

ASSEMBLY BILL NO. 395—ASSEMBLYMEN OCEGUERA, GIUNCHIGLIANI,
MCCLAIN, PARKS, FREEMAN, GOLDWATER, KOIVISTO, MANENDO
AND PRICE

MARCH 16, 2001

JOINT SPONSORS: SENATORS O'DONNELL,
O'CONNELL, CARE AND TITUS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing authority of city or county to control location of
certain residential facilities. (BDR 22-1118)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 land use planning; revising the provisions governing the authority of a
city or county to control the location of certain residential facilities; 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. In any ordinance adopted by a city or county, the
3 definition of “single-family residence” must include a:
4 (a) Residential facility for groups in which 10 or fewer unrelated
5 persons with disabilities reside with:
6 (1) House parents or guardians who need not be related to any of the
7 persons with disabilities; and
8 (2) If applicable, additional persons who are related to the house
9 parents or guardians within the third degree of consanguinity or affinity.
10 (b) Home for individual residential care.
11 (c) *Halfway house for alcohol and drug abusers.*
12 2. The provisions of subsection 1 do not prohibit a definition of
13 “single-family residence” which permits more persons to reside in the
14 house, nor does it prohibit regulation of homes which are operated on a
15 commercial basis. For the purposes of this subsection, a residential facility
16 for groups , *a halfway house for alcohol and drug abusers* or a home for



1 individual residential care shall not be deemed to be a home that is
2 operated on a commercial basis for any purposes relating to building codes
3 or zoning.

4 3. The health division of the department of human resources shall
5 compile and maintain a registry of information relating to each residential
6 establishment that exists in this state and shall make available for access on
7 the Internet or its successor, if any, the information contained in the
8 registry. The registry must include with respect to each residential
9 establishment:

- 10 (a) The name of the owner of the establishment;
11 (b) The name of the administrator of the establishment;
12 (c) The address of the establishment; and
13 (d) The number of clients for which the establishment is
14 licensed.

15 Any department or agency of a county or city that becomes aware of the
16 existence of a residential establishment that is not included in the registry
17 shall transmit such information to the health division, as is necessary, for
18 inclusion in the registry within 30 days after obtaining the information.

19 4. The governing body of a county whose population is 100,000 or
20 more or the governing body of a city in such a county or any department or
21 agency of the city or county shall approve the first application submitted on
22 or after July 1, 2000, to operate a residential establishment within a
23 particular neighborhood in the jurisdiction of the governing body. If ~~1, on~~
24 ~~or after July 1, 2000,~~ a subsequent application is submitted to operate an
25 additional residential establishment at a location that is within ~~1,660~~ 1,500
26 feet from an existing residential establishment, the governing body shall
27 review the application based on applicable zoning ordinances. The
28 requirements of this subsection do not require the relocation or
29 displacement of any residential establishment which existed before ~~July 1,~~
30 ~~2000,~~ *the effective date of this act* from its location on that date. The
31 provisions of this subsection do not create or impose a presumption that the
32 location of more than one residential establishment within ~~1,660~~ 1,500 feet
33 of each other is inappropriate under all circumstances with respect to the
34 enforcement of zoning ordinances and regulations.

35 5. The governing body of a county or city shall not refuse to issue a
36 special use permit to a residential establishment that meets local public
37 health and safety standards.

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

41 7. As used in this section:

42 (a) *"Halfway house for alcohol and drug abusers" has the meaning*
43 *ascribed to it in NRS 458.010.*

44 (b) "Home for individual residential care" has the meaning ascribed to it
45 in NRS 449.0105.

46 ~~(b)~~ (c) "Person with a disability" means a person:

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

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



1 (3) Who is regarded as having such an impairment.
2 ~~[(e)]~~ *(d)* “Residential establishment” means a home for individual
3 residential care in a county whose population is 100,000 or more , *a*
4 *halfway house for alcohol and drug abusers* or a residential facility for
5 groups.
6 ~~[(d)]~~ *(e)* “Residential facility for groups” has the meaning ascribed to it
7 in NRS 449.017.
8 **Sec. 2.** This act becomes effective upon passage and approval.

