

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 304

FINAL READING

Introduced by Crawford, 45.

Read first time January 12, 2017

Committee: Urban Affairs

1 A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend
2 sections 71-15,102, 71-15,140, 71-15,141, 71-15,142, 71-15,157, and
3 71-15,158, Reissue Revised Statutes of Nebraska; to change
4 provisions relating to commission membership, storage and possession
5 of personal property, filing of reports and plans, conflicts of
6 interest, and public bidding requirements as prescribed; and to
7 repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-15,102, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 71-15,102 ~~(1)~~—In the case of a city of the metropolitan class, at
4 least one commissioner shall be a member of a racial minority.

5 ~~(2) In the case of a county, not more than three members of a~~
6 ~~housing agency shall be residents of the same incorporated community~~
7 ~~within the county.~~

8 Sec. 2. Section 71-15,140, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 71-15,140 A housing agency may adopt and promulgate reasonable rules
11 and regulations consistent with the purposes of the Nebraska Housing
12 Agency Act concerning personal property of residents and other persons
13 located in a development of the agency, and if such personal property is
14 not removed from a dwelling unit at the time of the termination of the
15 lease, at the time of vacation or abandonment of the dwelling unit, or at
16 the time of the death of any resident, an agency may remove the same and
17 store such property in a secure location at the resident's risk and
18 expense. If possession of such personal property is not taken by the
19 resident or other person authorized by law to take possession within
20 fourteen ~~forty-five~~ days after such termination, vacation, ~~or~~
21 ~~abandonment, or death~~ and if any storage removal charges remain unpaid,
22 then the housing agency may, at its option, dispose of the personal
23 property in any manner which the authority deems fit. In no case shall
24 any employee or relative of an employee of the housing agency take
25 ownership of such property. No resident or other person shall have any
26 cause of action against the housing agency for such removal or
27 disposition of such personal property.

28 Sec. 3. Section 71-15,141, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 71-15,141 (1) Within nine ~~six~~ months after the end of each fiscal
31 year, each local housing agency shall prepare a report summarizing such

1 agency's activities for the year then ended. The report shall contain
2 financial statements depicting the financial condition of the agency, its
3 assets and liabilities, including contingent liabilities, and the results
4 of its operations for the year then ended. The report shall be approved
5 by the agency's board of commissioners and signed by its chairperson.

6 (2) The annual report of a local housing agency shall be a public
7 record that is available for inspection and copying by members of the
8 general public at the offices of the local housing agency. A local
9 housing agency shall also file its annual report with the city or county
10 clerk promptly upon completion thereof. Regional housing agencies shall
11 file annual reports with the appropriate officials of all participating
12 political subdivisions.

13 (3) Any employee or member of the board of commissioners of a local
14 housing agency who approves, signs, or files an annual report of an
15 agency knowing it is materially false or misleading shall be guilty of a
16 Class II misdemeanor.

17 (4) The financial statements contained in annual reports of local
18 housing agencies with gross revenue of two hundred fifty thousand dollars
19 or more shall be audited annually. The financial statements of agencies
20 with gross revenue of less than two hundred fifty thousand dollars shall
21 be audited at least biennially. A copy of each audit report shall be
22 filed with the Auditor of Public Accounts within nine months after the
23 end of each fiscal year in which such agency is required to file an audit
24 report or in which an audit report of such agency is prepared. Each local
25 housing agency audit shall be conducted in accordance with generally
26 accepted accounting principles, except that if the agency is a recipient
27 of federal assistance, the audit shall be conducted in accordance with
28 any accounting principles required by the federal government.

29 Sec. 4. Section 71-15,142, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 71-15,142 ~~(1)~~—Before any local housing agency shall construct any

1 new development for housing purposes, it shall submit to the governing
2 body of the city or county creating such agency, as the case may be, or
3 to the governing body of the political subdivision which has zoning
4 jurisdiction for the site or sites of such new development, in the case
5 of regional housing agencies, a plan indicating the general location or
6 locations and boundaries of the proposed site or sites for any such
7 development, which plans shall be subject to the approval of such
8 governing body, and such governing body may, in its discretion, submit
9 such plan to the planning department, if any, of the city or county, as
10 the case may be, for that department's comments and recommendations.

11 ~~(2) Each local housing agency shall file with the governing body of~~
12 ~~the city or county creating such agency a copy of the five-year plan and~~
13 ~~annual plan required by section 511 of the federal Quality Housing and~~
14 ~~Work Responsibility Act of 1998. The plans shall be filed with the~~
15 ~~governing body within thirty days after the date the plan is filed with~~
16 ~~the federal Department of Housing and Urban Development.~~

17 Sec. 5. Section 71-15,157, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 71-15,157 (1) Nothing contained in sections 71-15,149 to 71-15,157
20 shall prohibit a housing agency of a city of the second class or of a
21 village from purchasing or otherwise acquiring any goods or services from
22 a provider of such goods or services owned in whole or in part by a
23 housing agency official if (a) the provider is the sole source for the
24 goods or services within the area of operation of the housing agency, (b)
25 the cost of the goods or services does not exceed three thousand five
26 ~~hundred~~ dollars in any one instance, or ~~and~~ (c) the provider has not
27 received more than ten thousand ~~two thousand five hundred~~ dollars from
28 the housing agency in any one calendar year.

29 (2) Nothing contained in sections 71-15,149 to 71-15,157 shall
30 prohibit a housing agency from entering into and performing contracts,
31 agreements, and arrangements with any nonprofit entity or any affiliate,

1 whether for-profit or nonprofit in character, notwithstanding that some
2 or all of the housing agency's representatives or public officials or
3 legislators who exercise functions or responsibilities with respect to a
4 housing agency's developments also serve as directors or in other
5 policymaking positions in such nonprofit entity or affiliate. Such
6 service by housing agency representatives, public officials, or
7 legislators is expressly permitted under the Nebraska Housing Agency Act.

8 (3) The provisions of sections 71-15,149 to 71-15,157 shall not
9 apply to any general depositary agreement entered into with a bank or
10 other financial institution regulated by the federal government or to
11 utility service for which rates are fixed by a state or local agency. The
12 provisions of sections 71-15,149 to 71-15,157 shall not apply to prohibit
13 any present or former tenant commissioner from acting upon housing agency
14 business affecting residents unless such business directly involves a
15 resident organization with respect to which such commissioner occupies a
16 policymaking position or serves as a member of the governing board.

17 (4) Nothing contained in sections 71-15,149 to 71-15,157 shall
18 prohibit service as a commissioner by the chief elected official or any
19 member of the governing body of any city, county, or other public agency
20 which is served by a housing agency.

21 Sec. 6. Section 71-15,158, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-15,158 (1) Local housing agencies shall adopt policies, rules,
24 and procedures governing the procurement of goods or services, the sale
25 or disposition of agency property, and the management of agency
26 personnel. Such policies, rules, and procedures shall apply to all
27 controlled affiliates of a local housing agency unless the agency, by
28 resolution of its board of commissioners, elects otherwise.

29 (2) To the extent that federal funds are involved in any procurement
30 by a local housing agency and public bidding or other procedures and
31 conditions are required as a condition of the acceptance of federal

1 financial assistance, a local housing agency shall follow such federal
2 procedures and other conditions in such procurement.

3 (3) Contracts or awards for housing developments which the local
4 housing agency proposes to construct or cause to be constructed, if the
5 estimated cost is one hundred fifty thousand dollars or more, shall be
6 entered into or awarded only after public bidding as provided in this
7 section. This section shall not apply to the procurement of any
8 professional services such as that of an architect, engineer, or legal
9 counsel.

10 (4) For the construction of new housing developments, the local
11 housing agency, in its discretion, may publish a request for proposals,
12 including a general plan for the purposes and ends to be accomplished by
13 the new development, including, but not limited to, the total number of
14 units desired, any units that are to be specifically designed for the
15 elderly or the handicapped, the unit size, and any other details which
16 the local housing agency deems appropriate for inclusion within the
17 proposed new development or any facilities that are pertinent thereto.

18 (5) The local housing agency shall advertise for public bids or
19 proposals once a week for two consecutive weeks in a newspaper of general
20 circulation in its area of operation. After sealed bids or proposals are
21 received, the contract shall be awarded to the lowest and best bidder or,
22 if the local housing agency has elected to proceed under subsection (4)
23 of this section, in favor of the proposal that is most commensurate with
24 the published objectives of the local housing agency and is most suitable
25 for the purposes of the Nebraska Housing Agency Act, except that a local
26 housing agency, if it deems it to be in its best interests or necessary
27 or desirable to effectuate the purposes of the act or economy and
28 efficiency in the construction and operation of such housing development,
29 may either reject all bids or proposals and readvertise or elect not to
30 proceed with the development.

31 (6) The local housing agency may adopt and promulgate rules and

1 regulations governing the qualifications of bidders, the submission of
2 combined bids by two or more contractors, the award and execution of the
3 contract, security, if any, the execution and performance of the
4 contract, the requirements for making a proposal, and any other matters
5 which the local housing agency deems appropriate.

6 (7) The local housing agency may, in its discretion, insert a
7 provision in any contract that additional work may be done or materials
8 or supplies furnished or that work or materials may be omitted for the
9 purpose of completing the contract in accordance with any changes,
10 omissions, or additions in the specifications of any such contract.
11 Nothing in this section shall be construed to limit the power of the
12 local housing agency to carry out a project or development or any part
13 thereof directly by the officers, agencies, and employees of the agency
14 or by any public agency or to purchase or to acquire goods, services,
15 materials, equipment, or property by or through any other local housing
16 agency as provided in section 71-15,160 or by any other public agency
17 provided in section 71-15,161. The local housing agency may, in its
18 discretion, insert a provision in any contract regarding labor, including
19 wage rates, safety, and equal employment opportunities, that the local
20 housing agency deems necessary or desirable or as may be required by law.

21 Sec. 7. Original sections 71-15,102, 71-15,140, 71-15,141,
22 71-15,142, 71-15,157, and 71-15,158, Reissue Revised Statutes of
23 Nebraska, are repealed.