

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1026

Introduced by Rogert, 16.

Read first time January 17, 2008

Committee: Revenue

A BILL

1 FOR AN ACT relating to housing agencies; to amend section
2 71-1590, Reissue Revised Statutes of Nebraska; to change
3 a provision relating to tax-exempt status of housing
4 agency property; and to repeal the original section.

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

1 Section 1. Section 71-1590, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-1590 (1) The real and personal property of a local
4 housing agency and any wholly owned controlled affiliate thereof
5 used solely (a) for the administrative offices of the housing
6 agency or wholly owned controlled affiliate thereof, (b) to provide
7 housing for persons of eligible income and qualifying tenants, and
8 (c) for appurtenances related to such housing shall be exempt from
9 all taxes and special assessments of any city, any county, the
10 state, or any public agency thereof, including without limitation
11 any special taxing district or similar political subdivision. All
12 other real and personal property of the housing agency or wholly
13 owned controlled affiliate thereof shall be deemed to not be used
14 for a public purpose for purposes of section 77-202 and shall
15 be taxable as provided in sections 77-201 and 77-202.11. Property
16 owned jointly by a housing agency or its wholly owned controlled
17 affiliates with other nongovernmental persons or entities shall
18 be exempt from such taxes and assessments to the extent of the
19 ownership interest which the housing agency and its wholly owned
20 controlled affiliates hold in the property and to the extent the
21 property is used solely to provide housing for persons of eligible
22 income and qualifying tenants. Nothing in this section shall be
23 deemed to preclude a housing agency and its wholly owned controlled
24 affiliates from entering into an agreement for the payment of all
25 or any portion of any special assessments which might otherwise

1 be assessed except for the exemption created by this section.
2 The real or personal property in which a housing agency or an
3 affiliate holds an interest, in any capacity, and which property
4 is subject to income restrictions for qualifying tenants based
5 on guidelines, regulations, laws, or rules established by the
6 United States Department of Housing and Urban Development, or any
7 successor thereto, shall be exempt from all taxes and special
8 assessments of any city, any county, the state, or any public
9 agency thereof, including without limitation any special taxing
10 district or similar political subdivision, for the duration that
11 the income restrictions established by the United States Department
12 of Housing and Urban Development, or any successor thereto, remain
13 in full force and effect.

14 (2) A housing agency may agree to make payments in lieu
15 of all taxes or special assessments to the county within whose
16 territorial jurisdiction any development of such housing agency or
17 its controlled affiliates is located, for improvements, services,
18 and facilities furnished by the city, county, or other public
19 agencies, for the benefit of such development. Nothing contained
20 in this section shall be deemed to require such an agreement by
21 a local housing agency, and in no event shall the amounts payable
22 by the housing agency exceed the amounts which, except for the
23 exemption provided in this section, would otherwise be payable
24 under regular taxes and special assessments for similar properties
25 referred to in subsection (1) of this section. All payments in

1 lieu of taxes made by any such housing agency shall be distributed
2 by the county to all public agencies in such proportion that
3 each public agency shall receive from the total payment the same
4 proportion as its property tax rate bears to the total property tax
5 which would be levied by each public agency against property of the
6 housing agency if the same were not exempt from taxation.

7 (3) The property of Indian housing authorities created
8 under Indian law shall be exempt from all taxes and special
9 assessments of the state or any city, village, or public agency
10 thereof. In lieu of such taxes or special assessments, an
11 Indian housing authority may agree to make payments to any
12 city, village, or public agency for improvements, services, or
13 facilities furnished by such city, village, or public agency for
14 the benefit of a housing project owned by the housing authority,
15 but in no event shall such payments exceed the estimated cost to
16 such city, village, or public agency of the improvements, services,
17 or facilities to be so furnished. All payments made by any such
18 housing authority in lieu of taxes, whether such payments are
19 contractually stipulated or gratuitous voluntary payments, shall
20 be distributed among the cities, villages, or public agencies
21 within which the housing project is located, in such proportion
22 that each city, village, or public agency shall receive from the
23 total payment the same proportion as its ad valorem tax rate
24 bears to the total ad valorem tax rate which would be levied
25 by each city, village, or public agency against the properties

1 of the Indian housing authority if the same were not exempt
2 from taxation. For purposes of this section, (a) Indian housing
3 authority means an entity that is authorized by federal law to
4 engage or assist in the development or operation of low-income
5 housing for Indians and which is established by the exercise of
6 the power of self-government of an Indian tribe and (b) Indian
7 law means the code of an Indian tribe recognized as eligible for
8 services provided to Indians by the United States Secretary of the
9 Interior.

10 Sec. 2. Original section 71-1590, Reissue Revised
11 Statutes of Nebraska, is repealed.