

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB866

Hearing Date: Tuesday February 04, 2020
Committee On: Urban Affairs
Introducer: Wayne
One Liner: Adopt the Density Bonus and Inclusionary Housing Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Arch, Briese, Crawford, Hansen, M., Hunt, Wayne
Nay: 1 Senator Lowe
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Senator Justin Wayne
David Levy

Ward F. Hoppe

Michael J. O'Hara
Kasey Ogle
Suzan DeCamp
Matthew Cavanaugh

Representing:

Legislative District 13
Omaha By Design/Nebraska Association of Commercial Property Owners
Metro Omaha Builders Association/Home Builders Association of Lincoln/Nebraska Realtors Association
Nebraska Chapter of the Sierra Club
Nebraska Appleseed
AARP Nebraska
Nebraska Housing Developers Association

Opponents:

Eric Englund
Lynn Rex

Representing:

City of Omaha
League of Nebraska Municipalities

Neutral:

David Cary

Representing:

City of Lincoln

Summary of purpose and/or changes:

LB866 would adopt the Density Bonus and Inclusionary Housing Act. The Act is designed to incentivize affordable housing projects in cities of the metropolitan class, cities of the primary class, and cities of the first class by providing residential density increases and regulatory concessions and incentives for housing developments that include a certain percentage of income-restricted rental units for low-income or very low-income residents.

Explanation of amendments:

AM2913 is a white-copy amendment that replaces the bill.

The amendment would adopt the Municipal Density and Missing Middle Housing Act. Under the Act:

1) On or before July 1, 2021, and every two years thereafter, each city of the metropolitan class, city of the primary

class, and city of the first class with a population over 20,000 must submit a report to the Urban Affairs Committee regarding its current efforts to address the availability of and incentives for affordable housing;

2) On or before January 1, 2023, each city of the metropolitan class, city of the primary class, and city of the first class with a population of 50,000 or more must adopt an affordable housing action plan;

3) On or before January 1, 2024, each city of the first class with a population between 20,000 and 50,000 must adopt an affordable housing action plan;

4) Any city of the metropolitan class, city of the primary class, or city of the first class with a population over 20,000 which fails to adopt an affordable housing plan by January 1, 2023 or January 1, 2024 would be required to adopt a default housing plan. Under the default housing plan, the city would be required to amend its zoning ordinances to allow the development of middle housing in areas currently zoned for single-family residential dwellings. Middle housing is defined to include duplexes, triplexes, quadplexes, cottage clusters, and townhouses.

AM2913 incorporates several concepts from LB794, which would have adopted the Missing Middle Housing Act.

Testifiers on LB794:

Proponents:

Erin Feichtinger, Together

Patrick Leahy, American Institute of Architects, Nebraska Chapter

Ward F. Hoppe, Metro Omaha Builders Association/Home Builders Association of Lincoln Coalition/Nebraska Realtors Association

Isabel Salas, South of Downtown Community Development Organization

Suzan DeCamp, AARP Nebraska

Angela Brant, Self

David Levy, Omaha by Design

Michael J. O'Hara, Sierra Club

Will Greene, Omaha Missing Middle Housing Campaign

Matthew Cavanaugh, Nebraska Housing Developers Association

Opponents:

Lynn Rex, League of Nebraska Municipalities

Neutral:

David Cary, City of Lincoln

Jeff Spiehs, Metropolitan Area Planning Agency

Eric Englund, City of Omaha

Justin Wayne, Chairperson