward:

27 (a) Preparing potential home buyers to purchase affordable housing
28 and postpurchase education. Such education programs may include any home
29 buyer education course approved by the United States Department of
30 Housing and Urban Development;

31 (b) Target audiences eligible to utilize the services of housing

1 assistance groups or organizations; and

2 (c) Developers interested in the rehabilitation, acquisition, or
3 construction of affordable housing;

4 (13) Support for efforts to improve programs benefiting homeless
5 youth;

6 (14) Vocational training in the housing and construction trades
7 industries by nonprofit groups;~~and~~

8 (15) Weatherization and solar or other energy improvements to make
9 utilities for housing more affordable; and -

10 (16) Projects making reentry or transitional housing more
11 accessible.

12 Sec. 7. Section 71-1575, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 71-1575 For purposes of the Nebraska Housing Agency Act:

15 (1) Affiliate means any corporation, entity, partnership, venture,
16 syndicate, or arrangement in which a local housing agency participates by
17 holding an ownership interest or participating in its governance,
18 including both controlled and noncontrolled affiliates;

19 (2) Affordable housing means dwelling units that may be rented or
20 purchased, as the case may be, by persons of eligible income and
21 qualifying tenants, with or without government assistance;

22 (3) Agreement means a contract or other legal relations with another
23 party, whether public or private;

24 (4) Area of operation means the geographical area within which a
25 local housing agency may own or operate housing developments as described
26 in section 71-1588;

27 (5) City means an incorporated city or village;

28 (6) Commissioner means a person serving on the governing board of a
29 local housing agency, including any person identified under prior law as
30 a member of a housing authority;

31 (7) Community facilities means real and personal property suitable

1 for recreational, educational, health, or welfare purposes, including,
2 but not limited to, buildings, equipment, and parks and other spaces or
3 structures;

4 (8) Controlled affiliate means any affiliate of a local housing
5 agency (a) in which commissioners, officers, employees, and agents of
6 such agency constitute a majority of the governing body of such entity or
7 (b) in which such agency holds a majority of the ownership interests;

8 (9) Development or housing development means and includes all
9 dwellings and associated appurtenances, including real and personal
10 property, and all other facilities and improvements of every kind and
11 description which a local housing agency may own or operate or in which
12 it may hold an interest under the provisions of the act; all land upon
13 which such dwellings, appurtenances, and facilities are situated; all
14 work and activities undertaken by a local housing agency or others
15 relating to the creation of such property and all tangible and intangible
16 personal property relating thereto, including all leases, licenses,
17 agreements, and other instruments; and all rights and obligations arising
18 thereunder establishing or confirming ownership, title, or right of use
19 or possession in or to any such property by a local housing agency;

20 (10) Establishing a housing agency means taking all actions required
21 under sections 71-1576 to 71-1587 to be taken by the governing body of a
22 city or county or, in the case of a regional housing agency, by the
23 governing bodies of all political subdivisions participating therein, for
24 a housing agency to conduct business and to exercise its powers. In the
25 case of a housing agency or housing authority existing on January 1,
26 2000, established means that such agency has been authorized to conduct
27 business and exercise its powers in accordance with prior law;

28 (11) Family means a single person or a number of persons that may,
29 but need not, include children, that a local housing agency accepts for
30 occupancy of a dwelling, or to which such agency offers or provides other
31 assistance, as particularly defined in the eligibility and occupancy

1 standards adopted by the agency;

2 (12) Guest means any person, not a resident of such development, who
3 is present within a development, or any person, not a resident in such
4 dwelling, who is present within a dwelling in a development, as an
5 invitee of or otherwise with the acquiescence or consent of a resident of
6 such development or dwelling, as the case may be;

7 (13) Hold an interest means ownership, control of, or participation
8 in an arrangement with respect to a development by a local housing agency
9 or any affiliate thereof;

10 (14) Household means a family as defined in subdivision (11) of this
11 section;

12 (15) Housing agency or agency means and includes both a local
13 housing agency established pursuant to sections 71-1576 to 71-1580 and a
14 regional housing agency established pursuant to sections 71-1581 to
15 71-1587. Reference in any prior or other law to housing authority is
16 deemed to refer to housing agency. Wherever the context requires or
17 permits, housing agency or agency includes controlled affiliates of a
18 housing agency;

19 (16) Local housing agency or agency means a public body, corporate
20 and politic, previously established or to be established by a city or a
21 county pursuant to the authority provided in the act, exercising
22 necessary and essential governmental functions for the purposes stated in
23 the act in matters of statewide concern, although its operations are
24 local in nature. A local housing agency shall be a political subdivision
25 of this state, independent from the city or county which established or
26 establishes it or which may appoint some or all of its commissioners. Any
27 reference in the act to a local housing agency includes a housing agency
28 or a regional housing agency, unless the context clearly otherwise
29 requires. The term local housing agency also includes any housing
30 authority established under prior law;

31 (17) Mixed-finance development means a development that is financed

1 both by funding derived from the private sector and funding provided by
2 the government that is permitted to be used for the development of
3 affordable housing;

4 (18) Mixed-income development means a housing development intended
5 to be, and which in fact is, occupied both by persons of eligible income
6 and by other persons, and if such other persons are living in a
7 development constructed or acquired and substantially occupied after
8 January 1, 2000, the incomes of such other persons at initial occupancy
9 shall not exceed one hundred fifty percent of the median income in the
10 county in which the development is located;

11 (19) Noncontrolled affiliate means an affiliate in which a local
12 housing agency participates that is not a controlled affiliate;

13 (20) Person includes a family;

14 (21) Persons of eligible income means:

15 (a) With respect to state or federally funded activities or
16 developments, individuals or families who meet the applicable income
17 requirements of the state or federal program involved, if any such state
18 or federal income requirements are applicable, and, if none are so
19 applicable, then individuals or families who meet the requirements of
20 subdivision (b) of this subdivision; and

21 (b) With respect to activities and developments other than those to
22 which subdivision (a) of this subdivision is applicable, individuals or
23 families who, in the determination of the local housing agency, lack
24 sufficient income or assets, taking into account all resources available
25 to such individuals or families from whatever source derived or
26 reasonably derivable, to enable them, without undue hardship or
27 governmental financial assistance, to purchase or rent, as the case may
28 be, decent, safe, and sanitary dwellings of adequate size, except that
29 the income of such families shall not exceed one hundred twenty eight
30 percent of the area median income for families of like size;

31 (22) Public agency means and includes any: (a) County, city,

1 village, or township; school, drainage, tax, improvement, or other
2 district; local housing agency; department, division, or political
3 subdivision of this state or another state; housing agency, housing
4 finance agency, or housing trust of this state or another state; and
5 other agency, bureau, office, authority, or instrumentality of this state
6 or another state; (b) board, agency, commission, division, or other
7 instrumentality of a city or county; and (c) board, commission, agency,
8 department, or other instrumentality of the United States, or any
9 political subdivision or governmental unit thereof;

10 (23) Qualifying tenants means persons described in subdivision (21)
11 (b) of this section and individuals and families whose income does not
12 exceed one hundred twenty ~~twenty-five~~ percent of the maximum income
13 standard applicable under subdivision (21)(b) of this section;

14 (24) Regional housing agency means a public body, corporate and
15 politic, and a governmental subdivision of this state, formed by two or
16 more cities, two or more counties, or a combination of cities and
17 counties, pursuant to the authority provided in sections 71-1581 to
18 71-1587, exercising necessary and essential governmental functions for
19 the purposes stated in the act in matters of statewide concern, although
20 its operations are local or regional in nature. It is a political
21 subdivision of this state, independent from political subdivisions of
22 this state which established it or which may appoint some or all of its
23 commissioners;

24 (25) Representative means a commissioner, officer, employee, or
25 agent of a local housing agency; and

26 (26) Resident means a person residing in a development of a housing
27 agency pursuant to an agreement with such agency.

28 Sec. 8. Section 71-15,124, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 71-15,124 (1) With respect to any mixed-income development that is
31 constructed or acquired after January 1, 2000, and is solely owned by a

1 local housing agency, not more than sixty percent of the dwelling units
2 in such development shall be occupied by persons who are not persons of
3 eligible income, and no person occupying such a development shall have an
4 income at initial occupancy which exceeds one hundred fifty percent of
5 the median income in the county in which the development is located. This
6 authority is granted only if the agency has made a determination that
7 such housing is an appropriate component for providing safe and sanitary
8 housing for persons of eligible income.

9 (2) With respect to any mixed-income development that is not solely
10 owned by a local housing agency, the proportion of the development that
11 is intended to be affordable to persons of eligible income shall be equal
12 to or greater than the proportion of financial resources for the
13 development which are provided by the local housing agency. The
14 proportion shall be determined in accordance with such reasonable method
15 as shall be adopted by the agency. The proportion may be based upon a
16 proportion of dwelling units, bedrooms, square footage, or any other
17 criteria deemed reasonable and appropriate by the local housing agency.
18 The determination of such proportion shall take into account any special
19 benefits accruing to an agency by virtue of its status as such,
20 including, among other things (a) the capital value of all subsidies and
21 other assistance provided by the agency or by other public sources on
22 behalf of the agency, (b) tax exemptions available because of the
23 agency's participation, and (c) interest savings attributable to tax-
24 exempt financing or to below market interest rates that are available
25 because of the participation of the local housing agency or the presence
26 in the development of dwelling units to be occupied by persons of
27 eligible income.

28 (3) A local housing agency may determine the period during which any
29 unit shall be designated for occupancy only by persons of eligible
30 income. Dwelling units in a mixed-income development that are designated
31 for occupancy by persons of eligible income need not be particular units

1 that are permanently so designated, and the physical location of the
2 units so designated may change from time to time.

3 Sec. 9. This act becomes operative on July 1, 2024.

4 Sec. 10. Original sections 19-901, 19-902, 19-5503, 58-701, 58-706,
5 71-1575, and 71-15,124, Reissue Revised Statutes of Nebraska, are
6 repealed.

7 Sec. 11. Since an emergency exists, this act takes effect when
8 passed and approved according to law.