

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 348**

Introduced by Harr, 8; Conrad, 46.

Read first time January 18, 2013

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section  
2 77-1333, Reissue Revised Statutes of Nebraska; to state  
3 findings; to change provisions relating to the assessment  
4 of certain rent-restricted housing projects; and to  
5 repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 77-1333, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           77-1333 (1) The Legislature finds that:

4           (a) The provision of safe, decent, and affordable housing  
5 to all residents of the State of Nebraska is a matter of public  
6 concern and represents a legitimate and compelling state need,  
7 effecting the general welfare of all residents;

8           (b) Rent-restricted housing projects constructed and  
9 financed, in whole or in part, with an allocation of federal low-  
10 income housing tax credits under section 42 of the Internal Revenue  
11 Code effectively provide safe, decent, and affordable housing for  
12 residents of Nebraska;

13           (c) Such projects are restricted by federal law as to the  
14 rents paid by the tenants thereof; and

15           (d) This statute is intended to further the provision of  
16 safe, decent, and affordable housing to all residents of Nebraska and  
17 to maximize the benefits available under section 42 of the Internal  
18 Revenue Code.

19           ~~(1)~~(2) The county assessor shall ~~perform~~utilize an  
20 income-approach calculation for all rent-restricted housing projects  
21 constructed to allow an allocation of low-income housing tax credits  
22 under section 42 of the Internal Revenue Code and approved by the  
23 Nebraska Investment Finance Authority when ~~considering~~determining  
24 the assessed valuation to place on the property for each assessment  
25 year. The income-approach calculation shall be consistent with any

1 rules and regulations adopted and promulgated by the Tax Commissioner  
2 and shall comply with professionally accepted mass appraisal  
3 techniques. Any low-income housing tax credits authorized under  
4 section 42 of the Internal Revenue Code that were granted to owners  
5 of the project shall not be considered income for purposes of the  
6 calculation. ~~but may be considered in determining the capitalization~~  
7 ~~rate to be used when capitalizing the income stream. The county~~  
8 ~~assessor, in determining the actual value of any specific property,~~  
9 ~~may consider other methods of determining value that are consistent~~  
10 ~~with professionally accepted mass appraisal methods described in~~  
11 ~~section 77-112. The county assessor, when utilizing the income-~~  
12 ~~approach calculation, shall utilize the capitalization rate provided~~  
13 ~~by the Nebraska Investment Finance Authority. The Nebraska Investment~~  
14 ~~Finance Authority shall determine the capitalization rate on an~~  
15 ~~annual basis and provide the same to the county assessor.~~

16           ~~(2)-(3)~~ The owner of a rent-restricted housing project  
17 shall file a statement with the county assessor on or before October  
18 1 of each year that details income and expense data for the prior  
19 year, a description of any land-use restrictions, and such other  
20 information as the county assessor may require.

21           Sec. 2. Original section 77-1333, Reissue Revised  
22 Statutes of Nebraska, is repealed.