

## LEGISLATIVE BILL 399

Approved by the Governor February 14, 2018

Introduced by Wayne, 13.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend sections 71-1594, 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,104, Reissue Revised Statutes of Nebraska; to add, change, and eliminate provisions relating to commissioners; to harmonize provisions; and to repeal the original sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

71-15,102 (1) In the case of a city of the metropolitan class, (a) at least one commissioner shall be a member of a racial minority and (b) at least one commissioner shall have experience in the following professions: (i) Real estate development or management; (ii) accounting, banking, or finance; and (iii) law or business management. A single commissioner may satisfy more than one of the requirements provided in subdivisions (b)(i) through (iii) of this subsection.

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

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

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

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

71-15,104 (1) Each ~~new~~ housing agency created under the Nebraska Housing Agency Act, ~~and within one hundred twenty days after January 1, 2000,~~ ~~each existing housing agency,~~ shall include among the commissioners constituting the governing body of such ~~each~~ local housing agency at least one commissioner who shall be known as a resident commissioner. For purposes of this section, resident commissioner means a member of the governing board of a local housing agency whose eligibility for membership is based upon such person's status as a recipient of direct assistance from the agency except as otherwise provided in this section.

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

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

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

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

(c) ~~If In the event that~~ no qualified person has submitted to the local housing agency his or her name as ~~being interested~~ as a candidate for the position, then the mayor, county board, or regional housing agency, as the case may be, shall fill the position from among all adult persons receiving direct assistance from the agency subject to confirmation, in the case of cities and counties, pursuant to section 71-1596. If a local housing agency owns fewer ~~less~~ than three hundred low-income housing units ~~{which, for purposes of this subdivision, does not include units of housing occupied by persons assisted under any rental assistance program}~~ and the housing agency has received no notification of interest in serving as a resident commissioner as provided in this section, no resident commissioner shall be required to be selected.

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