

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1178

Introduced by Wayne, 13.

Read first time January 23, 2020

Committee: Urban Affairs

- 1 A BILL FOR AN ACT relating to the Nebraska Municipal Land Bank Act; to
- 2 amend sections 19-5207 and 19-5208, Revised Statutes Cumulative
- 3 Supplement, 2018; to prohibit land banks from entering into certain
- 4 agreements to temporarily hold real property; to harmonize
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-5207, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 19-5207 (1) A land bank shall have the following powers:

4 (a) To adopt, amend, and repeal bylaws for the regulation of its
5 affairs and the conduct of its business;

6 (b) To sue and be sued in its own name and plead and be impleaded in
7 all civil actions;

8 (c) To borrow money from private lenders, from municipalities, from
9 the state, or from federal government funds as may be necessary for the
10 operation and work of the land bank;

11 (d) To issue negotiable revenue bonds and notes according to the
12 provisions of the Nebraska Municipal Land Bank Act;

13 (e) To procure insurance or guarantees from the state or federal
14 government of the payments of any debts or parts thereof incurred by the
15 land bank and to pay premiums in connection therewith;

16 (f) To enter into contracts and other instruments necessary,
17 incidental, or convenient to the performance of its duties and the
18 exercise of its powers, including, but not limited to, agreements under
19 the Interlocal Cooperation Act for the joint exercise of powers under the
20 Nebraska Municipal Land Bank Act;

21 (g) To enter into contracts and other instruments necessary,
22 incidental, or convenient to the performance of functions by the land
23 bank on behalf of municipalities or agencies or departments of
24 municipalities, or the performance by municipalities or agencies or
25 departments of municipalities of functions on behalf of the land bank;

26 (h) To make and execute contracts and other instruments necessary or
27 convenient to the exercise of the powers of the land bank;

28 (i) To provide foreclosure prevention counseling and re-housing
29 assistance;

30 (j) To procure insurance against losses in connection with the real
31 property, assets, or activities of the land bank;

1 (k) To invest money of the land bank, at the discretion of the
2 board, in instruments, obligations, securities, or property determined
3 proper by the board and name and use depositories for its money;

4 (l) To enter into contracts for the management of, the collection of
5 rent from, or the sale of real property of the land bank;

6 (m) To design, develop, construct, demolish, reconstruct,
7 rehabilitate, renovate, relocate, and otherwise improve real property or
8 rights or interests in real property of the land bank;

9 (n) To fix, charge, and collect fees and charges for services
10 provided by the land bank;

11 (o) To fix, charge, and collect rents and leasehold payments for the
12 use of real property of the land bank for a period not to exceed twelve
13 months, except that such twelve-month limitation shall not apply if the
14 real property of the land bank is subject to a lease with a remaining
15 term of more than twelve months at the time such real property is
16 acquired by the land bank;

17 (p) To grant or acquire a license, easement, lease, as lessor and as
18 lessee, or option with respect to real property of the land bank;

19 (q) Except as provided in subsection (7) of section 19-5208, to ~~To~~
20 enter into partnerships, joint ventures, and other collaborative
21 relationships with municipalities and other public and private entities
22 for the ownership, management, development, and disposition of real
23 property; and

24 (r) To do all other things necessary or convenient to achieve the
25 objectives and purposes of the land bank or other laws that relate to the
26 purposes and responsibilities of the land bank.

27 (2) A land bank shall neither possess nor exercise the power of
28 eminent domain.

29 Sec. 2. Section 19-5208, Revised Statutes Cumulative Supplement,
30 2018, is amended to read:

31 19-5208 (1) A land bank may acquire real property or interests in

1 real property by gift, devise, transfer, exchange, foreclosure, purchase,
2 or otherwise on terms and conditions and in a manner the land bank
3 considers proper.

4 (2) A land bank may acquire real property or interests in real
5 property by purchase contracts, lease-purchase agreements, installment
6 sales contracts, or land contracts and may accept transfers from
7 political subdivisions upon such terms and conditions as agreed to by the
8 land bank and the political subdivision. Notwithstanding any other law to
9 the contrary, any political subdivision may transfer to the land bank
10 real property and interests in real property of the political subdivision
11 on such terms and conditions and according to such procedures as
12 determined by the political subdivision.

13 (3) A land bank shall maintain all of its real property in
14 accordance with the laws and ordinances of the jurisdiction in which the
15 real property is located.

16 (4) A land bank shall not own or hold real property located outside
17 the jurisdictional boundaries of the municipality or municipalities that
18 created the land bank. For purposes of this subsection, jurisdictional
19 boundaries of a municipality does not include the extraterritorial zoning
20 jurisdiction of such municipality.

21 (5) A land bank may accept transfers of real property and interests
22 in real property from a land reutilization authority on such terms and
23 conditions, and according to such procedures, as mutually determined by
24 the transferring land reutilization authority and the land bank.

25 (6) A land bank shall not hold legal title at any one time to more
26 than seven percent of the total number of parcels of real property
27 located in the municipality or municipalities that created the land bank.

28 (7) Beginning on the effective date of this act, a land bank shall
29 not enter into an agreement with any nonprofit corporation or other
30 private entity for the purposes of temporarily holding real property for
31 such nonprofit corporation or private entity.

1 Sec. 3. Original sections 19-5207 and 19-5208, Revised Statutes
2 Cumulative Supplement, 2018, are repealed.