

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 48

Introduced by Ashford, 20.

Read first time January 10, 2013

Committee:

A BILL

1 FOR AN ACT relating to housing agencies; to amend sections 71-1594,
2 71-1598, 71-15,101, 71-15,102, 71-15,103, and 71-15,140,
3 Reissue Revised Statutes of Nebraska; to change
4 provisions relating to the board of commissioners and
5 disposal of personal property; to harmonize provisions;
6 and to repeal the original sections.

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

1 Section 1. Section 71-1594, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1594 When the governing body of any city or county, as
4 the case may be, has determined by resolution or ordinance as set
5 forth in section 71-1578 that it is expedient to establish a local
6 housing agency: (1) In the case of cities other than cities of the
7 metropolitan class, the chief elected official of such city shall
8 appoint at least five and not more than seven adult persons; ~~and~~ (2)
9 in the case of cities of the metropolitan class, the chief elected
10 official of such city shall appoint at least five adult persons; and
11 (3) in the case of counties, the county board shall appoint at least
12 five and not more than seven adult persons, and all such persons
13 shall be residents of the area of operation of the agency. If the
14 selection of a resident commissioner is required under section
15 71-15,104, then at least one such person shall be a resident
16 commissioner selected as provided in such section. In cities of the
17 metropolitan class, the chief elected official shall not appoint more
18 than one resident of the same city council district to serve at the
19 same time as a member of the board of commissioners of a local
20 housing agency created by the city. In counties that elect the
21 members of the county board by district, the county board shall not
22 appoint more than one resident of the same county board district to
23 serve at the same time as a member of the board of commissioners of a
24 local housing agency created by the county. Such persons so appointed
25 shall constitute the governing body of the local housing agency and

1 shall be called commissioners.

2 Sec. 2. Section 71-1598, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-1598 In the case of local housing agencies, the
5 commissioners who are first appointed shall be designated to serve
6 for terms of one, two, three, four, and five years, respectively,
7 from the date of their appointment, but thereafter commissioners
8 shall be appointed for terms of five years. In the case of housing
9 agencies when the appointing authority has elected to have more than
10 five commissioners as provided in section 71-1594, or has elected to
11 add one or two commissioners to a presently existing housing agency,
12 the sixth commissioner who is first appointed shall be designated to
13 serve for a term of four years, and the ~~seventh commissioner who is~~
14 additional commissioners who are first appointed shall be designated
15 to serve for a term of five years, from the date of ~~his or her~~
16 appointment, but thereafter the commissioners shall be appointed for
17 terms of five years.

18 Sec. 3. Section 71-15,101, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-15,101 Every commissioner shall be a resident of the
21 area of operation of the housing agency which he or she has been
22 appointed to serve. However, if after appointment a commissioner
23 ceases to reside in the local housing agency's area of operation, his
24 or her term of office shall automatically terminate and a successor
25 shall be appointed to fill such vacancy in the manner provided in

1 sections 71-1594 to 71-15,105. Any commissioner who ceases to reside
2 within the area of operation of the local housing agency in which
3 such commissioner serves shall immediately so inform the board of
4 commissioners of the agency and the appointing authority of his or
5 her change in residence. No person who has been convicted of a felony
6 shall be eligible for appointment or service as a commissioner. Any
7 person serving as a commissioner of a local housing agency for a city
8 of the metropolitan class or county shall, at the expense of the
9 local housing agency, attain a commissioner's certification from the
10 National Association of Housing and Redevelopment Officials, or
11 equivalent certification from a nationally recognized professional
12 association in the housing and redevelopment field as determined by
13 the local housing agency, within twelve months after the date of
14 appointment or by December 31, 2014, whichever is later, or shall be
15 deemed to have resigned his or her position effective at the end of
16 that time.

17 Sec. 4. Section 71-15,102, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-15,102 (1) In the case of a city of the metropolitan
20 class: ~~at~~

21 (a) At least one commissioner shall be a member of a
22 racial minority; and -

23 (b) Commissioners shall be appointed as representatives
24 of one of the following professions:

25 (i) Real estate development or management;

- 1 (ii) Accounting;
- 2 (iii) Banking or finance;
- 3 (iv) Real estate brokerages;
- 4 (v) Chief executive officer of a for-profit corporation
- 5 or nonprofit agency; and
- 6 (vi) Law or business management.

7 (2) In the case of a county:

8 (a) Not ~~7~~, not more than three members of a housing agency

9 shall be residents of the same incorporated community within the

10 county; and -

11 (b) Commissioners shall be appointed as representatives

12 of one of the following professions:

- 13 (i) Real estate development or management;
- 14 (ii) Accounting;
- 15 (iii) Banking or finance;
- 16 (iv) Real estate brokerages;
- 17 (v) Chief executive officer of a for-profit corporation
- 18 or nonprofit agency; and
- 19 (vi) Law or business management.

20 (3) No elected official shall be a member of a housing

21 authority in a city of the first or metropolitan class or a county.

22 Sec. 5. Section 71-15,103, Reissue Revised Statutes of

23 Nebraska, is amended to read:

24 71-15,103 ~~The~~ Except in cities of the first or

25 metropolitan class, the governing body of any city in which a housing

1 agency has been or may be created may appoint one of its members to
2 serve as one of the five commissioners of such housing agency for
3 such term as the governing body may determine. Notwithstanding any
4 other provision of the Nebraska Housing Agency Act, it shall not be
5 considered a conflict of interest if such person so appointed as a
6 commissioner votes on any matter involving the city. In the event
7 that the governing body of the city intends that a commissioner's
8 appointment is made with the intention that such commissioner
9 represent the city, then his or her certificate of appointment shall
10 so state. In the event that any such commissioner so appointed and
11 designated shall cease to serve as a member of the governing body of
12 a city, then his or her term of office shall automatically terminate
13 and a successor shall be appointed to fill the vacancy in the manner
14 provided in sections 71-1594 to 71-15,105.

15 Sec. 6. Section 71-15,140, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 71-15,140 A housing agency may adopt and promulgate
18 reasonable rules and regulations consistent with the purposes of the
19 Nebraska Housing Agency Act concerning personal property of residents
20 and other persons located in a development of the agency, and if such
21 personal property is not removed from a dwelling unit at the time of
22 the termination of the lease, at the time of vacation or abandonment
23 of the dwelling unit, or at the time of the death of any resident, an
24 agency may remove the same and store such property in a secure
25 location at the resident's risk and expense. If possession of such

1 personal property is not taken by the resident or other person
2 authorized by law to take possession within ~~forty-five~~twenty-one
3 days after such termination, vacation, or abandonment and if any
4 storage removal charges remain unpaid, then the housing agency may,
5 at its option, dispose of the personal property in any manner which
6 the authority deems fit. In no case shall any employee or relative of
7 an employee of the housing agency take ownership of such property. No
8 resident or other person shall have any cause of action against the
9 housing agency for such removal or disposition of such personal
10 property.

11 Sec. 7. Original sections 71-1594, 71-1598, 71-15,101,
12 71-15,102, 71-15,103, and 71-15,140, Reissue Revised Statutes of
13 Nebraska, are repealed.