

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 399

FINAL READING

Introduced by Wayne, 13.

Read first time January 13, 2017

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend
2 sections 71-1594, 71-1598, 71-15,101, 71-15,102, 71-15,103, and
3 71-15,104, Reissue Revised Statutes of Nebraska; to add, change, and
4 eliminate provisions relating to commissioners; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

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

3 71-1594 (1) When the governing body of any city or county, as the
4 case may be, has determined by resolution or ordinance as set forth in
5 section 71-1578 that it is expedient to establish a local housing agency:

6 (a) (1) In the case of cities other than cities of the metropolitan
7 class, the chief elected official of such city shall appoint at least
8 five and not more than seven adult persons; ~~and (2) in~~

9 (b) In the case of cities of the metropolitan class, the chief
10 elected official of such city shall appoint seven adult persons; and

11 (c) In the case of counties, the county board shall appoint at least
12 five and not more than seven adult persons. ~~, and all~~

13 (2) All such persons shall be residents of the area of operation of
14 the agency. If the selection of a resident commissioner is required under
15 section 71-15,104, then at least one such person shall be a resident
16 commissioner selected as provided in such section. Such persons so
17 appointed shall constitute the governing body of the local housing agency
18 and shall be called commissioners.

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

21 71-1598 In the case of local housing agencies, the commissioners who
22 are first appointed shall be designated to serve for terms of one, two,
23 three, four, and five years, respectively, from the date of their
24 appointment, but thereafter commissioners shall be appointed for terms of
25 five years. In the case of housing agencies when the appointing authority
26 has elected to have more than five commissioners as provided in section
27 71-1594, or has elected to add one or two commissioners to a presently
28 existing housing agency, the sixth commissioner who is first appointed
29 shall be designated to serve for a term of four years, and the additional
30 commissioners who are seventh commissioner who is first appointed shall
31 be designated to serve for terms ~~a term~~ of five years, from the date of

1 ~~his or her~~ appointment, but thereafter the commissioners shall be
2 appointed for terms of five years.

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

5 71-15,101 Every commissioner shall be a resident of the area of
6 operation of the housing agency which he or she has been appointed to
7 serve. However, if after appointment a commissioner ceases to reside in
8 the local housing agency's area of operation, his or her term of office
9 shall automatically terminate and a successor shall be appointed to fill
10 such vacancy in the manner provided in sections 71-1594 to 71-15,105. Any
11 commissioner who ceases to reside within the area of operation of the
12 local housing agency in which such commissioner serves shall immediately
13 so inform the board of commissioners of the agency and the appointing
14 authority of his or her change in residence. No person who has been
15 convicted of a felony shall be eligible for appointment or service as a
16 commissioner.

17 Any commissioner of a local housing agency for a city of the
18 metropolitan class shall, at the expense of the local housing agency,
19 attain a commissioner's certification from the National Association of
20 Housing and Redevelopment Officials, or equivalent certification from a
21 nationally recognized professional association in the housing and
22 redevelopment field as determined by the local housing agency, within
23 twelve months after the date of appointment or by December 31, 2019,
24 whichever is later, or shall be deemed to have resigned his or her
25 position effective at the end of that time.

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

28 71-15,102 (1) In the case of a city of the metropolitan class, (a)
29 at least one commissioner shall be a member of a racial minority and (b)
30 at least one commissioner shall have experience in the following
31 professions: (i) Real estate development or management; (ii) accounting,

1 banking, or finance; and (iii) law or business management. A single
2 commissioner may satisfy more than one of the requirements provided in
3 subdivisions (b)(i) through (iii) of this subsection.

4 (2) In the case of a county, not more than three members of a
5 housing agency shall be residents of the same incorporated community
6 within the county.

7 Sec. 5. Section 71-15,103, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 71-15,103 The governing body of any city other than a city of the
10 metropolitan class in which a housing agency has been or may be created
11 may appoint one of its members to serve as one of the five commissioners
12 of such housing agency for such term as the governing body may determine.
13 Notwithstanding any other provision of the Nebraska Housing Agency Act,
14 it shall not be considered a conflict of interest if such person so
15 appointed as a commissioner votes on any matter involving the city. If ~~In~~
16 ~~the event that~~ the governing body of the city intends that a
17 commissioner's appointment is made with the intention that such
18 commissioner represent the city, then his or her certificate of
19 appointment shall so state. If ~~In the event that~~ any such commissioner so
20 appointed and designated ceases ~~shall cease~~ to serve as a member of the
21 governing body of a city, then his or her term of office shall
22 automatically terminate and a successor shall be appointed to fill the
23 vacancy in the manner provided in sections 71-1594 to 71-15,105.

24 Sec. 6. Section 71-15,104, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 71-15,104 (1) Each ~~new~~ housing agency created under the Nebraska
27 Housing Agency Act, ~~and within one hundred twenty days after January 1,~~
28 ~~2000, each existing housing agency,~~ shall include among the commissioners
29 constituting the governing body of such ~~each~~ local housing agency at
30 least one commissioner who shall be known as a resident commissioner. For
31 purposes of this section, resident commissioner means a member of the

1 governing board of a local housing agency whose eligibility for
2 membership is based upon such person's status as a recipient of direct
3 assistance from the agency except as otherwise provided in this section.

4 (2) ~~No later than~~ ~~Within sixty days after January 1, 2000, or within~~
5 thirty days after any vacancy in the office of a resident commissioner,
6 ~~the every~~ local housing agency shall notify any resident advisory board
7 or other resident organization and all adult persons directly assisted by
8 such agency to the effect that the position of resident commissioner is
9 open and that if any such person is interested in being considered as a
10 candidate for the position, such person should notify the local housing
11 agency, ~~in writing,~~ within thirty days of the person's willingness to be
12 considered and to serve in the position.

13 (3) The resident commissioner shall be selected, either by an
14 election or by appointment, as follows:

15 (a) The housing agency may hold an election, allowing each adult
16 direct recipient of its assistance to vote by secret written ballot, at
17 such time and place, or through the mail, as such agency may choose, all
18 to be conducted within thirty days after the receipt of names of
19 candidates as provided in subsection (2) of this section. The candidate
20 receiving the most votes shall serve as resident commissioner; ~~-~~

21 (b) ~~If In the event that~~ the housing agency decides not to hold an
22 election, the names of all persons interested who have notified the
23 housing agency of their interest in so serving shall be forwarded to the
24 mayor or to the county board, as the case may be, and the resident
25 commissioner shall be appointed from the list of names, as provided in
26 section 71-1594, subject to confirmation as provided in section 71-1596.
27 In the case of a regional housing agency, the regional board of
28 commissioners shall make such an appointment from among the persons
29 interested in such position; ~~and -~~

30 (c) ~~If In the event that~~ no qualified person has submitted to the
31 local housing agency his or her name ~~as being interested~~ as a candidate

1 for the position, then the mayor, county board, or regional housing
2 agency, as the case may be, shall fill the position from among all adult
3 persons receiving direct assistance from the agency subject to
4 confirmation, in the case of cities and counties, pursuant to section
5 71-1596. If a local housing agency owns fewer ~~less~~ than three hundred
6 low-income housing units {which, for purposes of this subdivision, does
7 not include units of housing occupied by persons assisted under any
8 rental assistance program} and the housing agency has received no
9 notification of interest in serving as a resident commissioner as
10 provided in this section, no resident commissioner shall be required to
11 be selected.

12 Sec. 7. Original sections 71-1594, 71-1598, 71-15,101, 71-15,102,
13 71-15,103, and 71-15,104, Reissue Revised Statutes of Nebraska, are
14 repealed.