

AMENDMENTS TO LB986

Introduced by Hansen, 26.

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

3 Section 1. Sections 1 to 19 of this act shall be known and may be
4 cited as the Neighborhood Improvement District Act.

5 Sec. 2. The Legislature finds that municipalities in the state
6 contain many older neighborhoods in need of revitalization but lack the
7 funds with which to provide and maintain improvements. The purpose of the
8 Neighborhood Improvement District Act is to provide a means by which such
9 municipalities may raise the necessary funds to be used for the purpose
10 of providing and maintaining the improvements authorized by the act, to
11 stimulate the development of public improvements by providing an
12 equitable and politically expeditious method of financing such
13 improvements, and to supplement, but not reduce, the level of government
14 services provided.

15 Sec. 3. For purposes of the Neighborhood Improvement District Act:

16 (1) Homeowners association means a nonprofit corporation duly
17 incorporated under the laws of the State of Nebraska for the purpose of
18 enforcing the restrictive covenants established upon the real property
19 legally described in the articles of incorporation and located within the
20 corporate limits of a municipality. Each member of such association must
21 be an owner of a lot located within the plat or subdivision and, by
22 virtue of membership or ownership of a lot, obligated to pay costs for
23 the administration, maintenance, and care of the common area within the
24 plat or subdivision. Homeowners association includes associations of
25 residential homeowners, nonresidential property owners, or both;

26 (2) Municipality means any city of the primary class, city of the
27 first class, or city of the second class;

1 (3) Neighborhood means a well-defined and established area of the
2 municipality zoned primarily for residential use;

3 (4) Neighborhood association means an organization that is
4 recognized or endorsed by a municipality as representing all of the
5 residents within a specifically defined geographical area, with the
6 organization representing those residents on a wide range of issues
7 through an open meeting process with elected officers and regularly
8 scheduled meetings; and

9 (5) Record owner means the fee owner of real property as shown in
10 the records of the office of the register of deeds in the county in which
11 the neighborhood area is located. A contract purchaser of real property
12 shall be considered the record owner and the only person entitled to
13 petition pursuant to section 8 or 14 of this act or protest pursuant to
14 section 9 or 15 of this act, if the contract is recorded in the office of
15 the register of deeds in the county in which the neighborhood area is
16 located.

17 Sec. 4. Any funds available under the Neighborhood Improvement
18 District Act may be used for any one or more of the following purposes:

19 (1) Improvement of any public place or facility in the neighborhood
20 improvement district area, including landscaping, physical improvements
21 for decoration or security purposes, and plantings;

22 (2) Construction or installation of pedestrian plazas, sidewalks,
23 parks, public restrooms, meeting and display facilities, bus stop
24 shelters, lighting, benches or other seating furniture, sculptures, trash
25 receptacles, shelters, fountains, pedestrian and vehicular overpasses and
26 underpasses, and any other useful or necessary public improvements or
27 projects whether capital or noncapital in nature;

28 (3) Creation and implementation of a plan for improving the general
29 architectural design of public areas in the neighborhood improvement
30 district;

31 (4) The development and promotion of any public or social activities

1 and public events within the neighborhood improvement district area;

2 (5) Maintenance, repair, and reconstruction of any improvements or
3 facilities authorized by the Neighborhood Improvement District Act;

4 (6) Establishing or assisting with neighborhood watch programs;

5 (7) Establishing or assisting with neighborhood cleanup, litter
6 cleanup, recycling, or other trash abatement programs; and

7 (8) Employing or contracting for personnel, including administrators
8 for any improvement program under the act, and providing for any service
9 as may be necessary or proper to carry out the purposes of the
10 Neighborhood Improvement District Act.

11 Sec. 5. A neighborhood improvement district may be created as
12 provided by the Neighborhood Improvement District Act and shall be within
13 the boundaries of a neighborhood.

14 Sec. 6. (1) The mayor, with the approval of the city council, shall
15 appoint a neighborhood improvement board consisting of residents and
16 property owners within the neighborhood to be improved. The boundaries of
17 the neighborhood improvement district shall be declared by resolution of
18 the city council at or prior to the time of the appointment of the
19 neighborhood improvement board. The neighborhood improvement board shall
20 make recommendations to the city council for the establishment of a plan
21 or plans for improvements in the neighborhood improvement district. The
22 neighborhood improvement board may make recommendations to the
23 municipality as to the use of any funds collected, and may administer
24 such funds if so directed by the mayor and city council. The neighborhood
25 improvement board shall also review and make recommendations to the
26 municipality regarding expansion of the boundaries of the neighborhood
27 improvement district under sections 13 to 16 of this act.

28 (2) The mayor, with approval of the city council, may designate an
29 existing neighborhood association board or homeowners association board
30 within the neighborhood as the neighborhood improvement board in lieu of
31 appointing a neighborhood improvement board under subsection (1) of this

1 section.

2 Sec. 7. Unless the mayor designates an existing neighborhood
3 association board or homeowners association board as the neighborhood
4 improvement board pursuant to subsection (2) of section 6 of this act,
5 the neighborhood improvement board shall consist of five or more members
6 to serve such terms as the city council by resolution determines. A
7 majority of the members of the board shall be residents of the
8 neighborhood. The mayor, with the approval of the city council, shall
9 fill any vacancy for the term vacated. A board member may serve more than
10 one term. The board shall select from its members a chairperson and a
11 secretary.

12 Sec. 8. If the city council has not acted to call a hearing to
13 create a neighborhood improvement district as provided in section 11 of
14 this act, it shall do so when presented with a petition signed by the
15 record owners of at least thirty percent of the assessable front footage
16 in a neighborhood.

17 Sec. 9. Whenever a hearing is held pursuant to section 8 or 11 of
18 this act, the city council shall:

19 (1) Hear all protests and receive evidence for or against the
20 proposed action;

21 (2) Rule upon all written protests received prior to the close of
22 the hearing, which ruling shall be final; and

23 (3) Continue the hearing from time to time as the city council may
24 deem necessary.

25 Sec. 10. If the city council decides to change the boundaries of
26 the proposed neighborhood improvement district or to change the proposed
27 modifications to the boundaries of an existing neighborhood improvement
28 district or districts from those recommended by the neighborhood
29 improvement board, the hearing shall be continued to a time at least
30 fifteen days after such decision, and notice showing the boundary
31 amendments shall be given as prescribed in section 12 of this act. The

1 city council may not expand the proposed boundaries recommended by the
2 neighborhood improvement board without the city council's proposed
3 boundaries being considered by the neighborhood improvement board.

4 Sec. 11. Upon receiving a recommendation from the neighborhood
5 improvement board, the city council may create one or more neighborhood
6 improvement districts. The city council, following a hearing, may
7 establish or reject any proposed neighborhood improvement district or
8 districts. If the city council decides to establish any neighborhood
9 improvement district, it shall adopt an ordinance to that effect. Such
10 ordinance shall contain the following information:

11 (1) A statement that notice of hearing was given, including the date
12 or dates on which notice was given, in accordance with section 12 of this
13 act;

14 (2) The time and place the hearing was held concerning the formation
15 of the neighborhood improvement district;

16 (3) A statement that a neighborhood improvement district has been
17 established;

18 (4) The purposes of the neighborhood improvement district, and the
19 public improvements or facilities to be included in such district; and

20 (5) A description of the boundaries of the neighborhood improvement
21 district.

22 Sec. 12. (1) At least thirty days prior to the date of any hearing
23 under section 8, 11, 13, or 14 of this act, notice of such hearing shall
24 be given by:

25 (a) Two publications of the notice of hearing in a legal newspaper
26 in or of general circulation in the municipality with the second notice
27 published no later than ten days prior to the hearing;

28 (b) Mailing a copy of the notice of hearing to each owner of taxable
29 property in the proposed, modified, or expanded neighborhood improvement
30 district as shown on the latest tax rolls of the county treasurer for
31 such county; and

1 (c) Providing a copy of the notice of hearing to any neighborhood
2 association registered pursuant to subsection (2) of this section in the
3 manner requested by such neighborhood association unless the board of any
4 such neighborhood association has been designated as the neighborhood
5 improvement district board pursuant to subsection (2) of section 6 of
6 this act.

7 (2) The notice required by subdivision (1)(c) of this section shall
8 be provided to any neighborhood association which is registered pursuant
9 to this subsection and whose area of concern is located, in whole or in
10 part, within a one-mile radius of the existing or proposed boundaries of
11 the neighborhood improvement district. Each neighborhood association
12 desiring to receive such notice shall register with the municipality the
13 area of concern of such association and provide the name of and contact
14 information for the individual designated to receive notice on behalf of
15 such association and the requested manner of service, whether by email or
16 regular, certified, or registered mail. The registration shall be in
17 accordance with any rule or ordinance adopted by the city council.

18 (3) Any notice of hearing for any hearing required by section 8 or
19 11 of this act shall contain the following information:

20 (a) A description of the boundaries of the proposed neighborhood
21 improvement district;

22 (b) The time and place of a hearing to be held by the city council
23 to consider establishment of the neighborhood improvement district;

24 (c) The proposed public facilities or improvements to be made or
25 maintained within any such neighborhood improvement district; and

26 (d) The proposed or estimated costs for such improvements or
27 facilities within the proposed neighborhood improvement district and the
28 method by which such costs will be paid.

29 (4) Any notice of hearing for any hearing required by section 13 or
30 14 of this act shall contain the following information:

31 (a) A description of the boundaries of the area to be added to the

1 existing neighborhood improvement district and a description of the new
2 boundaries of the modified neighborhood improvement district;

3 (b) The time and place of a hearing to be held by the city council
4 to consider establishment of the modified neighborhood improvement
5 district;

6 (c) The new public facilities or improvements, if any, to be made or
7 maintained within any such neighborhood improvement district; and

8 (d) The proposed or estimated costs for new or existing improvements
9 and facilities within the proposed modified neighborhood improvement
10 district and the method by which such costs will be paid.

11 Sec. 13. Upon receiving a recommendation to expand the boundaries
12 or change the functions or provisions of an existing neighborhood
13 improvement district from the neighborhood improvement board, the city
14 council may expand the boundaries or change the functions or provisions
15 of one or more neighborhood improvement districts by adopting an
16 ordinance to expand the boundaries or change the functions or provisions
17 of such neighborhood improvement district or districts. Prior to adopting
18 the ordinance, a hearing shall be held to consider the ordinance.

19 Sec. 14. If a city council has not acted to call a hearing to
20 expand the boundaries or change the functions or provisions of an
21 existing neighborhood improvement district as provided in section 13 of
22 this act, it shall do so when presented with a petition signed by the
23 record owners of at least thirty percent of the assessable front footage
24 in a portion of a neighborhood proposed to be added to an existing
25 neighborhood improvement district.

26 Sec. 15. Whenever a hearing is held to expand the boundaries or
27 change the functions or provisions of an existing neighborhood
28 improvement district under section 13 or 14 of this act, the city council
29 shall:

30 (1) Hear all protests and receive evidence for or against the
31 proposed action;

1 (2) Rule upon all written protests received prior to the close of
2 the hearing, which ruling shall be final; and

3 (3) Continue the hearing from time to time as the city council may
4 deem necessary.

5 Sec. 16. The city council, following a hearing under section 13 or
6 14 of this act, may expand the boundaries or change the functions or
7 provisions of any neighborhood improvement district or districts. If the
8 city council decides to expand the boundaries or change the functions or
9 provisions of any district or districts, it shall adopt an ordinance to
10 that effect. The ordinance shall contain the following information:

11 (1) The name of the neighborhood improvement district to be expanded
12 or otherwise changed;

13 (2) A statement that notice of hearing was given, including the date
14 or dates on which notice was given, in accordance with section 12 of this
15 act;

16 (3) The time and place the hearing was held concerning the new
17 boundaries or changed functions or provisions of such neighborhood
18 improvement district;

19 (4) The purposes of the boundary expansion or changed functions or
20 provisions and any new public improvements or facilities to be included
21 in such neighborhood improvement district; and

22 (5) A description of the new boundaries or changed functions or
23 provisions of such neighborhood improvement district.

24 Sec. 17. The city council may dissolve a neighborhood improvement
25 district by ordinance after a hearing before the city council. The city
26 council shall adopt a resolution of intention to dissolve the area at
27 least fifteen days prior to the hearing required by this section. The
28 resolution shall give the time and place of the hearing.

29 Sec. 18. Upon dissolution of a neighborhood improvement district,
30 any assets acquired by the district shall be subject to disposition as
31 the city council shall determine.

1 Sec. 19. A municipality is authorized to receive, administer, and
2 disburse donated funds or grants of federal or state funds for the
3 purposes of, and in the manner authorized by, the Neighborhood
4 Improvement District Act.

5 Sec. 20. The Revisor of Statutes shall assign sections 1 to 19 of
6 this act to a new article in Chapter 19.