

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

## **LEGISLATIVE BILL 48**

Introduced by Ashford, 20.

Read first time January 10, 2013

Committee: Urban Affairs

### A BILL

1 FOR AN ACT relating to housing agencies; to amend sections 71-1594,  
2 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,140,  
3 Reissue Revised Statutes of Nebraska; to change  
4 provisions relating to the board of commissioners and  
5 disposal of personal property; to harmonize provisions;  
6 and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 71-1594, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   71-1594 When the governing body of any city or county, as  
4 the case may be, has determined by resolution or ordinance as set  
5 forth in section 71-1578 that it is expedient to establish a local  
6 housing agency: (1) In the case of cities other than cities of the  
7 metropolitan class, the chief elected official of such city shall  
8 appoint at least five and not more than seven adult persons; and—(2)  
9 in the case of cities of the metropolitan class, the chief elected  
10 official of such city shall appoint at least five adult persons; and  
11 (3) in the case of counties, the county board shall appoint at least  
12 five and not more than seven adult persons, and all such persons  
13 shall be residents of the area of operation of the agency. If the  
14 selection of a resident commissioner is required under section  
15 71-15,104, then at least one such person shall be a resident  
16 commissioner selected as provided in such section. In cities of the  
17 metropolitan class, the chief elected official shall not appoint more  
18 than one resident of the same city council district to serve at the  
19 same time as a member of the board of commissioners of a local  
20 housing agency created by the city. In counties that elect the  
21 members of the county board by district, the county board shall not  
22 appoint more than one resident of the same county board district to  
23 serve at the same time as a member of the board of commissioners of a  
24 local housing agency created by the county. Such persons so appointed  
25 shall constitute the governing body of the local housing agency and

1 shall be called commissioners.

2 Sec. 2. Section 71-1598, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 71-1598 In the case of local housing agencies, the  
5 commissioners who are first appointed shall be designated to serve  
6 for terms of one, two, three, four, and five years, respectively,  
7 from the date of their appointment, but thereafter commissioners  
8 shall be appointed for terms of five years. In the case of housing  
9 agencies when the appointing authority has elected to have more than  
10 five commissioners as provided in section 71-1594, or has elected to  
11 add one or two commissioners to a presently existing housing agency,  
12 the sixth commissioner who is first appointed shall be designated to  
13 serve for a term of four years, and the ~~seventh commissioner who is~~  
14 additional commissioners who are first appointed shall be designated  
15 to serve for a term of five years, from the date of ~~his or her~~  
16 appointment, but thereafter the commissioners shall be appointed for  
17 terms of five years.

18 Sec. 3. Section 71-15,101, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 71-15,101 Every commissioner shall be a resident of the  
21 area of operation of the housing agency which he or she has been  
22 appointed to serve. However, if after appointment a commissioner  
23 ceases to reside in the local housing agency's area of operation, his  
24 or her term of office shall automatically terminate and a successor  
25 shall be appointed to fill such vacancy in the manner provided in

1       sections 71-1594 to 71-15,105. Any commissioner who ceases to reside  
2       within the area of operation of the local housing agency in which  
3       such commissioner serves shall immediately so inform the board of  
4       commissioners of the agency and the appointing authority of his or  
5       her change in residence. No person who has been convicted of a felony  
6       shall be eligible for appointment or service as a commissioner. Any  
7       person serving as a commissioner of a local housing agency for a city  
8       of the metropolitan class or county shall, at the expense of the  
9       local housing agency, attain a commissioner's certification from the  
10      National Association of Housing and Redevelopment Officials, or  
11      equivalent certification from a nationally recognized professional  
12      association in the housing and redevelopment field as determined by  
13      the local housing agency, within twelve months after the date of  
14      appointment or by December 31, 2014, whichever is later, or shall be  
15      deemed to have resigned his or her position effective at the end of  
16      that time.

17                   Sec. 4. Section 71-15,102, Reissue Revised Statutes of  
18       Nebraska, is amended to read:

19                   71-15,102 (1) In the case of a city of the metropolitan  
20       class: , at  
21                   (a) At least one commissioner shall be a member of a  
22       racial minority; and -  
23                   (b) Commissioners shall be appointed as representatives  
24       of one of the following professions:  
25                   (i) Real estate development or management;

1                         (ii) Accounting;  
2                         (iii) Banking or finance;  
3                         (iv) Real estate brokerages;  
4                         (v) Chief executive officer of a for-profit corporation  
5                         or nonprofit agency; and  
6                         (vi) Law or business management.  
7                         (2) In the case of a county:  
8                         (a) ~~Not, not~~ more than three members of a housing agency  
9                         shall be residents of the same incorporated community within the  
10                         county; and.  
11                         (b) Commissioners shall be appointed as representatives  
12                         of one of the following professions:  
13                         (i) Real estate development or management;  
14                         (ii) Accounting;  
15                         (iii) Banking or finance;  
16                         (iv) Real estate brokerages;  
17                         (v) Chief executive officer of a for-profit corporation  
18                         or nonprofit agency; and  
19                         (vi) Law or business management.  
20                         (3) No elected official shall be a member of a housing  
21                         authority in a city of the first or metropolitan class or a county.  
22                         Sec. 5. Section 71-15,103, Reissue Revised Statutes of  
23                         Nebraska, is amended to read:  
24                         71-15,103 The ~~Except in cities of the first or~~  
25                         metropolitan class, the governing body of any city in which a housing

1 agency has been or may be created may appoint one of its members to  
2 serve as one of the five commissioners of such housing agency for  
3 such term as the governing body may determine. Notwithstanding any  
4 other provision of the Nebraska Housing Agency Act, it shall not be  
5 considered a conflict of interest if such person so appointed as a  
6 commissioner votes on any matter involving the city. In the event  
7 that the governing body of the city intends that a commissioner's  
8 appointment is made with the intention that such commissioner  
9 represent the city, then his or her certificate of appointment shall  
10 so state. In the event that any such commissioner so appointed and  
11 designated shall cease to serve as a member of the governing body of  
12 a city, then his or her term of office shall automatically terminate  
13 and a successor shall be appointed to fill the vacancy in the manner  
14 provided in sections 71-1594 to 71-15,105.

15                   Sec. 6. Section 71-15,140, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17                   71-15,140 A housing agency may adopt and promulgate  
18 reasonable rules and regulations consistent with the purposes of the  
19 Nebraska Housing Agency Act concerning personal property of residents  
20 and other persons located in a development of the agency, and if such  
21 personal property is not removed from a dwelling unit at the time of  
22 the termination of the lease, at the time of vacation or abandonment  
23 of the dwelling unit, or at the time of the death of any resident, an  
24 agency may remove the same and store such property in a secure  
25 location at the resident's risk and expense. If possession of such

1 personal property is not taken by the resident or other person  
2 authorized by law to take possession within ~~forty-five~~twenty-one  
3 days after such termination, vacation, or abandonment and if any  
4 storage removal charges remain unpaid, then the housing agency may,  
5 at its option, dispose of the personal property in any manner which  
6 the authority deems fit. In no case shall any employee or relative of  
7 an employee of the housing agency take ownership of such property. No  
8 resident or other person shall have any cause of action against the  
9 housing agency for such removal or disposition of such personal  
10 property.

11 Sec. 7. Original sections 71-1594, 71-1598, 71-15,101,  
12 71-15,102, 71-15,103, and 71-15,140, Reissue Revised Statutes of  
13 Nebraska, are repealed.