

## ASSEMBLY BILL NO. 62—COMMITTEE ON GOVERNMENT AFFAIRS

PREFILED JANUARY 27, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning residential facilities for groups. (BDR 22-12)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to residential facilities for groups; revising the limitation on local control over the location of housing for persons with disabilities; requiring the enactment of certain related ordinances; requiring local governments to maintain a registry of residential facilities for groups; revising the definition of “residential facility for groups”; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1    **Section 1.** NRS 278.021 is hereby amended to read as follows:  
2    278.021   1. The ~~{purpose}~~ ***purposes*** of this section ~~{is to remove}~~ ***are***  
3    ***to:***  
4    ***(a) Remove*** obstacles imposed by zoning ordinances, declarations of  
5    restrictions, deed restrictions, restrictive covenants and equitable servitudes  
6    ***; and***  
7    ***(b) Impede the concentration of group homes in a residential***  
8    ***neighborhood,***  
9    which prevent persons ~~{who are mentally retarded}~~ ***with disabilities*** from  
10   living in normal residences ~~{ } throughout the entire community.~~  
11   2. In any ordinance adopted by a ~~{city or county,}~~ ***county or city,*** the  
12   definition of “single-family residence” must include a ~~{home in which six~~  
13   ~~or fewer unrelated persons who are mentally retarded reside with one or~~  
14   ~~two additional persons to act as house parents or guardians who need not be~~  
15   ~~related to each other or any of the mentally retarded persons who reside in~~  
16   ~~the house.~~  
17   ~~—3. This ————— section ————— does} :~~

1 (a) Residential facility for groups in which six or fewer unrelated  
2 persons with disabilities reside with:

3 (1) One or two additional persons who act as house parents or  
4 guardians and who need not be related to any of the residents with  
5 disabilities; and

6 (2) If applicable, one or two additional persons who are related to  
7 the house parents or guardians within the second degree of consanguinity  
8 or affinity.

9 (b) Home for individual residential care in which two or fewer  
10 unrelated persons with disabilities reside with:

11 (1) One or two additional persons who act as house parents or  
12 guardians and who need not be related to any of the residents with  
13 disabilities; and

14 (2) If applicable, one or two additional persons who are related to  
15 the house parents or guardians within the second degree of consanguinity  
16 or affinity.

17 3. The provisions of subsection 2 do not prohibit a definition of  
18 "single-family residence" which permits more persons to reside in the  
19 house, nor does it prohibit regulation of homes which are operated on a  
20 commercial basis. For the purposes of this subsection, a residential  
21 facility for groups or a home for individual residential care shall not be  
22 deemed to be a home that is operated on a commercial basis.

23 4. ~~For the purposes of subsection 1, a residence for mentally retarded~~  
24 ~~persons is not a commercial activity.~~ The governing body of a county or  
25 city shall require each residential facility for groups located within its  
26 jurisdiction to register with the governing body. The procedure adopted by  
27 the governing body for this registration must be minimal and simple. The  
28 form for registration must require the registrant to list:

29 (a) The name of the owner of the facility;

30 (b) The name of the administrator of the facility;

31 (c) The address of the facility;

32 (d) The number of clients residing in the facility; and

33 (e) Any other information deemed appropriate by the governing body.

34 5. The governing body shall maintain a registry of the information  
35 provided pursuant to subsection 4. Each such registration must be valid  
36 for 2 years. The facility shall notify the governing body of any change in  
37 the listed information within 30 days after the change. The biennial fee  
38 for registration, if any, must not exceed \$25, and there must be no charge  
39 for notifying the governing body of any change in the listed information.

40 6. The governing body of a county or city shall approve the first  
41 request submitted on or after October 1, 1999, to locate a residential  
42 facility for groups within a particular neighborhood in the jurisdiction of  
43 the governing body. If, on or after October 1, 1999, permission is

1 *requested to locate an additional residential facility for groups within 660*  
2 *feet from an existing residential facility for groups, the governing body*  
3 *shall review the application based on applicable zoning ordinances. The*  
4 *requirements of this subsection do not require the relocation or*  
5 *displacement of any facility for residential groups which existed before*  
6 *October 1, 1999, from its location on that date.*

7 *7. The governing body of a county or city shall not:*

8 *(a) Require a special use permit for a residential facility for groups; or*

9 *(b) Authorize the operators of a residential facility for groups to allow*  
10 *persons other than those specified in subsection 2 to reside at the facility.*

11 *8. As used in this section:*

12 *(a) "Home for individual residential care" has the meaning ascribed to*  
13 *it in NRS 449.0105.*

14 *(b) "Person with a disability" means a person:*

15 *(1) With a physical or mental impairment that substantially limits*  
16 *one or more of the major life activities of the person;*

17 *(2) With a record of such an impairment; or*

18 *(3) Who is regarded as having such an impairment.*

19 *(c) "Residential facility for groups" has the meaning ascribed to it in*  
20 *NRS 449.017.*

21 **Sec. 2.** NRS 449.017 is hereby amended to read as follows:

22 449.017 1. Except as otherwise provided in subsection 2, "residential  
23 facility for groups" means an establishment that furnishes food, shelter,  
24 assistance and limited supervision to ~~†~~:

25 ~~—(a) Any~~ **an** aged, infirm, mentally retarded or handicapped person . ~~†; or~~

26 ~~—(b) Four or more females during pregnancy or after delivery.~~

27 2. The term does not include:

28 (a) An establishment which provides care only during the day;

29 (b) A natural person who provides care for no more than two persons in  
30 his own home;

31 (c) A natural person who provides care for one or more persons related  
32 to him within the third degree of consanguinity or affinity; or

33 (d) A facility funded by the welfare division or the mental hygiene and  
34 mental retardation division of the department of human resources.