

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 49

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 71-1576,
2 71-1577, 71-1581, 71-1582, and 71-1586, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 housing agencies; to require establishment of regional
5 housing agencies as prescribed; and to repeal the
6 original sections.

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

1 Section 1. Section 71-1576, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1576 Any local housing authority established under any
4 prior Nebraska law relating to housing authorities and in existence
5 on January 1, 2000, shall have continued existence as a housing
6 agency under the Nebraska Housing Agency Act and shall thereafter
7 conduct its operations consistent with the act, except for any
8 housing authority established by a county which contains a city of
9 the metropolitan class and a housing authority established by a city
10 of the metropolitan class, which shall be subject to the provisions
11 of section 71-1581. All property, rights in land, buildings, records,
12 and equipment and any funds, money, revenue, receipts, or assets of
13 an authority shall belong to the agency as successor. All
14 obligations, debts, commitments, and liabilities of an authority
15 shall become obligations, debts, commitments, and liabilities of the
16 successor agency. Any resolution by an authority and any action taken
17 by the authority prior to January 1, 2000, with regard to any project
18 or program which is to be completed within or to be conducted for a
19 twelve-month period following January 1, 2000, and which resolution
20 or action is lawful under Nebraska law as it exists prior to January
21 1, 2000, shall be a lawful resolution or action of the successor
22 agency and binding upon such successor agency and enforceable by or
23 against such agency notwithstanding that such resolution or action is
24 inconsistent with, not authorized, or prohibited under the provisions
25 of the act. All commissioners of such agency and all officers, legal

1 counsel, technical experts, directors, and other appointees or
2 employees of such agency holding office or employment by virtue of
3 any such prior law on January 1, 2000, shall be deemed to have been
4 appointed or employed under the act.

5 Sec. 2. Section 71-1577, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-1577 ~~In—~~Except as provided in section 71-1581 for
8 cities of the metropolitan class and counties which contain a city of
9 the metropolitan class, in each city and county of this state which
10 has not previously established a housing agency or authority, there
11 is hereby created a local housing agency. Such agency shall not be
12 deemed to be established under the Nebraska Housing Agency Act, nor
13 shall it be authorized to conduct any business or exercise any of its
14 powers, unless and until the governing body of the city or county
15 declares by resolution or ordinance that a need exists for such a
16 local housing agency to function in such city or county and finds
17 that there exists a shortage of decent, safe, and sanitary housing in
18 such city or county that is available and affordable to all residents
19 regardless of income.

20 Sec. 3. Section 71-1581, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 71-1581 Any two or more cities, two or more counties, or
23 any combination of cities and counties may, and any city of the
24 metropolitan class and county which contains a city of the
25 metropolitan class shall, by resolution or ordinance of their

1 separate governing bodies, establish a regional housing agency by
2 adopting a joint resolution or ordinance declaring that there is a
3 need for a regional housing agency to provide decent, safe, and
4 sanitary housing that is affordable to persons of low and moderate
5 income residing in a multijurisdictional area and that this need
6 would be more efficiently served by the establishment of a regional
7 housing agency. Any local housing authority or agency established by
8 a county which contains a city of the metropolitan class or by a city
9 of the metropolitan class prior to the effective date of this act
10 shall become part of a regional housing agency by January 1, 2014.

11 Sec. 4. Section 71-1582, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 71-1582 Upon the adoption of a resolution or ordinance,
14 as provided in section 71-1581, by two or more cities or counties, a
15 regional housing agency shall be established, and except as otherwise
16 provided in the Nebraska Housing Agency Act, such regional housing
17 agency shall have perpetual existence unless dissolved in accordance
18 with law. A regional housing agency in a county which contains a city
19 of the metropolitan class shall have perpetual existence and may not
20 be dissolved.

21 Sec. 5. Section 71-1586, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-1586 ~~Any~~ Except for a city of the metropolitan class
24 and a county which contains a city of the metropolitan class, any
25 participating city or county may withdraw from participation in the

1 regional housing agency by resolution or ordinance of its governing
2 body. Any withdrawal from participation shall be subject to, and may
3 occur only pursuant to, the following conditions:

4 (1) The regional housing agency has no bonds, notes, or
5 other obligations outstanding or adequate provision for payment of
6 such bonds, notes, or other obligations, by escrow or otherwise, has
7 been made. Past performance without breach or default of an
8 obligation secured only by one or more developments or the income
9 thereof shall be deemed to be adequate provision;

10 (2) The withdrawing city or county has made adequate
11 provision for the performance of all of its outstanding obligations
12 and responsibilities as a participant in the regional housing agency;

13 (3) The withdrawing city or county has given six months'
14 written notice to the regional housing agency and all other cities
15 and counties participating therein; and

16 (4) The commissioner or commissioners appointed by the
17 withdrawing city or county shall be deemed to have resigned as of the
18 date upon which the withdrawal is effective. Vacancies on the board
19 of commissioners created by withdrawal of a city or county shall be
20 filled in such manner as the cities and counties remaining as
21 participants shall agree.

22 Notwithstanding the withdrawal of any participating city
23 or county, the legal title to and operating responsibility for any
24 development located outside the area of operation of the regional
25 housing agency remaining after such withdrawal has occurred shall

1 continue to be vested in the regional housing agency unless a
2 different arrangement is made.

3 Sec. 6. Original sections 71-1576, 71-1577, 71-1581,
4 71-1582, and 71-1586, Reissue Revised Statutes of Nebraska, are
5 repealed.