

ENGROSSED LEGISLATIVE BILL 839

Introduced by Rountree, 3.

A BILL FOR AN ACT relating to housing; to amend section 19-5504, Revised Statutes Cumulative Supplement, 2024, and section 58-701, Revised Statutes Supplement, 2025; to change reporting requirements under the Municipal Density and Missing Middle Housing Act; to provide requirements for multifamily rental unit projects under the Nebraska Affordable Housing Act; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 19-5504, Revised Statutes Cumulative Supplement, 2024, is amended to read:

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

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

(b) The percentage of areas within the corporate limits of the city zoned for residential use which permit the construction of multifamily housing and middle housing, including whether such areas are zoned specifically for residential use or generally allow residential use, and whether such construction is permitted with or without any additional permit requirements;

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

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

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

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

(g) Whether such zoning codes, ordinances, and regulations allow the construction of accessory dwelling units, what efforts have been made by the city to expand the use of accessory dwelling units, what obstacles exist to allowing more accessory dwelling units in the city and any strategies to overcome those obstacles, and which areas of the city allow for accessory dwelling units by right;

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

(i) The percentage of areas within the corporate limits of the city zoned for residential use which have been declared substandard and blighted areas under the Community Development Law;

(j) The percentage of areas within the corporate limits of the city zoned for residential use which have been declared extremely blighted areas under the Community Development Law;

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

(l)(i) The number of multifamily housing units constructed within the corporate limits of the city and issued an initial certificate of occupancy since January 1, 2021, and either:

(A) The number of such units considered covered multifamily dwellings that were designed and constructed in accordance with the accessibility requirements of the federal Fair Housing Act, 42 U.S.C. 3601 et seq. For purposes of this subdivision, covered multifamily dwelling has the same meaning as in 42 U.S.C. 3604; or

(B) The number of such units considered Type B units under chapter 11 of

the 2018 edition of the International Building Code.

(ii) If a city is unable to provide the information described in subdivision (1)(i) of this subsection with regard to construction that occurred on or after January 1, 2021, and before the effective date of this act, the city shall note such fact in its report and may omit such information from the report;

(m) Efforts to adopt an affordable housing action plan as required under section 19-5505 or efforts to implement an affordable housing action plan after such plan is adopted; and

(n) Recommendations on actions that the state could take to assist cities in the construction of affordable housing.

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

Sec. 2. Section 58-701, Revised Statutes Supplement, 2025, is amended to read:

58-701 Sections 58-701 to 58-712 and section 3 of this act shall be known and may be cited as the Nebraska Affordable Housing Act.

Sec. 3. (1) For purposes of this section:

(a) Accessible has the same meaning as in 24 C.F.R. 8.3, as such regulation existed on January 1, 2026; and

(b) Multifamily rental unit project means residential buildings that contain five or more dwelling units within one structure occupied by renters.

(2) Beginning on the effective date of this act, the Department of Economic Development shall not approve a multifamily rental unit project for assistance from the Affordable Housing Trust Fund unless:

(a) At least five percent of the dwelling units included in the project will be accessible for persons with mobility impairments; and

(b) At least two percent of the dwelling units included in the project will be accessible for persons with hearing or vision impairments.

Sec. 4. Original section 19-5504, Revised Statutes Cumulative Supplement, 2024, and section 58-701, Revised Statutes Supplement, 2025, are repealed.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 839 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

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GOVERNOR