

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 the health division of the department of human resources 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 of this section is to remove obstacles~~
3 ~~imposed by zoning ordinances, declarations of restrictions, deed~~
4 ~~restrictions, restrictive covenants and equitable servitudes which prevent~~
5 ~~persons who are mentally retarded from living in normal residences.~~
6 ~~—2.} In any ordinance adopted by a city or county, the definition of~~
7 “single-family residence” must include a ~~{home in which six or fewer~~
8 ~~unrelated persons who are mentally retarded reside with one or two~~
9 ~~additional persons to act as house parents or guardians who need not be~~
10 ~~related to each other or any of the mentally retarded persons who reside in~~
11 ~~the house.~~
12 ~~—3.—This section does} :~~
13 ***(a) Residential facility for groups in which six or fewer unrelated***
14 ***persons with disabilities reside with:***

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

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

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

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

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

15 2. The provisions of subsection 1 do not prohibit a definition of
16 "single-family residence" which permits more persons to reside in the
17 house, nor does it prohibit regulation of homes which are operated on a
18 commercial basis. For the purposes of this subsection, a residential
19 facility for groups or a home for individual residential care shall not be
20 deemed to be a home that is operated on a commercial basis for any
21 purposes relating to building codes or zoning.

22 ~~4. For the purposes of subsection 1, a residence for mentally retarded~~
23 ~~persons is not a commercial activity.~~

24 3. The health division of the department of human resources shall
25 compile and maintain a registry of information relating to each
26 residential facility for groups that exists in this state and shall make
27 available for access on the Internet or its successor, if any, the
28 information contained in the registry. The registry must include with
29 respect to each residential facility for groups:

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

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

32 (c) The address of the facility; and

33 (d) The number of clients for which the facility is licensed.

34 Any department or agency of a county or city that becomes aware of the
35 existence of a residential facility for groups that is not included in the
36 registry shall transmit such information to the health division, as is
37 necessary, for inclusion in the registry within 30 days after obtaining the
38 information.

39 4. The governing body of a county whose population is 100,000 or
40 more or the governing body of a city in such a county or any department
41 or agency of the city or county shall approve the first application
42 submitted on or after October 1, 1999, to operate a residential facility for
43 groups within a particular neighborhood in the jurisdiction of the

1 governing body, including, without limitation, an application submitted as
2 a result of the change in ownership of a residential facility for groups. If,
3 on or after October 1, 1999, an application is submitted to operate a
4 residential facility for groups that is in addition to the residential facility
5 for groups that has been approved pursuant to paragraph (a) or (b) within
6 660 feet from an existing residential facility for groups, the governing
7 body shall review the application based on applicable zoning ordinances.
8 Except as a result of a change in ownership of a residential facility for
9 groups on or after October 1, 1999, the requirements of this subsection do
10 not require the relocation or displacement of any residential facility for
11 groups which existed before October 1, 1999, from its location on that
12 date. The provisions of this subsection do not create or impose a
13 presumption that the location of more than one residential facility for
14 groups within 660 feet of each other is inappropriate under all
15 circumstances with respect to the enforcement of zoning ordinances and
16 regulations.

17 5. The governing body of a county or city shall not:
18 (a) Require a special use permit for a residential facility for groups; or
19 (b) Authorize the operators of a residential facility for groups to allow
20 persons other than those specified in subsection 1 to reside at the facility.

21 6. The provisions of this section must not be applied in any manner
22 which would result in a loss of money from the Federal Government for
23 programs relating to housing.

24 7. As used in this section:

25 (a) "Home for individual residential care" has the meaning ascribed to
26 it in NRS 449.0105.

27 (b) "Person with a disability" means a person:

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

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

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

32 (c) "Residential facility for groups" has the meaning ascribed to it in
33 NRS 449.017.

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

35 449.017 1. Except as otherwise provided in subsection 2, "residential
36 facility for groups" means an establishment that furnishes food, shelter,
37 assistance and limited supervision to ~~1~~:

38 ~~—(a) Any~~ ~~an~~ aged, infirm, mentally retarded or handicapped person . ~~1~~; ~~or~~

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

40 2. The term does not include:

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

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

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

3 (d) A facility funded by the ~~["welfare division or the mental hygiene and~~
4 ~~mental retardation division of the"]~~ department of human resources ~~["]~~ **or**
5 ***with which the department of human resources has contracted.***

6 **Sec. 3.** This act becomes effective on January 1, 2000, for the purposes
7 of the compilation of the registry required pursuant to subsection 3 of NRS
8 278.021 as amended by section 1 of this act and on October 1, 1999, for all
9 other purposes.

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