

AMENDMENTS TO LB287

Introduced by McKinney, 11.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 **Section 1.** Section 31-735, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 31-735 (1) On the first Tuesday after the second Monday in September
6 which is at least fifteen months after the judgment of the district court
7 creating a sanitary and improvement district and on the first Tuesday
8 after the second Monday in September each two years thereafter, the board
9 of trustees shall cause a special election to be held, at which election
10 a board of trustees shall be elected. The board of trustees shall have
11 five members except as provided in subsection (2) of this section. Each
12 member elected to the board of trustees shall be elected to a term of two
13 years and shall hold office until such member's successor is elected and
14 qualified. Any person desiring to file for the office of trustee may file
15 for such office with the election commissioner, or county clerk in
16 counties having no election commissioner, of the county in which the
17 greater proportion in area of the district is located not later than
18 fifty days before the election. If such person will serve on the board of
19 trustees as a designated representative of a limited partnership, general
20 partnership, limited liability company, public, private, or municipal
21 corporation, estate, or trust which owns real estate in the district, the
22 filing shall indicate that fact and shall include appropriate
23 documentation evidencing such fact. No filing fee shall be required. A
24 person filing for the office of trustee to be elected at the election
25 held four years after the first election of trustees and each election
26 thereafter shall designate whether such person is a candidate for
27 election by the resident owners of such district or a candidate for

1 election by all of the owners of real estate located in the district. If
2 a person filing for the office of trustee is a designated representative
3 of a limited partnership, a general partnership, a limited liability
4 company, a public, private, or municipal corporation, an estate, or a
5 trust which owns real estate in the district, the name of such entity
6 shall accompany the name of the candidate on the ballot in the following
7 form: (Name of candidate) to represent (name of entity) as a member of
8 the board. The name of each candidate shall appear on only one ballot.

9 The name of a person may be written in and voted for as a candidate
10 for the office of trustee, and such write-in candidate may be elected to
11 the office of trustee. A write-in candidate for the office of trustee who
12 will serve as a designated representative of a limited partnership, a
13 general partnership, a limited liability company, a public, private, or
14 municipal corporation, an estate, or a trust which owns real estate in
15 the district shall not be elected to the office of trustee unless (a)
16 each vote is accompanied by the name of the entity which the candidate
17 will represent and (b) within ten days after the date of the election the
18 candidate provides the election commissioner or county clerk with
19 appropriate documentation evidencing the candidate's representation of
20 the entity. Votes cast which do not carry such accompanying designation
21 shall not be counted.

22 A trustee shall be an owner of real estate located in the district
23 or shall be a person designated to serve as a representative on the board
24 of trustees if the real estate is owned by a limited partnership, a
25 general partnership, a limited liability company, a public, private, or
26 municipal corporation, an estate, or a trust. Notice of the date of the
27 election shall be mailed by the clerk of the district not later than
28 sixty-five days prior to the election to each person who is entitled to
29 vote at the election for trustees whose property ownership or lease
30 giving a right to vote is of record on the records of the register of
31 deeds as of a date designated by the election commissioner or county

1 clerk, which date shall be not more than eighty days prior to the
2 election.

3 (2)(a) For any sanitary and improvement district, a person whose
4 ownership or right to vote becomes of record or is received after the
5 date specified pursuant to subsection (1) of this section may vote when
6 such person establishes the right to vote to the satisfaction of the
7 election board. At the first election and at the election held two years
8 after the first election, any person may cast one vote for each trustee
9 for each acre of unplatted land or fraction thereof and one vote for each
10 platted lot which such person may own in the district.

11 (b) This subdivision applies to a district until the board of
12 trustees amends its articles of association pursuant to subdivision (2)
13 (d) of this section. At the elections ~~election~~ held four years and six
14 years after the first election of trustees, two members of the board of
15 trustees shall be elected by the legal property owners resident within
16 such sanitary and improvement district and three members shall be elected
17 by all of the owners of real estate located in the district pursuant to
18 this section. Every resident property owner may cast one vote for a
19 candidate for each office of trustee to be filled by election of resident
20 property owners only. Such resident property owners may also each cast
21 one vote for each acre of unplatted land or fraction thereof and for each
22 platted lot owned within the district for a candidate for each office of
23 trustee to be filled by election of all property owners. For each office
24 of trustee to be filled by election of all property owners of the
25 district, every legal property owner not resident within such sanitary
26 and improvement district may cast one vote for each acre of unplatted
27 land or fraction thereof and one vote for each platted lot which such
28 legal property owner owns in the district. At the election held eight ~~six~~
29 years after the first election of trustees and at each election
30 thereafter, three members of the board of trustees shall be elected by
31 the legal property owners resident within such sanitary and improvement

1 district and two members shall be elected by all of the owners of real
2 estate located in the district pursuant to this section. If there are not
3 any legal property owners resident within such district or if not less
4 than ninety percent of the area of the district is owned for other than
5 residential uses, the five members shall be elected by the legal property
6 owners of all property within such district as provided in this section.

7 (c) Any public, private, or municipal corporation owning any land or
8 lot in the district may vote at an election the same as an individual. If
9 more than fifty percent of the homes in any sanitary and improvement
10 district are used as a second, seasonal, or recreational residence, the
11 owners of such property shall be considered legal property owners
12 resident within such district for purposes of electing trustees. For
13 purposes of voting for trustees, each condominium apartment under a
14 condominium property regime established prior to January 1, 1984, under
15 the Condominium Property Act or established after January 1, 1984, under
16 the Nebraska Condominium Act shall be deemed to be a platted lot and the
17 lessee or the owner of the lessee's interest, under any lease for an
18 initial term of not less than twenty years which requires the lessee to
19 pay taxes and special assessments levied on the leased property, shall be
20 deemed to be the owner of the property so leased and entitled to cast the
21 vote of such property. When ownership of a platted lot or unplatted land
22 is held jointly by two or more persons, whether as joint tenants, tenants
23 in common, limited partners, members of a limited liability company, or
24 any other form of joint ownership, only one person shall be entitled to
25 cast the vote of such property. The executor, administrator, guardian, or
26 trustee of any person or estate interested shall have the right to vote.
27 No corporation, estate, or irrevocable trust shall be deemed to be a
28 resident owner for purposes of voting for trustees. Should two or more
29 persons or officials claim the right to vote on the same tract, the
30 election board shall determine the party entitled to vote. Such board
31 shall select one of their number chairperson and one of their number

1 clerk. In case of a vacancy on such board, the remaining trustees shall
2 fill the vacancy on such board until the next election.

3 (d) For any sanitary and improvement district which has been in
4 existence for at least ten years, which has less than seventy property
5 owners entitled to vote for trustees, which has at least two resident
6 property owners, and in which less than ten percent of the area of the
7 district is owned for other than residential uses, the board of trustees
8 may amend its articles of association as provided in section 31-740.01 to
9 provide for a reduction in the number of trustees on the board from five
10 members to three members to be effective at the beginning of the term of
11 office for the board of trustees elected at the next election. At the
12 next election and at each election thereafter, two members of the board
13 of trustees shall be elected by the legal property owners resident within
14 such sanitary and improvement district and one member shall be elected by
15 all of the owners of real estate located in the district pursuant to this
16 section. Every resident property owner may cast one vote for a candidate
17 for each office of trustee to be filled by election of resident property
18 owners only. Such resident property owners may also each cast one vote
19 for each acre of unplatted land or fraction thereof and for each platted
20 lot owned within the district for a candidate for the office of trustee
21 to be filled by election of all property owners. For the office of
22 trustee to be filled by election of all property owners of the district,
23 every legal property owner not resident within such sanitary and
24 improvement district may cast one vote for each acre of unplatted land or
25 fraction thereof and one vote for each platted lot which such legal
26 property owner owns in the district.

27 (3) The election commissioner or county clerk shall hold any
28 election required by subsection (1) of this section by sealed mail ballot
29 by notifying the board of trustees on or before July 1 of a given year.
30 The election commissioner or county clerk shall, at least twenty days
31 prior to the election, mail a ballot and return envelope to each person

1 who is entitled to vote at the election and whose property ownership or
2 lease giving a right to vote is of record with the register of deeds as
3 of the date designated by the election commissioner or county clerk,
4 which date shall not be more than eighty days prior to the election. The
5 ballot and return envelope shall include: (a) The names and addresses of
6 the candidates; (b) room for write-in candidates; and (c) instructions on
7 how to vote and return the ballot. Such ballots shall be returned in the
8 return envelope to the election commissioner or county clerk no later
9 than 5 p.m. on the date set for the election. If the ballot is not
10 returned in the return envelope, such ballot shall not be counted. If
11 more than one ballot is included in the same return envelope, such
12 ballots shall not be counted and shall be reinserted into the return
13 envelope which shall be resealed and marked rejected.

14 **Sec. 2.** Section 31-752, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 31-752 (1) The board of trustees or the administrator shall not
17 assess real property that is (a) not assessable or (b) not included
18 within the corporate boundaries of the district for any of the
19 improvements that are constructed or installed outside of the corporate
20 boundaries of the district, except as provided in subsection (3) of this
21 section.

22 (2) The board of trustees or the administrator shall not assess real
23 property that has not been specially benefited by any public improvements
24 constructed or installed by the district that are located outside of the
25 corporate boundaries of the district.

26 (3) In cases where (a) real property is not assessable or (b) real
27 property located outside the corporate boundaries of the district has
28 been specially benefited by the improvements constructed or installed by
29 the district outside of the corporate boundaries of the district cause to
30 be assessed for any of the improvements herein provided, property by law
31 not assessable, or property not included within the district defined in

1 ~~the preliminary resolution, and shall not assess property not benefited;~~
2 ~~Provided, in cases when such exempt property has been specially benefited~~
3 ~~by the improvements, the owner of such property shall pay the district a~~
4 ~~sum equivalent to the amount the property has been specially benefited,~~
5 ~~which amount may be recovered by the district in an action against the~~
6 ~~property owner. If the parties do not agree as to the amount of the~~
7 ~~special benefits, the amount may be determined by the district court in~~
8 ~~an action brought by the district for such purpose.~~

9 (4) The board of trustees or the administrator may determine ~~find~~
10 that any part or all of such public improvements made are of general
11 benefit to the district, in which case the board or administrator shall
12 have the power to except that the board or administrator shall levy
13 special assessments on all lots, parcels, or pieces of real estate
14 specially benefited to the extent that any such public improvements
15 constructed or installed by the district confer ~~of~~ the special benefits
16 to such real property. The cost of such improvements installed or
17 constructed outside of the corporate boundaries of the district may shall
18 be paid from the taxes assessments levied against all the real property
19 within the corporate boundaries of ~~in~~ the district, in the manner
20 provided by section 31-755, ~~or~~ may be paid from unappropriated money in
21 its general fund, or may be paid from the collection of special
22 assessments levied against all lots, parcels, or pieces of real property
23 located outside of the corporate boundaries of the district to the extent
24 of the special benefit conferred. The cost of the improvements shall draw
25 interest and shall be payable in the same manner as special assessments
26 levied against all real property located within the corporate boundaries
27 of the district in accordance with section 31-753 at the rate of six
28 percent per annum from the date of acceptance thereof by the board or
29 administrator until warrants are issued in payment of the contract price.

30 **Sec. 3.** Section 71-1572, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 71-1572 Sections 71-1572 to 71-15,170 and section 5 of this act
2 shall be known and may be cited as the Nebraska Housing Agency Act.

3 **Sec. 4.** Section 71-15,169, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 71-15,169 (1) For purposes of this section:

6 (a) Bed bug means a member of the Cimicidae family of parasitic
7 insects; and

8 (b) Pest control professional means a person licensed as a
9 commercial applicator under the Pesticide Act.

10 (2) A housing agency for a city of the metropolitan class shall have
11 the following responsibilities relating to bed bugs:

12 (a) Prior to renting a dwelling unit, the agency shall visually
13 inspect the unit for any evidence of the presence of bed bugs, which may
14 be indicated by observation of a living bed bug, bed bug carapace, eggs
15 or egg casings, or brownish or blood spotting on linens, mattresses, or
16 furniture;

17 (b) The agency shall not show, rent, or lease to a prospective
18 tenant any vacant dwelling unit that the agency knows or reasonably
19 suspects has a current bed bug infestation;

20 (c) Prior to renting a dwelling unit, the agency shall disclose to a
21 prospective tenant if an adjacent unit or units are currently infested
22 with or are being treated for bed bugs; and

23 (d) The agency shall be responsible for the costs of investigating
24 and remediating any bed bug infestation.

25 (3) A housing agency for a city of the metropolitan class shall
26 establish a complaint process. Any resident of an agency property may
27 file a complaint by any of the following means:

28 (a) A complaint form filled out online on the housing agency's
29 website;

30 (b) A telephone call made to a housing agency; or

31 (c) A complaint form filled out in person. Such complaint form shall

1 be made available at designated offices.

2 ~~(4)~~ (2) The complaint form, whether completed by the complainant
3 online, in-person, or by a housing agency employee answering a telephone
4 call complaint, shall include the following information:

5 (a) The name of the complainant;

6 (b) Contact information including the telephone number, email
7 address, and mailing address of the complainant;

8 (c) The nature of the complaint, including, but not limited to,
9 whether a maintenance issue, a discrimination claim, or a rent dispute;
10 and

11 (d) Relevant dates.

12 ~~(5)~~ (3) Notice of the right to file a complaint up until the time of
13 an eviction shall be included on both the online and printed complaint
14 form.

15 ~~(6)~~ (4) The complainant may provide any supporting documentation
16 with the complaint, including, but not limited to, photographs or digital
17 images, receipts, and correspondence.

18 ~~(7)~~ (5) Upon receipt of the complaint, the agency shall send an
19 acknowledgment to the complainant by email or regular first-class mail
20 within five business days. Each complaint shall be assigned a unique case
21 number for tracking purposes.

22 ~~(8)(a)~~ (6) The agency shall conduct a thorough investigation of the
23 complaint, including, but not limited to, interviewing relevant parties,
24 inspecting property and relevant documents, and reviewing applicable laws
25 and regulations.

26 (b) Throughout the investigation, the agency shall provide the
27 complainant with regular updates on the status of the complaint by email,
28 telephone, or regular first-class mail.

29 (c) The agency shall provide tenants with reasonable notice in
30 advance of entering a dwelling unit for purposes of investigating
31 complaints, including for inspection, bed bug remediation, or monitoring

1 in connection with a bed bug complaint.

2 (9)(a) For any complaint involving an actual or suspected bed bug
3 infestation:

4 (i) The agency shall perform an inspection or obtain investigatory
5 services from a pest control professional within ten days after receiving
6 the complaint. The inspection or investigatory services shall include any
7 unit directly adjacent to, above, or below the dwelling unit or common
8 area from which the original complaint came; and

9 (ii) Upon a determination of a bed bug infestation, the agency
10 shall:

11 (A) Provide all tenants of units affected by the complaint with
12 notice of the agency's or pest control professional's determination in
13 connection with such unit within ten days after such determination is
14 made;

15 (B) Obtain and provide remedial services from a pest control
16 professional within twenty-one days after receipt of the complaint; and

17 (C) Maintain a written record of the complaint and any control
18 measures provided, including any report of chemicals applied and other
19 remedies provided by the pest control professional. Such records shall be
20 maintained for two years.

21 (b) For all other complaints:

22 (i) ~~(7)~~ The ~~agency housing authority~~ shall resolve the complaint
23 within fourteen days after receipt of the complaint. If additional time
24 is required, the complainant shall be notified and provided with an
25 updated timeline; and ~~. Throughout the investigation, the agency shall~~
26 ~~provide the complainant with regular updates on the status of the~~
27 ~~complaint by email, telephone, or regular first-class mail.~~

28 (ii) ~~(8)~~ The agency shall notify the complainant of the resolution
29 of the complaint in writing within five business days after such
30 resolution. The notice shall include (A) ~~(a)~~ a summary of the
31 investigation findings, (B) ~~(b)~~ the action taken to address the

1 complaint, (C) ~~(e)~~ any remedies or compensation provided, (D) ~~(d)~~
2 information on how to file a complaint with the political subdivision
3 responsible for code enforcement, if applicable, and (E) ~~(e)~~ information
4 about the city's complaint process if the complainant is not satisfied
5 with the resolution of the complaint.

6 (10) ~~(9)~~ The agency shall invite the complainant to provide feedback
7 on the complainant's experience with the complaint process, including
8 suggestions for improvement.

9 (11) ~~(10)~~ The agency shall monitor complaint trends, analyze root
10 causes, and report on complaint resolution statistics regularly to
11 identify areas for improvement. The agency shall submit a report to the
12 commissioners at every board meeting detailing (a) the number of
13 complaints filed, (b) the nature of such complaints, (c) the status of
14 completed and pending inspections, and (d) the number of unfilled
15 inspector positions within the housing agency. The report shall also be
16 made available to the public on the agency's website and at the agency's
17 office.

18 (12) ~~(11)~~ The agency shall inform persons applying for housing about
19 the complaint process during the resident application process and inform
20 residents about the complaint process (a) annually, (b) at the time a
21 complaint is filed, and (c) by posting on the agency's website and on any
22 public boards in any common housing spaces.

23 **Sec. 5.** A housing agency for a city of the metropolitan class shall
24 submit a report every six months to such city of the metropolitan class
25 and to the Urban Affairs Committee of the Legislature. The report shall
26 include:

27 (1) Information regarding any pest control management activities
28 undertaken during the six-month period covered by the report;

29 (2) The number of eviction filings during the six-month period
30 covered by the report;

31 (3) The number and nature of complaints or grievances filed during

1 the six-month period covered by the report and their resolutions;
2 (4) Current vacancy rates; and
3 (5) Any relevant updates from meetings of the agency's board of
4 commissioners.

5 **Sec. 6.** Sections 3, 4, 5, and 8 of this act become operative three
6 calendar months after the adjournment of this legislative session. The
7 other sections of this act become operative on their effective date.

8 **Sec. 7.** Original section 31-752, Reissue Revised Statutes of
9 Nebraska, and section 31-735, Revised Statutes Cumulative Supplement,
10 2024, are repealed.

11 **Sec. 8.** Original sections 71-1572 and 71-15,169, Revised Statutes
12 Cumulative Supplement, 2024, are repealed.

13 **Sec. 9.** Since an emergency exists, this act takes effect when
14 passed and approved according to law.