

SENATE BILL NO. 121—COMMITTEE ON JUDICIARY

(ON BEHALF OF CITY OF LAS VEGAS)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing required disclosures regarding certain residences and notices concerning proposed changes in zoning. (BDR 10-610)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to real property; revising the provisions governing certain disclosures required to be made to certain purchasers of residences; revising the provisions governing notices of public hearings regarding certain changes in zoning regulations, restrictions and districts; 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.** Chapter 113 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** *As used in NRS 113.060 and 113.070 and section 3 of this*
4 *act, unless the context otherwise requires, “seller” means a person who*
5 *sells or attempts to sell any land or tract of land in this state that is*
6 *divided or proposed to be divided over any period into two or more lots,*
7 *parcels, units or interests, including, without limitation, undivided*
8 *interests, which are offered, known, designated or advertised as a*
9 *common unit by a common name or as a part of a common promotional*
10 *plan of advertising and sale.*
11 **Sec. 3. 1.** *Except as otherwise provided in subsection 3, in a county*
12 *whose population is 400,000 or more, a seller may not sign a sales*
13 *agreement with the initial purchaser of a residence unless the seller, at*

1 *least 24 hours before the time of the signing, provides the initial*
2 *purchaser with a disclosure document that contains:*

3 *(a) A copy of the most recent gaming enterprise district map that has*
4 *been made available for public inspection pursuant to NRS 463.309 by*
5 *the city or town in which the residence is located or, if the residence is*
6 *not located in a city or town, by the county in which the residence is*
7 *located; and*

8 *(b) The location of the gaming enterprise district that is nearest to the*
9 *residence, regardless of the jurisdiction in which the nearest gaming*
10 *enterprise district is located.*

11 *The seller shall retain a copy of the disclosure document that has been*
12 *signed by the initial purchaser acknowledging the time and date of*
13 *receipt by the initial purchaser of the original document.*

14 *2. The information contained in the disclosure document required by*
15 *subsection 1 must:*

16 *(a) Be updated not less than once every 4 months;*

17 *(b) Advise the initial purchaser that gaming enterprise districts are*
18 *subject to change; and*

19 *(c) Provide the initial purchaser with instructions on how to obtain*
20 *more current information.*

21 *3. The initial purchaser of a residence may waive the 24-hour period*
22 *required by subsection 1 if the seller provides the initial purchaser with*
23 *the information required by subsections 1 and 2 and the initial purchaser*
24 *signs a written waiver. The seller shall retain a copy of the written waiver*
25 *that has been signed by the initial purchaser acknowledging the time and*
26 *date of receipt by the initial purchaser of the original document.*

27 **Sec. 4.** NRS 113.070 is hereby amended to read as follows:

28 113.070 1. ~~Except as otherwise provided in subsection 3, in a~~
29 ~~county whose population is 400,000 or more, a seller may not sign a sales~~
30 ~~agreement with the initial purchaser of a residence unless the seller, at least~~
31 ~~24 hours before the time of the signing, provides the initial purchaser with a~~
32 ~~disclosure document that contains:~~

33 ~~—(a) A copy of the most recent gaming enterprise district map that has~~
34 ~~been made available for public inspection pursuant to NRS 463.309 by the~~
35 ~~city or town in which the residence is located or, if the residence is not~~
36 ~~located in a city or town, by the county in which the residence is located;~~
37 ~~and~~

38 ~~—(b) The location of the gaming enterprise district that is nearest to the~~
39 ~~residence, regardless of the jurisdiction in which the nearest gaming~~
40 ~~enterprise district is located.~~

41 ~~The seller shall retain a copy of the disclosure document which has been~~
42 ~~signed by the initial purchaser acknowledging the time and date of receipt~~
43 ~~by the initial purchaser of the original document.~~

1 ~~—2.— The information contained in the disclosure document required by~~
2 ~~subsection 1 must:~~

3 ~~—(a) Be updated no less than once every 4 months;~~

4 ~~—(b) Advise the initial purchaser that gaming enterprise districts are~~
5 ~~subject to change; and~~

6 ~~—(c) Provide the initial purchaser with instructions on how to obtain more~~
7 ~~current information.~~

8 ~~—3.— The initial purchaser of a residence may waive the 24-hour period~~
9 ~~required by subsection 1 if the seller provides the initial purchaser with the~~
10 ~~information required by subsections 1 and 2 and the initial purchaser signs~~
11 ~~a written waiver. The seller shall retain a copy of the written waiver which~~
12 ~~has been signed by the initial purchaser acknowledging the time and date of~~
13 ~~receipt by the initial purchaser of the original document.~~

14 ~~—4.]~~ Before the initial purchaser of a residence signs a sales agreement
15 ~~[H]~~ *or opens escrow, whichever occurs earlier*, the seller shall, by separate
16 written document, disclose to ~~[him]~~ *the initial purchaser* the zoning
17 designations and the designations in the master plan regarding land use ~~[H]~~
18 adopted pursuant to chapter 278 of NRS, *and the general land uses*
19 *described therein*, for the adjoining parcels of land. If the residence is
20 located within a subdivision, the disclosure must be made regarding all
21 parcels of land adjoining the unit of the subdivision in which the residence
22 is located. If the residence is located on land divided by a parcel map and
23 not located within a subdivision, the disclosure must be made regarding all
24 parcels of land adjoining the parcel map. Such a disclosure must be made
25 regardless of whether the adjoining parcels are owned by the seller. The
26 seller shall retain a copy of the disclosure document which has been signed
27 by the initial purchaser acknowledging the date of receipt by the initial
28 purchaser of the original document.

29 ~~[5.]~~ 2. The information contained in the disclosure document required
30 by subsection ~~[4]~~ 1 must:

31 (a) Be updated ~~[no]~~ *not* less than once every 6 months, if the
32 information is available from the local government;

33 (b) *Advise the initial purchaser that the master plan is for the general,*
34 *comprehensive and long-term development of land in the area and that*
35 *the designations in the master plan regarding land use provide the most*
36 *probable indication of future development which may occur on the*
37 *surrounding properties;*

38 (c) Advise the initial purchaser that the master plan and zoning
39 ordinances and regulations adopted pursuant to the master plan are subject
40 to change; and

41 ~~[e)]~~ (d) Provide the initial purchaser with instructions on how to obtain
42 more current information.

~~[6.—As used in this section, “seller” means a person who sells or attempts to sell any land or tract of land in this state which is divided or proposed to be divided over any period into two or more lots, parcels, units or interests, including, but not limited to, undivided interests, which are offered, known, designated or advertised as a common unit by a common name or as a part of a common promotional plan of advertising and sale.]~~

Sec. 5. NRS 278.260 is hereby amended to read as follows:

278.260 1. The governing body shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts are determined, established, enforced and amended.

2. A zoning regulation, restriction or boundary must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region; and

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question, at least 10 days before the hearing.

3. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 400,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor’s records, of real property located within 300 feet of the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor’s records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be written in language which is easy to understand. ~~It~~ **The notice** must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change ~~It~~, **must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change.**

4. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice

1 required by subsection 2, cause a notice to be sent by mail at least 10 days
2 before the hearing to:

3 (a) The applicant;

4 (b) Each owner, as listed on the county assessor's records, of real
5 property located within 500 feet from the portion of the boundary being
6 changed;

7 (c) Each owner, as listed on the county assessor's records, of at least 30
8 parcels nearest to the portion of the boundary being changed, to the extent
9 this notice does not duplicate the notice given pursuant to paragraph (b);
10 and

11 (d) Any advisory board which has been established for the affected area
12 by the governing body.

13 The notice must be written in language which is easy to understand. ~~It~~
14 *The notice* must set forth the time, place and purpose of the hearing and a
15 physical description of, or a map detailing, the proposed change ~~It~~, *must*
16 *indicate the existing zoning designation, and the proposed zoning*
17 *designation, of the property in question, and must contain a brief*
18 *summary of the intent of the proposed change.*

19 5. The exterior of the notice mailed pursuant to subsection 4 must bear
20 a statement printed in at least 10-point bold type in substantially the
21 following form:

22
23 OFFICIAL NOTICE OF PUBLIC HEARING
24

25 6. In addition to mailing the notice required pursuant to subsection 4,
26 in a county whose population is 400,000 or more, the governing body shall,
27 ~~not~~ *not* later than 10 days before the hearing, erect or cause to be erected
28 on the property, at least one sign not less than 2 feet high and 2 feet wide.
29 The sign must be made of material reasonably calculated to withstand the
30 elements for 40 days. The governing body must be consistent in its use of
31 colors for the background and lettering of the sign. The sign must include
32 the following information:

33 (a) The existing zoning designation of the property in question;

34 (b) The proposed zoning designation of the property in question;

35 (c) The date, time and place of the public hearing;

36 (d) A telephone number which may be used by interested persons to
37 obtain additional information; and

38 (e) A statement which indicates whether the proposed zoning
39 designation of the property in question complies with the requirements of
40 the master plan of the city or county in which the property is located.

41 7. A sign required pursuant to subsection 6 is for informational
42 purposes only, and must be erected regardless of any local ordinance
43 regarding the size, placement or composition of signs to the contrary.

- 1 8. A governing body may charge an additional fee for each application
2 to amend an existing zoning regulation, restriction or boundary to cover the
3 actual costs resulting from the mailed notice required by this section and
4 the erection of not more than one of the signs required by subsection 6, if
5 any. The additional fee is not subject to the limitation imposed by NRS
6 354.5989.
- 7 9. The governing body shall remove or cause to be removed any sign
8 required by subsection 6 within 5 days after the final hearing for the
9 application for which the sign was erected. There must be no additional
10 charge to the applicant for such removal.
- 11 **Sec. 6.** This act becomes effective on December 1, 1999.

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