

Nebraska Affordable Housing Act

58-701. Act, how cited.

Sections 58-701 to 58-711 shall be known and may be cited as the Nebraska Affordable Housing Act.

Source

- Laws 1996, LB 1322, § 11;
- Laws 1997, LB 864, § 8.

58-702. Legislative findings.

The Legislature finds that current economic conditions, lack of available affordable housing, federal housing policies that have placed an increasing burden on the state, and declining resources at all levels of government adversely affect the ability of Nebraska's citizens to obtain safe, decent, and affordable housing. Lack of affordable housing also affects the ability of communities to maintain and develop viable and stable economies.

Furthermore, the Legislature finds that impediments exist to the construction and rehabilitation of affordable housing. Local codes and state statutes have an important effect on housing's affordability by placing increased costs on developers. Financing affordable housing, especially in rural areas and smaller communities, is becoming increasingly difficult. In addition, existing dilapidated housing stock and industrial buildings are detrimental to new affordable housing development and the general health and safety of people living and working in or around such places. An affordable housing trust fund would assist all Nebraska communities in financing affordable housing projects and other projects which make the community safer for residents.

To enhance the economic development of the state and to provide for the general prosperity of all of Nebraska's citizens, it is in the public interest to assist in the provision of safe, decent, and affordable housing in all areas of the state. The establishment of the Nebraska Affordable Housing Act will assist in creating conditions favorable to meeting the affordable housing needs of the state.

Source

- Laws 1996, LB 1322, § 12.
- Laws 2011, LB388, § 10.

58-703. Affordable Housing Trust Fund; created; use.

The Affordable Housing Trust Fund is created. The fund shall receive money pursuant to section 76-903 and may include revenue from sources recommended by the housing advisory committee established in section 58-704, appropriations from the Legislature, transfers authorized by the Legislature, grants, private contributions, repayment of loans, and all other sources. The Department of Economic Development as part of its comprehensive housing affordability strategy shall administer the Affordable Housing Trust Fund.

Transfers may be made from the Affordable Housing Trust Fund to the General Fund, the Behavioral Health Services Fund, and the Site and Building Development Fund at the direction of the Legislature.

Source

- Laws 1996, LB 1322, § 13;
- Laws 1997, LB 864, § 9;
- Laws 2004, LB 1083, § 100;
- Laws 2005, LB 40, § 1;
- Laws 2011, LB 388, § 11;
- Laws 2012, LB 969, § 6;
- Laws 2013, LB 199, § 24;
- Laws 2013, LB 214, § 9.

58-704. Housing advisory committee; created; members; duties; meetings.

(1) The Legislature finds that the development of operational rules and regulations and an appropriate source of funding is critical to the success of the Affordable Housing Trust Fund. A housing advisory committee is created to address issues related to the operation of the fund and to recommend a plan to coordinate low-income housing efforts throughout the state. On or before December 15, 1996, the committee shall recommend to the Legislature and the Governor the most viable revenue source or sources for the funding of the fund. The committee shall also recommend for public review proposals for rules and regulations to carry out the fund, including time limitations for

the use of financial assistance and limitations on the administrative costs of proposed projects. For administrative purposes, the committee shall be located in the Department of Economic Development.

(2) The committee shall consist of fifteen members who represent a wide range of interests associated with the development and sales of housing. The Governor shall appoint the members and a chairperson and vice-chairperson from the members. The committee may be a committee or council previously created by statute or executive order of the Governor. The Governor shall attempt to have the nonprofit and for-profit communities equally represented on the advisory committee.

(3) The committee shall meet at the call of the chairperson or a majority of the members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the committee. A quorum shall be one-half of the members.

Source

- Laws 1996, LB 1322, § 14.

58-705. Department of Economic Development; Affordable Housing Trust Fund; duties.

The Department of Economic Development shall use the Affordable Housing Trust Fund to finance loans, grants, subsidies, credit enhancements, and other financial assistance for community affordable housing projects and for expenses of the department as appropriated by the Legislature for administering the fund.

Source

- Laws 1996, LB 1322, § 15

58-706. Affordable Housing Trust Fund; eligible activities.

The following activities are eligible for assistance from the Affordable Housing Trust Fund:

- (1) New construction, rehabilitation, or acquisition of housing to assist low-income and very low-income families;
- (2) Matching funds for new construction, rehabilitation, or acquisition of housing units to assist low-income and very low-income families;
- (3) Technical assistance, design and finance services, and consultation for eligible nonprofit community or neighborhood-based organizations involved in the creation of affordable housing;
- (4) Matching funds for operating costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's ability to produce affordable housing;
- (5) Mortgage insurance guarantees for eligible projects;
- (6) Acquisition of housing units for the purpose of preservation of housing to assist low-income or very low-income families;
- (7) Projects making affordable housing more accessible to families with elderly members or members who have disabilities;
- (8) Projects providing housing in areas determined by the Department of Economic Development to be of critical importance for the continued economic development and economic well-being of the community and where, as determined by the department, a shortage of affordable housing exists;
- (9) Infrastructure projects necessary for the development of affordable housing;
- (10) Down payment and closing cost assistance;
- (11) Demolition of existing vacant, condemned, or obsolete housing or industrial buildings or infrastructure.
- (12) Housing education programs developed in conjunction with affordable housing projects. The education programs must be directed toward:
 - (a) Preparing potential homebuyers to purchase affordable housing and postpurchase education;
 - (b) Target audiences eligible to utilize the services of housing assistance groups or organizations; and
 - (c) Developers interested in the rehabilitation, acquisition, or construction of affordable housing; and
- (13) Support for efforts to improve programs benefiting homeless youth.
- (14) Vocational training in the housing and construction trades industries by nonprofit groups

Source

- Laws 1996, LB 1322, § 16;
- Laws 2004, LB 1083, § 101;
- Laws 2005, LB 40, § 2;
- Laws 2011, LB 388, § 12;
- Laws 2011, LB 413, § 1.

- Law 2013, LB 199, § 5.

58-707. Assistance; qualified recipients.

Organizations which may receive assistance under the Nebraska Affordable Housing Act are governmental subdivisions, local housing authorities, community action agencies, community-based or neighborhood-based or reservation-based nonprofit organizations, and for-profit entities working in conjunction with one of the other eligible organizations and shall be required to provide, or cause to be provided, matching funds for the eligible activity in an amount determined by the Department of Economic Development, which amount shall be at least equal to ten percent of the amount of assistance provided by the Affordable Housing Trust Fund. Nothing in the act shall be construed to allow individuals to receive direct loans from the Affordable Housing Trust Fund.

Source

- Laws 1996, LB 1322, § 17;
- Laws 1997, LB 864, § 10.

58-708. Department of Economic Development; selection of projects to receive assistance; duties.

(1) During each calendar year in which funds are available from the Affordable Housing Trust Fund for use by the Department of Economic Development, the department shall allocate a specific amount of funds, not less than thirty percent, to each congressional district. The department shall announce a grant and loan application period of at least ninety days duration for all projects. In selecting projects to receive trust fund assistance, the department shall develop a qualified allocation plan and give first priority to financially viable projects that serve the lowest income occupants for the longest period of time. The qualified allocation plan shall:

(a) Set forth selection criteria to be used to determine housing priorities of the housing trust fund which are appropriate to local conditions, including the community's immediate need for affordable housing, proposed increases in home ownership, private dollars leveraged, level of local government support and participation, and repayment, in part or in whole, of financial assistance awarded by the fund; and

(b) Give first priority in allocating trust fund assistance among selected projects to those projects which serve the lowest income occupant and are obligated to serve qualified occupants for the longest period of time.

(2) The department shall fund in order of priority as many applications as will utilize available funds less actual administrative costs of the department in administering the program. In administering the program the department may contract for services or directly provide funds to other governmental entities or instrumentalities.

(3) The department may recapture any funds which were allocated to a qualified recipient for an eligible project through an award agreement if such funds were not utilized for eligible costs within the time of performance under the agreement and are therefore no longer obligated to the project. The recaptured funds shall be credited to the Industrial Recovery Fund except as provided in section [81-1213](#).

Source

- Laws 1996, LB 1322, § 18;
- Laws 2005, LB 40, § 3;
- Laws 2011, LB 388, § 13;
- Laws 2014, LB 906, § 17.

58-709. Rules and regulations.

The Department of Economic Development, in consultation with the Nebraska Investment Finance Authority and the housing advisory committee established in section [58-704](#), shall adopt and promulgate rules and regulations to carry out the Nebraska Affordable Housing Act. The department shall monitor programs to see that only qualified individuals and families are occupying projects funded by the Affordable Housing Trust Fund.

Source

- Laws 1996, LB 1322, § 19.

58-710. Repealed. Laws 1998, LB 897, § 1.

58-711. Information on status of Affordable Housing Trust Fund; report.

The Department of Economic Development shall submit, as part of the department's annual status report under section [81-1201.11](#), information detailing the status of the Affordable Housing Trust Fund. The status report shall list

(1) the applications funded during the previous calendar year, (2) the applications funded in previous years, (3) the identity of the organizations receiving funds, (4) the location of each project, (5) the amount of funding provided to the project, (6) the amount of funding leveraged as a result of the project, (7) the number of units of housing created by the project and the occupancy rate, (8) the expected cost of rent or monthly payment of those units, (9) the projected number of new employees and community investment as a result of the project, and (10) the amount of revenue deposited into the Affordable Housing Trust Fund pursuant to sections 76-903. The status report shall contain no information that is protected by state or federal confidentiality laws.

Source

- Laws 1997, LB 864, § 7;
- Laws 2011, LB 404, § 3;
- Laws 2013, LB 214, § 10.

END NEBRASKA AFFORDABLE HOUSING ACT

Documentary Stamp Tax - Funding Source

76-903. Design; collection of tax; refund; procedure; disbursement.

The Tax Commissioner shall design such stamps in such denominations as in his or her judgment will be the most advantageous to all persons concerned. When any deed subject to the tax imposed by section 76-901 is offered for recordation, the register of deeds shall ascertain and compute the amount of the tax due thereon and shall collect such amount as a prerequisite to acceptance of the deed for recordation. If a dispute arises concerning the taxability of the transfer, the register of deeds shall not record the deed until the disputed tax is paid. If a disputed tax has been paid, the taxpayer may file for a refund pursuant to section 76-908. The taxpayer may also seek a declaratory ruling pursuant to rules and regulations adopted and promulgated by the Department of Revenue. From each two dollars and twenty-five cents of tax collected pursuant to section 76-901, the register of deeds shall retain fifty cents to be placed in the county general fund and shall remit the balance to the State Treasurer who shall credit ninety-five cents of such amount to the Affordable Housing Trust Fund, twenty-five cents of such amount to the Site and Building Development Fund, twenty-five cents of such amount to the Homeless Shelter Assistance Trust Fund, and thirty cents of such amount to the Behavioral Health Services Fund.

Source

- Laws 1965, c. 463, § 3, p. 1473;
- Laws 1969, c. 618, § 2, p. 2505;
- Laws 1983, LB 194, § 3;
- Laws 1985, LB 236, § 2;
- Laws 1992, LB 1192, § 10;
- Laws 1997, LB 864, § 16;
- Laws 2001, LB 516, § 6;
- Laws 2001, Spec. Sess., LB 3, § 5;
- Laws 2005, LB 40, § 7;
- Laws 2011, LB388, § 14.