

**FISCAL NOTE**  
LEGISLATIVE FISCAL ANALYST ESTIMATE

**ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)**

EXPENDITURES	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
	FY2025-2026	0	0	0	0
FY2026-2027		0	0	0	0
FY2027-2028		0	0	0	0
FY2028-2029		0	0	0	0
REVENUE	GENERAL	CASH	FEDERAL	REVOLVING	TOTAL
	FY2025-2026	0	0	0	0
FY2026-2027		0	0	0	0
FY2027-2028		0	0	0	0
FY2028-2029		0	0	0	0

**Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.**

LB1094 would create the By-Right Housing Development Act which would do the following:

- Establish definition under the act;
- Establish that all proposed housing developments, including single-family homes, accessory dwelling units, and multifamily housing units, that meet the criteria outlined in applicable zoning codes and land use regulations shall be approved by right, without the need for discretionary review or approval by any planning commission, zoning board, or other regulatory authority;
- Require regulatory authorities to monitor housing developments that were approved by right pursuant to this act to ensure compliance with applicable regulations and standards. Allows for enforcement actions;
- State that nothing in the act shall be construed to invalidate or limit the legality, enforceability, or effect of any restrictive covenants or any regulations of a condominium association or homeowners' association. Requires courts to recognize and enforce such covenants and regulations in accordance with applicable laws; and
- Create an appeal process if a permitting authority denies a permit for a housing development.

LB1094 would create the Permitting Approval Timeliness Act which would do the following:

- Establish definitions under the act;
- Requires a permitting authority to process permit applications in a timely manner and shall issue a decision on a complete permit application within seventy-five days after its submission. If a permitting authority fails to issue a decision within seventy-five days the permit shall be automatically granted to the applicant;
- Requires permitting authorities which deny a permit application or approves a permit application with conditions, the permitting authority shall provide the applicant with specific reasons for the denial or conditional approval. Denial or conditional approval shall be based on applicable laws and regulations clearly established for the issuance of the relevant permit; and
- Allows for an appeals process and outlines that process.

Any cost would be borne by political subdivisions. No fiscal impact to the state.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE

LB: 1094 AM: AGENCY/POLT. SUB: City of Kearney

REVIEWED BY: Ashley Dempsey DATE: 1/20/26 PHONE: (402) 326-2182

COMMENTS: No basis to dispute the City of Kearney's assessment of indeterminable fiscal impact from LB 1094.  
Technical Note: The General Fund service model mentioned on the fiscal note does not impact State General Fund.

Please complete **ALL (5)** blanks in the first three lines.

**2026**

**LB<sup>(1)</sup> 1094**

**FISCAL NOTE**

**State Agency OR Political Subdivision**  
**Name:** <sup>(2)</sup>

**City of Kearney**

**Prepared by:** <sup>(3)</sup> Brian Schultz

**Date Prepared:** <sup>(4)</sup> 1/16/2026

**Phone:** <sup>(5)</sup> (308) 233-3213

**ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION**

	<b>FY 2026-27</b>		<b>FY 2027-28</b>	
	<b>EXPENDITURES</b>	<b>REVENUE</b>	<b>EXPENDITURES</b>	<b>REVENUE</b>
<b>GENERAL FUNDS</b>				
<b>CASH FUNDS</b>				
<b>FEDERAL FUNDS</b>				
<b>OTHER FUNDS</b>				
<b>TOTAL FUNDS</b>				

**Explanation of Estimate:**

There is the unknown and unmeasurable impact to utilities (water & sewer) infrastructure, will additional density require larger capacity on existing lines? Will a dedicated line be required for either utility, can they "piggyback" off the primary residence? Will the municipality or the property owner be required to pay for infrastructure upgrades/improvements to the system if they are required?

Additional items to consider that are also unknown and unmeasurable include but are not limited to; what the impact of addition of extra density does to our police, fire, on-street parking etc; these items would directly impact our General Fund service model currently.

As written there would be no initial day to day operational fiscal impact to our development services/building division. Our current permit software can accommodate this change by adding new permits.

**BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE**

**Personal Services:**

<b>POSITION TITLE</b>	<b>NUMBER OF POSITIONS</b>		<b>2026-27 EXPENDITURES</b>	<b>2027-28 EXPENDITURES</b>
	<b>26-27</b>	<b>27-28</b>		

**Benefits.....**

**Operating.....**

**Travel.....**

**Capital outlay.....**

**Aid.....**

**Capital improvements.....**

**TOTAL.....**

