

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 465

Introduced by Bostar, 29; Cavanaugh, J., 9; Day, 49; DeBoer, 10;
McKinney, 11; Morfeld, 46; Walz, 15; Wishart, 27.

Read first time January 15, 2021

Committee: Appropriations

1 A BILL FOR AN ACT relating to the Behavioral Health Services Fund; to
2 amend section 71-812, Reissue Revised Statutes of Nebraska; to
3 authorize the use of funds for landlord risk mitigation as
4 prescribed; to define and redefine terms; and to repeal the original
5 section.

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

1 Section 1. Section 71-812, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 71-812 (1) The Behavioral Health Services Fund is created. The fund
4 shall be administered by the division and shall contain cash funds
5 appropriated by the Legislature or otherwise received by the department
6 for the provision of behavioral health services from any other public or
7 private source and directed by the Legislature for credit to the fund.

8 (2) The fund shall be used to encourage and facilitate the statewide
9 development and provision of community-based behavioral health services,
10 including, but not limited to, (a) the provision of grants, loans, and
11 other assistance for such purpose and (b) reimbursement to providers of
12 such services.

13 (3)(a) Money transferred to the fund under section 76-903 shall be
14 used for housing-related assistance for very low-income adults with
15 serious mental illness, except that if the division determines that all
16 housing-related assistance obligations under this subsection have been
17 fully satisfied, the division may distribute any excess, up to twenty
18 percent of such money, to regional behavioral health authorities for
19 acquisition or rehabilitation of housing to assist such persons. The
20 division shall manage and distribute such funds based upon a formula
21 established by the division, in consultation with regional behavioral
22 health authorities and the department, in a manner consistent with and
23 reasonably calculated to promote the purposes of the public behavioral
24 health system enumerated in section 71-803. The division shall contract
25 with each regional behavioral health authority for the provision of such
26 assistance. Each regional behavioral health authority may contract with
27 qualifying public, private, or nonprofit entities for the provision of
28 such assistance.

29 (b) For purposes of this subsection:

30 (i) Adult with serious mental illness means a person eighteen years
31 of age or older who has, or at any time during the immediately preceding

1 twelve months has had, a diagnosable mental, behavioral, or emotional
2 disorder of sufficient duration to meet diagnostic criteria identified in
3 the most recent edition of the Diagnostic and Statistical Manual of
4 Mental Disorders and which has resulted in functional impairment that
5 substantially interferes with or limits one or more major life functions.
6 Serious mental illness does not include DSM V codes, substance abuse
7 disorders, or developmental disabilities unless such conditions exist
8 concurrently with a diagnosable serious mental illness;

9 (ii) Housing-related assistance includes rental payments, utility
10 payments, security and utility deposits, landlord risk mitigation
11 payments, and other related costs and payments;~~and~~

12 (iii) Landlord risk mitigation payment means a payment provided to a
13 landlord who leases or rents property to a very low-income adult with
14 serious mental illness which may be used to pay for excessive damage to
15 the rental property, any lost rent, any legal fees incurred by the
16 landlord in excess of the security deposit, or any other expenses
17 incurred by the landlord as a result of leasing or renting the property
18 to such individual; and

19 (iv) (iii) Very low-income means a household income of fifty percent
20 or less of the applicable median family income estimate as established by
21 the United States Department of Housing and Urban Development.

22 (4) Any money in the fund available for investment shall be invested
23 by the state investment officer pursuant to the Nebraska Capital
24 Expansion Act and the Nebraska State Funds Investment Act.

25 Sec. 2. Original section 71-812, Reissue Revised Statutes of
26 Nebraska, is repealed.