

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 223**

Introduced by McKinney, 11.

Read first time January 10, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Municipal Density and Missing Middle
- 2 Housing Act; to amend sections 19-5504 and 19-5505, Reissue Revised
- 3 Statutes of Nebraska; to change and provide reporting requirements
- 4 as prescribed; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 19-5504, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 19-5504 (1) On or before July 1, 2021, and by each July 1 every two  
4 years thereafter, each city shall electronically submit a report to the  
5 Urban Affairs Committee of the Legislature detailing its efforts to  
6 address the availability of and incentives for affordable housing through  
7 its zoning codes, ordinances, and regulations. Such report shall include,  
8 but not be limited to:

9 (a) An overview of the city's current residential zoning  
10 requirements;

11 (b) The percentage of areas within the corporate limits of the city  
12 zoned for residential use which permit the construction of multifamily  
13 housing and middle housing, including whether such areas are zoned  
14 specifically for residential use or generally allow residential use, and  
15 whether such construction is permitted with or without any additional  
16 permit requirements;

17 (c) A breakdown of new residential construction within the corporate  
18 limits of the city over the previous five years, including the percentage  
19 of such construction that was single-family housing, multifamily housing,  
20 and middle housing;

21 (d) A breakdown of residential units annexed by the city over the  
22 previous five years, including the percentage of such units that were  
23 single-family housing, multifamily housing, and middle housing;

24 (e) An estimate of the per-unit cost of housing within the corporate  
25 limits of the city;

26 (f) Whether such zoning codes, ordinances, and regulations provide  
27 for density bonuses or other concessions or incentives which encourage  
28 residential density, and the frequency with which such bonuses,  
29 concessions, or incentives are utilized;

30 (g) Whether such zoning codes, ordinances, and regulations allow the  
31 construction of accessory dwelling units;

1 (h) What incentives the city applies to encourage the development of  
2 affordable housing, including both direct incentives and regulatory  
3 relief;

4 (i) The percentage of areas within the corporate limits of the city  
5 zoned for residential use which have been declared substandard and  
6 blighted areas under the Community Development Law;

7 (j) The percentage of areas within the corporate limits of the city  
8 zoned for residential use which have been declared extremely blighted  
9 areas under the Community Development Law;

10 (k) A demographic analysis of the city with trends and estimates of  
11 the housing need classified by housing type and price range; and

12 (l) Efforts to adopt an affordable housing action plan as required  
13 under section 19-5505, or efforts to implement an affordable housing  
14 action plan after such plan is adopted.

15 (2) The Urban Affairs Committee of the Legislature may require any  
16 city to present its report to the committee at a public hearing.

17 Sec. 2. Section 19-5505, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 19-5505 (1) On or before January 1, 2023, each city with a  
20 population of fifty thousand or more inhabitants shall adopt an  
21 affordable housing action plan. On or before January 1, 2024, each city  
22 with a population of less than fifty thousand inhabitants shall adopt an  
23 affordable housing action plan. Such action plan shall include, but not  
24 be limited to:

25 (a) Goals for the construction of new affordable housing units,  
26 including multifamily housing and middle housing, with specific types and  
27 numbers of units, geographic locations, and specific actions to encourage  
28 the development of affordable housing, middle housing, and workforce  
29 housing;

30 (b) Goals for a percentage of areas in the city zoned for  
31 residential use which permit the construction of multifamily housing and

1 middle housing;

2 (c) Plans for the use of federal, state, and local incentives to  
3 encourage affordable housing, middle housing, and workforce housing,  
4 including the Affordable Housing Trust Fund, the Local Option Municipal  
5 Economic Development Act, tax-increment financing, federal community  
6 development block grants, density bonuses, and other nonmonetary  
7 regulatory relief; and

8 (d) Updates to the city's zoning codes, ordinances, and regulations  
9 to incentivize affordable housing.

10 (2) An affordable housing action plan required under subsection (1)  
11 of this section may be adopted as part of a city's comprehensive plan or  
12 as a separate plan.

13 (3) Each city which adopts an affordable housing action plan as  
14 required under subsection (1) of this section shall electronically submit  
15 a copy of such plan to the Urban Affairs Committee of the Legislature.

16 (4) {3} Any city which fails to adopt an affordable housing action  
17 plan as required under subsection (1) of this section shall be required  
18 to allow the development of:

19 (a) Middle housing in all areas in the city zoned for residential  
20 use that allow for the development of detached single-family dwellings;  
21 and

22 (b) A duplex on each lot or parcel zoned for residential use that  
23 allows for the development of detached single-family dwellings.

24 (5) {4} A city shall amend any building zoning ordinances or  
25 regulations as needed to comply with subsection (4) {3} of this section.

26 Sec. 3. Original sections 19-5504 and 19-5505, Reissue Revised  
27 Statutes of Nebraska, are repealed.