

Revised to include a new agency response

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2021-22		FY 2022-23	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill creates the Public Health Emergency Housing Protection Act. The bills allow local governmental entities to establish a moratorium on any evictions and foreclosures during a public health emergency. Local governmental entities include counties, municipalities, or public health departments. The Public Health Emergency Housing Assistance Fund is created to be administered by the Department of Health and Human Services. The fund shall consist of revenue received from gifts, grant or fees and federal Coronavirus Aid, Relief, and Economic Security Act funding. In determining eligibility for receipt of the funds in the Public Health Emergency Housing Assistance Fund, it shall be liberally construed.

The state received \$3,184,930 in CARES Act funding. As of the end of the calendar year 2020, the state Coronavirus website shows all funds to be obligated or expended. Other federal housing funding is managed under the Department of Economic Development. Transfer of those funds are not allowed by federal law.

It does not appear there is another source of funding that would flow into the Public Health Emergency Housing Assistance Fund. The state would be able to accept gifts or receive private grants for deposit into the fund.

Technical Note: The bill directed federal funds to be deposited into the Public Health Emergency Housing Cash Fund. Federal funds are received by the state as a line of credit and expended as federal funds.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 394	AM:	AGENCY/POLT. SUB: Nebraska Department of Health & Human Services	
REVIEWED BY: Lucas Martin	DATE: 02/2/2021	PHONE: (402) 471-4181	
COMMENTS: No basis to disagree with the Department of Health & Human Services' assessment of fiscal impact.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 394	AM:	AGENCY/POLT. SUB: Nebraska Department of Revenue	
REVIEWED BY: Lucas Martin	DATE: 02/2/2021	PHONE: (402) 471-4181	
COMMENTS: No basis to disagree with the Department of Revenue's assessment of no fiscal impact.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 394	AM:	AGENCY/POLT. SUB: Lancaster County Assessor/Register of Deeds	
REVIEWED BY:	Lucas Martin	DATE: 01/22/2021	PHONE: (402) 471-4181
COMMENTS: No basis to disagree with the Lancaster County Assessor's assessment of fiscal impact.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 394	AM:	AGENCY/POLT. SUB: Lancaster County Sheriff's Office	
REVIEWED BY:	Lucas Martin	DATE: 02/2/2021	PHONE: (402) 471-4181
COMMENTS: No basis to disagree with the Lancaster County Sheriff's Office's assessment of no fiscal impact.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE			
LB: 394	AM:	AGENCY/POLT. SUB: Nebraska Department of Economic Development	
REVIEWED BY:	Lucas Martin	DATE: 02/3/2021	PHONE: (402) 471-4181
COMMENTS: No basis to disagree with the Department of Economic Development's assessment of fiscal impact.			

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name:(2) Department of Health and Human Services

Prepared by: (3) Mike Michalski

Date Prepared 2-1-2021

Phone: (5) 471-6719

	<u>FY 2021-2022</u>		<u>FY 2022-2023</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS	(\$6,137,299)		(\$6,137,299)	
OTHER FUNDS				
TOTAL FUNDS	(\$6,137,209)		(\$6,137,209)	

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

Sections 9.2.a and 9.2.b in LB 394 require the Department of Health and Human Services (DHHS) to utilize all available federal housing assistance grants to provide the housing assistance in this bill. There will be significant negative fiscal impact on DHHS existing programs—Community Services Block Grant (CSBG), and Emergency Solutions Grant (ESG) if this occurs.

ESG federal funds cannot be utilized for mortgage assistance per federal regulations. Federal regulations require that 90% of CSBG funds be allocated to Community Action Agencies (CAAs) to conduct needs assessment and fund services within their service area. Thus, CSBG funds cannot be reallocated to implement this bill. Lastly, federal rules and regulations prevent DHHS from moving funds from a federal grant to a Cash fund. Using the funds as outlined in LB 394 puts the federal funding in jeopardy.

The potential loss of federal funding for CSBG and ESG will be \$5,127,400 and \$1,009,899 respectively. It is unknown if the funding loss to the Department would be replaced with other funds.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	NUMBER OF POSITIONS		2021-2022	2022-2023
	POSITION TITLE	21-22	22-23	EXPENDITURES
Benefits.....				
Operating.....				
Travel.....				
Capital Outlay.....				
Aid.....			(\$6,137,209)	(\$6,137,209)
Capital Improvements.....				
TOTAL.....			(\$6,137,209)	(\$6,137,209)

Please complete ALL (5) blanks in the first three lines.

2021

LB⁽¹⁾ 394

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Assessor/ROD

Prepared by: ⁽³⁾ Scott Gaines Date Prepared: ⁽⁴⁾ 1/20/21 Phone: ⁽⁵⁾ 402-441-6580

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

No fiscal impact to the Lancaster County Assessor/Register of Deed's Office, but it will require additional staff time to verify which Notices of Default may need to be rejected.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2021

LB⁽¹⁾ 394

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Lancaster County Sheriff's Office

Prepared by: ⁽³⁾ Sheriff Terry Wagner Date Prepared: ⁽⁴⁾ 01-27-2021 Phone: ⁽⁵⁾ 402 441 6500

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:
No known fiscal impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2021-22</u>	<u>2022-23</u>
	<u>21-22</u>	<u>22-23</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2021

LB⁽¹⁾ 394

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Economic Development

Prepared by: ⁽³⁾ Anthony Goins Date Prepared: ⁽⁴⁾ 2/2/2021 Phone: ⁽⁵⁾ 402-471-3777

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2021-22</u>		<u>FY 2022-23</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS				
CASH FUNDS	<u>(\$11,700,000)</u>	<u>(\$11,700,000)</u>	<u>(\$11,900,000)</u>	<u>(\$11,900,000)</u>
FEDERAL FUNDS	<u>(\$17,900,000)</u>	<u>(\$17,900,000)</u>	<u>(\$17,900,000)</u>	<u>(\$17,900,000)</u>
OTHER FUNDS				
TOTAL FUNDS	<u>(\$29,600,000)</u>	<u>(\$29,600,000)</u>	<u>(\$29,800,000)</u>	<u>(\$29,800,000)</u>

Explanation of Estimate:

LB394 adopts the Public Health Emergency Housing Protection Act which allows for a moratorium period on evictions and mortgage foreclosures during a public health emergency.

Section 9 of the bill creates the Public Health Housing Emergency Assistance Fund in DHHS which would consist of all money that is "received as gifts or grants or collected as fees or charges from any source, including federal, state, public, and private for purposes of housing assistance; and Federal funds which are available to the state of Nebraska and are related to the COVID-19 emergency response and which may be used for housing assistance."

This section of LB394 would result in the transfer of funds from DED-administered programs to the Public Health Housing Emergency Assistance Fund in DHHS. The DED programs affected by Section 9 of LB394 include the federal CDBG (\$11.0 million), HOME (\$3.9 million), National Housing Trust Fund (\$3 million) programs; and the state Affordable Housing Trust Fund (\$11.7 million). It is unclear whether the current housing programs would continue under DHHS, and how this would affect DED staffing.

These provisions of LB394 would affect DED's relationship with the federal government's Department of Housing and Urban Development (HUD) and violate federal requirements for receiving and spending federal funds. For housing assistance related activities, DED manages federal programs including Community Development Block Grant (CDBG), the HOME Investment Partnership Fund, and the National Housing Trust Fund. Comingling these funds as required by LB394 would put the state at risk for non-compliance and being required to pay back expended funds.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

POSITION TITLE	NUMBER OF POSITIONS		2021-22 EXPENDITURES	2022-23 EXPENDITURES
	21-22	22-23		
Benefits.....				
Operating.....				
Travel.....				
Capital outlay.....				
Aid.....				
Capital improvements.....				
TOTAL.....				