

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 839

FINAL READING

Introduced by Rountree, 3.

Read first time January 08, 2026

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to housing; to amend section 19-5504, Revised
- 2 Statutes Cumulative Supplement, 2024, and section 58-701, Revised
- 3 Statutes Supplement, 2025; to change reporting requirements under
- 4 the Municipal Density and Missing Middle Housing Act; to provide
- 5 requirements for multifamily rental unit projects under the Nebraska
- 6 Affordable Housing Act; to harmonize provisions; and to repeal the
- 7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 19-5504, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 19-5504 (1) On or before July 1, 2021, and by each July 1 every two
4 years thereafter, each city shall electronically submit a report to the
5 Urban Affairs Committee of the Legislature detailing its efforts to
6 address the availability of and incentives for affordable housing through
7 its zoning codes, ordinances, and regulations. Such report shall include,
8 but not be limited to:

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

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

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

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

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

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

30 (g) Whether such zoning codes, ordinances, and regulations allow the
31 construction of accessory dwelling units, what efforts have been made by

1 the city to expand the use of accessory dwelling units, what obstacles
2 exist to allowing more accessory dwelling units in the city and any
3 strategies to overcome those obstacles, and which areas of the city allow
4 for accessory dwelling units by right;

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

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

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

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

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

19 (A) The number of such units considered covered multifamily
20 dwelling that were designed and constructed in accordance with the
21 accessibility requirements of the federal Fair Housing Act, 42 U.S.C.
22 3601 et seq. For purposes of this subdivision, covered multifamily
23 dwelling has the same meaning as in 42 U.S.C. 3604; or

24 (B) The number of such units considered Type B units under chapter
25 11 of the 2018 edition of the International Building Code.

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

31 (m) (1) Efforts to adopt an affordable housing action plan as

1 required under section 19-5505 or efforts to implement an affordable
2 housing action plan after such plan is adopted; and -

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

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

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

9 58-701 Sections 58-701 to 58-712 and section 3 of this act shall be
10 known and may be cited as the Nebraska Affordable Housing Act.

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

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

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

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

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

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

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