

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 799

Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14;
Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

Read first time January 06, 2022

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to the Municipal Density and Missing Middle
2 Housing Act; to amend sections 19-5503 and 19-5504, Revised Statutes
3 Cumulative Supplement, 2020; to update a federal reference; to
4 change provisions relating to the contents of an affordable housing
5 report; and to repeal the original sections.

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

1 Section 1. Section 19-5503, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 19-5503 For purposes of the Municipal Density and Missing Middle
4 Housing Act:

5 (1) Accessory dwelling unit means an interior, attached, or detached
6 residential structure that is used in connection with, or that is an
7 accessory to, a single-family dwelling and is located on the same lot or
8 parcel as such single-family dwelling;

9 (2) Affordable housing means residential dwelling units affordable
10 to a household earning not more than eighty percent of the income limit
11 as set forth by the United States Department of Housing and Urban
12 Development under its Income Limits Documentation System, as such limits
13 existed on January 1, 2022 ~~2020~~, for the county in which the units are
14 located and for a particular household size;

15 (3) City means any city of the metropolitan class, city of the
16 primary class, or city of the first class in the State of Nebraska with a
17 population of at least twenty thousand inhabitants as determined by the
18 most recent federal decennial census or the most recent revised certified
19 count by the United States Bureau of the Census;

20 (4) Cottage cluster means a grouping of no fewer than four detached
21 housing units per acre with a footprint of less than nine hundred square
22 feet each and that includes a common courtyard;

23 (5) Density bonus means a density increase over the otherwise
24 maximum allowable residential density under a city's zoning codes,
25 ordinances, and regulations;

26 (6) Middle housing means:

27 (a) Duplexes;

28 (b) Triplexes;

29 (c) Quadplexes;

30 (d) Cottage clusters; or

31 (e) Townhouses;

1 (7) Townhouse means a dwelling unit constructed in a row of two or
2 more attached units where each dwelling unit is located on an individual
3 lot or parcel and shares at least one common wall with an adjacent unit;
4 and

5 (8) Workforce housing means:

6 (a) Housing that meets the needs of working families;

7 (b) Owner-occupied housing units that have an after-construction
8 appraised value of at least one hundred twenty-five thousand dollars but
9 not more than two hundred seventy-five thousand dollars to construct;

10 (c) Owner-occupied housing units for which the cost to substantially
11 rehabilitate exceeds fifty percent of a unit's assessed value;

12 (d) Upper-story housing for occupation by a homeowner; and

13 (e) Housing that does not receive federal or state low-income
14 housing tax credits, community development block grants, HOME funds as
15 defined in section 81-1228, or funds from the Affordable Housing Trust
16 Fund.

17 Sec. 2. Section 19-5504, Revised Statutes Cumulative Supplement,
18 2020, is amended to read:

19 19-5504 (1) On or before July 1, 2021, and by each July 1 every two
20 years thereafter, each city shall electronically submit a report to the
21 Urban Affairs Committee of the Legislature detailing its efforts to
22 address the availability of and incentives for affordable housing through
23 its zoning codes, ordinances, and regulations. Such report shall include,
24 but not be limited to:

25 (a) An overview of the city's current residential zoning
26 requirements;

27 (b) The percentage of areas within the corporate limits of ~~in~~ the
28 city zoned for residential use which permit the construction of
29 multifamily housing and middle housing, including whether such areas are
30 zoned specifically for residential use or generally allow residential
31 use, and whether such construction is permitted with or without any

1 additional permit requirements;

2 (c) A breakdown of new residential construction within the corporate
3 limits of ~~in~~ the city over the previous five years, including the
4 percentage of such construction that was single-family housing,
5 multifamily housing, and middle housing;

6 (d) A breakdown of residential units annexed by the city over the
7 previous five years, including the percentage of such units that were
8 single-family housing, multifamily housing, and middle housing;

9 (e) An estimate of the per-unit cost of housing within the corporate
10 limits of ~~in~~ the city;

11 (f) Whether such zoning codes, ordinances, and regulations provide
12 for density bonuses or other concessions or incentives which encourage
13 residential density, and the frequency with which such bonuses,
14 concessions, or incentives are utilized;

15 (g) Whether such zoning codes, ordinances, and regulations allow the
16 construction of accessory dwelling units;

17 (h) What incentives the city applies to encourage the development of
18 affordable housing, including both direct incentives and regulatory
19 relief;

20 (i) A demographic analysis of the city with trends and estimates of
21 the housing need classified by housing type and price range; and

22 (j) Efforts to adopt an affordable housing action plan as required
23 under section 19-5505.

24 (2) The Urban Affairs Committee of the Legislature may require any
25 city to present its report to the committee at a public hearing.

26 Sec. 3. Original sections 19-5503 and 19-5504, Revised Statutes
27 Cumulative Supplement, 2020, are repealed.