

ASSEMBLY BILL NO. 255—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S
SUBCOMMITTEE TO STUDY THE AVAILABILITY
AND INVENTORY OF AFFORDABLE HOUSING)

MARCH 6, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises and creates provisions relating to housing assistance. (BDR 25-140)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 housing; providing for the creation and maintenance of a statewide low-income housing database; providing under certain circumstances for the reporting of available rental housing that is suitable for persons with disabilities; creating new definitions of “affordable housing” and “attainable housing”; revising old definitions of “affordable housing”; revising provisions relating to “affordable housing” to include new definitions of “affordable housing” and “attainable housing”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law contains numerous provisions relating to “affordable housing.” (Chapters 233J, 244, 244A, 268, 277, 278, 279, 279A, 279B, 319, 349 and 375 of NRS).

Section 2 of this bill creates a new definition for “affordable housing” as housing affordable for a family with an income of 80 percent or less of their county median income. **Section 18** of this bill creates a new definition for “attainable housing” as housing affordable for a family with an income of more than 80 percent but equal to or less than 120 percent of their county median income. **Sections 6-17 and 19-45** of this bill make necessary amendments so that these new definitions apply throughout most of NRS.

Sections 3 and 4 of this bill provide for the creation and maintenance of a statewide low-income housing database. **Section 5** of this bill requires that owners



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13 of residential rental units that are receiving or have received government money for
14 those housing units must annually report which of those units are available and
15 suitable for persons with disabilities.

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

1 **Section 1.** Chapter 319 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2.** *“Affordable housing” means housing affordable for*
5 *a family with a total gross income equal to or less than 80 percent*
6 *of the median gross income for the county concerned based upon*
7 *the estimates of the United States Department of Housing and*
8 *Urban Development of the most current median gross family*
9 *income for the county.*

10 **Sec. 3.** 1. *The demographer employed pursuant to NRS*
11 *360.283 shall provide for the creation and maintenance of a*
12 *statewide low-income housing database.*

13 2. *The database must include, without limitation, the*
14 *compilation and analysis of demographic, economic and housing*
15 *data from a variety of sources that:*

16 (a) *Provides for an annual assessment of the affordable*
17 *housing market at the city and county level, including data*
18 *relating to housing units, age of housing, rental rates and rental*
19 *vacancy rates, new home sales and resale of homes, new*
20 *construction permits, mobile homes, lots available for mobile*
21 *homes, and conversions of multifamily condominiums;*

22 (b) *Addresses the housing needs of various population groups*
23 *in Nevada, such as households that rent, homeowners, elderly*
24 *households, veterans, persons with disabilities or special needs,*
25 *homeless persons, recovering drug abusers, persons suffering*
26 *from mental health ailments and abused women, with each group*
27 *broken down to show the percentage of the population group at*
28 *different income levels, and a determination of the number of*
29 *households within each special needs group experiencing housing*
30 *costs greater than 50 percent of their income, overcrowding or*
31 *substandard housing;*

32 (c) *Contains an estimate of the number and condition of*
33 *subsidized and other low-income housing units at the county level*
34 *and the identification of any subsidized units that are forecast to*
35 *convert to market-rate units within a 2-year planning period;*

36 (d) *Provides a demographic and economic overview by local*
37 *and county jurisdiction, if feasible, for the population of Nevada,*
38 *including age, race and ethnicity, household size, migration,*



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1 *current and forecast employment, household income and a*
2 *summary relating to the effects of demographics and economic*
3 *factors on housing demand;*

4 *(e) Provides the number of housing units available to a victim*
5 *of domestic violence from any housing authority, as defined in*
6 *NRS 315.021, and from participation in the program of housing*
7 *assistance pursuant to section 8 of the United States Housing Act*
8 *of 1937, 42 U.S.C. § 1437f; and*

9 *(f) Provides the number of terminations of victims of domestic*
10 *violence in this State from the program of housing assistance*
11 *pursuant to section 8 of the United States Housing Act of 1937, 42*
12 *U.S.C. § 1437f.*

13 **Sec. 4.** *The costs of the database described in section 3 of*
14 *this act must be paid from the Account for Low-Income Housing*
15 *created pursuant to NRS 319.500. The amount used for the*
16 *database must not exceed \$175,000 per year.*

17 **Sec. 5.** *If an owner of residential housing available for rent*
18 *or lease in this State has received any loans, grants or*
19 *contributions for the residential housing from the Federal*
20 *Government, the State or any public body, the owner shall*
21 *annually report to the Office of Disability Services of the*
22 *Department of Health and Human Services all of those residential*
23 *housing units which are available and suitable for persons with*
24 *disabilities.*

25 **Sec. 6.** NRS 319.030 is hereby amended to read as follows:
26 319.030 As used in this chapter, the words and terms defined
27 in NRS 319.040 to 319.135, inclusive, *and section 2 of this act* have
28 the meanings ascribed to them in those sections.

29 **Sec. 7.** NRS 319.147 is hereby amended to read as follows:
30 319.147 1. The Division shall certify an assisted living
31 facility for the purpose of providing services pursuant to the
32 provisions of the home and community-based services waiver which
33 are amended pursuant to NRS 422.2708 if the facility:

34 (a) Provides assisted living supportive services to senior citizens
35 of low or moderate income;

36 (b) Provides or arranges for the provision of case management
37 services for its residents;

38 (c) Guarantees ~~affordable~~ housing *for persons of low or*
39 *moderate income* for a period of at least 15 years after the facility is
40 certified;

41 (d) Is financed through tax credits relating to low-income
42 housing or other public funds; and

43 (e) Satisfies any other requirements set forth by the Division in
44 any regulations adopted by the Division.



2. The Division shall adopt regulations concerning the certification of assisted living facilities pursuant to this section.

3. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in paragraph (a) of subsection 3 of NRS 422.2708.

(b) "Assisted living supportive services" has the meaning ascribed to it in paragraph (b) of subsection 3 of NRS 422.2708.

Sec. 8. NRS 319.510 is hereby amended to read as follows:

319.510 1. Money deposited in the Account for Low-Income Housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than \$40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. *In addition, the Division may expend money from the Account as required by section 4 of this act.* Of the remaining money allocated from the Account:

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:



(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of housing for eligible families, subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) All money must be used to benefit families ~~[whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.]~~ *eligible for affordable housing.*

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Sec. 9. Chapter 233J of NRS is hereby amended by adding thereto the provisions set forth as sections 10, 11 and 12 of this act.



1 **Sec. 10.** *As used in this chapter, unless the context otherwise*
2 *requires, the words and terms defined in NRS 233J.010 and*
3 *sections 11 and 12 of this act have the meanings ascribed to them*
4 *in those sections.*

5 **Sec. 11.** *“Affordable housing” has the meaning ascribed to it*
6 *in section 2 of this act.*

7 **Sec. 12.** *“Attainable housing” has the meaning ascribed to it*
8 *in section 18 of this act.*

9 **Sec. 13.** NRS 233J.010 is hereby amended to read as follows:

10 233J.010 ~~[As used in this chapter, unless the context otherwise~~
11 ~~requires.]~~ “Commission” means the Nevada Commission on
12 Minority Affairs created by NRS 233J.020.

13 **Sec. 14.** NRS 233J.060 is hereby amended to read as follows:

14 233J.060 The Commission shall, within the limits of available
15 money:

16 1. Study matters affecting the social and economic welfare and
17 well-being of minorities residing in the State of Nevada;

18 2. Collect and disseminate information on activities, programs
19 and essential services available to minorities in the State of Nevada;

20 3. Study the:

21 (a) Availability of employment for minorities in this State, and
22 the manner in which minorities are employed;

23 (b) Manner in which minorities can be encouraged to start and
24 manage their own businesses successfully; and

25 (c) Availability of affordable housing *and attainable housing*
26 for minorities;

27 4. In cooperation with the Nevada Equal Rights Commission,
28 act as a liaison to inform persons regarding:

29 (a) The laws of this State that prohibit discriminatory practices;
30 and

31 (b) The procedures pursuant to which aggrieved persons may
32 file complaints or otherwise take action to remedy such
33 discriminatory practices;

34 5. To the extent practicable, strive to create networks within
35 the business community between businesses that are owned by
36 minorities and businesses that are not owned by minorities;

37 6. Advise the Governor on matters relating to minorities and of
38 concern to minorities; and

39 7. Recommend proposed legislation to the Governor.

40 **Sec. 15.** Chapter 244 of NRS is hereby amended by adding
41 thereto the provisions set forth as sections 16, 17 and 18 of this act.

42 **Sec. 16.** *As used in this chapter, unless the context otherwise*
43 *requires, the words and terms defined in sections 17 and 18 of this*
44 *act have the meanings ascribed to them in those sections.*



1 **Sec. 17.** *“Affordable housing” has the meaning ascribed to it*
2 *in section 2 of this act.*

3 **Sec. 18.** *“Attainable housing” means housing affordable for*
4 *a family with a total gross income greater than 80 percent and*
5 *equal to or less than 120 percent of the median gross income for*
6 *the county concerned based upon the estimates of the United*
7 *States Department of Housing and Urban Development of the*
8 *most current median gross family income for the county.*

9 **Sec. 19.** NRS 244.189 is hereby amended to read as follows:

10 244.189 1. Except as otherwise provided in subsection 2 and
11 in addition to any other powers authorized by specific statute, a
12 board of county commissioners may exercise such powers and enact
13 such ordinances, not in conflict with the provisions of NRS or other
14 laws or regulations of this State, as the board determines are
15 necessary and proper for:

16 (a) The development of affordable housing  *and attainable*
17 *housing;*

18 (b) The control and protection of animals;

19 (c) The rehabilitation of rental property in residential
20 neighborhoods; and

21 (d) The rehabilitation of abandoned residential property.

22 2. The board of county commissioners shall not impose or
23 increase a tax unless the tax or increase is otherwise authorized by
24 specific statute.

25 3. The board of county commissioners may, in lieu of a
26 criminal penalty, provide a civil penalty for a violation of an
27 ordinance enacted pursuant to this section unless state law provides
28 a criminal penalty for the same act or omission.

29 **Sec. 20.** NRS 244.287 is hereby amended to read as follows:

30 244.287 1. A nonprofit organization may submit to a board
31 of county commissioners an application for conveyance of property
32 that is owned by the county if the property was:

33 (a) Received by donation for the use and benefit of the county
34 pursuant to NRS 244.270.

35 (b) Purchased by the county pursuant to NRS 244.275.

36 2. Before the board of county commissioners makes a
37 determination on such an application for conveyance, it shall hold at
38 least one public hearing on the application. Notice of the time, place
39 and specific purpose of the hearing must be:

40 (a) Published at least once in a newspaper of general circulation
41 in the county.

42 (b) Mailed to all owners of record of real property which is
43 located not more than 300 feet from the property that is proposed for
44 conveyance.



(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➔ The hearing must be held not ~~[fewer]~~ *less* than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ *or attainable housing*. If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing *or attainable housing* for persons who are disabled or elderly.

4. If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

5. As a condition to the conveyance of the property pursuant to subsection 4, the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing *or attainable housing, as applicable*, for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing *or attainable housing, as applicable*, pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as affordable housing ~~[]~~ *or attainable housing, as applicable*, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing ~~[]~~ *or attainable housing, as applicable*.

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:



(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ~~or~~ *or attainable housing, as applicable*; and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing *or attainable housing, as applicable*, pursuant to the agreement.

7. A board of county commissioners that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing ~~or~~ *or attainable housing, as applicable*, or entered into such contracts as are necessary to commence the construction of affordable housing ~~or~~ *or attainable housing, as applicable*, the property that was conveyed automatically reverts to the county.

9. A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of affordable housing ~~or~~ *or attainable housing, as applicable*.

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 21. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.



(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➡ The hearing must be held not ~~[fewer]~~ *less* than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same city, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ *or attainable housing*. If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing *or attainable housing* for persons who are disabled or elderly.

4. If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

5. As a condition to the conveyance of the property pursuant to subsection 4, the governing body shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing *or attainable housing, as applicable*, for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing *or attainable housing, as applicable*, pursuant to the agreement, the governing body may take reasonable action to return the property to use as affordable housing ~~[]~~ *or attainable housing, as applicable*, including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing ~~[]~~ *or attainable housing, as applicable*.

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:



(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ~~or~~ *or attainable housing, as applicable*; and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing *or attainable housing, as applicable*, pursuant to the agreement.

7. A governing body that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing ~~or~~ *or attainable housing, as applicable*, or entered into such contracts as are necessary to commence the construction of affordable housing ~~or~~ *or attainable housing, as applicable*, the property that was conveyed automatically reverts to the city.

9. A governing body may subordinate the interest of the city in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of affordable housing ~~or~~ *or attainable housing, as applicable*.

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

11. As used in this section:

(a) *"Affordable housing" has the meaning ascribed to it in section 2 of this act; and*

(b) *"Attainable housing" has the meaning ascribed to it in section 18 of this act.*

Sec. 22. NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission may:

1. Recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business,



1 manufacturing or other enterprises may be excluded, and limiting
2 the height, area and bulk of buildings and structures therein.

3 2. Recommend to the city council and all other public
4 authorities plans and regulations for the future growth, development
5 and beautification of the municipality in respect to its public and
6 private buildings and works, streets, parks, grounds and vacant lots,
7 which must include for each city a population plan if required by
8 NRS 278.170 and a plan for the development of affordable housing
9 **and attainable housing.**

10 3. Perform any other acts and things necessary or proper to
11 carry out the provisions of NRS 268.110 to 268.220, inclusive, and
12 in general to study and propose such measures as may be for the
13 municipal welfare and in the interest of protecting the municipal
14 area's natural resources from impairment.

15 **4. As used in this section:**

16 (a) *"Affordable housing" has the meaning ascribed to it in*
17 *section 2 of this act; and*

18 (b) *"Attainable housing" has the meaning ascribed to it in*
19 *section 18 of this act.*

20 **Sec. 23.** NRS 277.360 is hereby amended to read as follows:

21 277.360 1. A regional development district may establish a
22 nonprofit corporation for any purpose for which the district is
23 authorized to act pursuant to NRS 277.300 to 277.390, inclusive,
24 including increasing the supply of affordable housing **and**
25 **attainable housing** and improving opportunities for home
26 ownership in a development region. A nonprofit corporation formed
27 pursuant to this section may, among other things, acquire land and
28 buildings, accept private, state and federal grant and loan funds,
29 construct and rehabilitate housing units, and buy, sell or manage
30 housing within the boundaries of the development district.

31 2. A regional development district may receive and administer
32 private, state and federal affordable housing **and attainable housing**
33 funds to increase the supply of affordable housing **and attainable**
34 **housing** and to improve opportunities for home ownership within
35 the boundaries of the district. The creation of a regional
36 development district does not affect the right of a county or city to
37 receive and administer affordable housing **or attainable housing**
38 funds or to develop and implement subregional affordable housing
39 **or attainable housing** programs.

40 **3. As used in this section:**

41 (a) *"Affordable housing" has the meaning ascribed to it in*
42 *section 2 of this act.*

43 (b) *"Attainable housing" has the meaning ascribed to it in*
44 *section 18 of this act.*



1 **Sec. 24.** Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Attainable housing” has the meaning ascribed to it in section*
4 *18 of this act.*

5 **Sec. 25.** NRS 278.010 is hereby amended to read as follows:

6 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
7 *section 24 of this act*, unless the context otherwise requires, the
8 words and terms defined in NRS 278.0105 to 278.0195, inclusive,
9 *and section 24 of this act* have the meanings ascribed to them in
10 those sections.

11 **Sec. 26.** NRS 278.0105 is hereby amended to read as follows:

12 278.0105 “Affordable housing” ~~[means housing affordable for~~
13 ~~a family with a total gross income less than 110 percent of the~~
14 ~~median gross income for the county concerned based upon the~~
15 ~~estimates of the United States Department of Housing and Urban~~
16 ~~Development of the most current median gross family income for~~
17 ~~the county.]~~ *has the meaning ascribed to it in section 2 of this act.*

18 **Sec. 27.** NRS 278.020 is hereby amended to read as follows:

19 278.020 1. For the purpose of promoting health, safety,
20 morals, or the general welfare of the community, the governing
21 bodies of cities and counties are authorized and empowered to
22 regulate and restrict the improvement of land and to control the
23 location and soundness of structures.

24 2. Any such regulation, restriction and control must take into
25 account:

26 (a) The potential impairment of natural resources and the total
27 population which the available natural resources will support
28 without unreasonable impairment; and

29 (b) The availability of and need for affordable housing *and*
30 *attainable housing* in the community, including affordable housing
31 *and attainable housing* that is accessible to persons with
32 disabilities.

33 **Sec. 28.** NRS 278.02095 is hereby amended to read as
34 follows:

35 278.02095 1. Except as otherwise provided in this section, in
36 an ordinance relating to the zoning of land adopted or amended by a
37 governing body, the definition of “single-family residence” must
38 include a manufactured home.

39 2. Notwithstanding the provisions of subsection 1, a governing
40 body shall adopt standards for the placement of a manufactured
41 home that will not be affixed to a lot within a mobile home park
42 which require that:

43 (a) The manufactured home:

44 (1) Be permanently affixed to a residential lot;



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(2) Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;



(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

➡ The governing body of a local government in a county whose population is less than 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing  or *attainable housing*, including, without limitation, the use of manufactured homes for affordable housing  or *attainable housing*.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.



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(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

Sec. 29. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing *and attainable housing* in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing *and attainable housing* in the community.



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(5) An analysis of any impediments to the development of affordable housing *and attainable housing* and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing *or attainable housing*.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing *and attainable housing* or the conversion or rehabilitation of existing housing to affordable housing *or attainable housing*.

(8) A plan for maintaining and developing affordable housing *and attainable housing* to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or



1 fires, or resulting from the manufacture, storage, transfer or use of
2 bulk quantities of hazardous materials. The plan may set forth
3 policies for avoiding or minimizing the risks from those hazards.

4 (m) School facilities plan. Showing the general locations of
5 current and future school facilities based upon information furnished
6 by the appropriate local school district.

7 (n) Seismic safety plan. Consisting of an identification and
8 appraisal of seismic hazards such as susceptibility to surface
9 ruptures from faulting, to ground shaking or to ground failures.

10 (o) Solid waste disposal plan. Showing general plans for the
11 disposal of solid waste.

12 (p) Streets and highways plan. Showing the general locations
13 and widths of a comprehensive system of major traffic
14 thoroughfares and other traffic ways and of streets and the
15 recommended treatment thereof, building line setbacks, and a
16 system of naming or numbering streets and numbering houses, with
17 recommendations concerning proposed changes.

18 (q) Transit plan. Showing a proposed multimodal system of
19 transit lines, including mass transit, streetcar, motorcoach and
20 trolley coach lines, paths for bicycles and pedestrians, satellite
21 parking and related facilities.

22 (r) Transportation plan. Showing a comprehensive
23 transportation system, including, without limitation, locations of
24 rights-of-way, terminals, viaducts and grade separations. The plan
25 may also include port, harbor, aviation and related facilities.

26 2. The commission may prepare and adopt, as part of the
27 master plan, other and additional plans and reports dealing with such
28 other subjects as may in its judgment relate to the physical
29 development of the city, county or region, and nothing contained in
30 NRS 278.010 to 278.630, inclusive, *and section 24 of this act*
31 prohibits the preparation and adoption of any such subject as a part
32 of the master plan.

33 **Sec. 30.** NRS 278.230 is hereby amended to read as follows:

34 278.230 1. Except as otherwise provided in subsection 4 of
35 NRS 278.150, whenever the governing body of any city or county
36 has adopted a master plan or part thereof for the city or county, or
37 for any major section or district thereof, the governing body shall,
38 upon recommendation of the planning commission, determine upon
39 reasonable and practical means for putting into effect the master
40 plan or part thereof, in order that the same will serve as:

41 (a) A pattern and guide for that kind of orderly physical growth
42 and development of the city or county which will cause the least
43 amount of natural resource impairment and will conform to the
44 adopted population plan, where required, and ensure an adequate



1 supply of housing, including affordable housing ~~H~~ *and attainable*
2 *housing*; and

3 (b) A basis for the efficient expenditure of funds thereof relating
4 to the subjects of the master plan.

5 2. The governing body may adopt and use such procedure as
6 may be necessary for this purpose.

7 **Sec. 31.** NRS 278.250 is hereby amended to read as follows:

8 278.250 1. For the purposes of NRS 278.010 to 278.630,
9 inclusive, *and section 24 of this act*, the governing body may divide
10 the city, county or region into zoning districts of such number, shape
11 and area as are best suited to carry out the purposes of NRS 278.010
12 to 278.630, inclusive ~~H~~ , *and section 24 of this act*. Within the
13 zoning district, it may regulate and restrict the erection,
14 construction, reconstruction, alteration, repair or use of buildings,
15 structures or land.

16 2. The zoning regulations must be adopted in accordance with
17 the master plan for land use and be designed:

18 (a) To preserve the quality of air and water resources.

19 (b) To promote the conservation of open space and the
20 protection of other natural and scenic resources from unreasonable
21 impairment.

22 (c) To consider existing views and access to solar resources by
23 studying the height of new buildings which will cast shadows on
24 surrounding residential and commercial developments.

25 (d) To reduce the consumption of energy by encouraging the use
26 of products and materials which maximize energy efficiency in the
27 construction of buildings.

28 (e) To provide for recreational needs.

29 (f) To protect life and property in areas subject to floods,
30 landslides and other natural disasters.

31 (g) To conform to the adopted population plan, if required by
32 NRS 278.170.

33 (h) To develop a timely, orderly and efficient arrangement of
34 transportation and public facilities and services, including public
35 access and sidewalks for pedestrians, and facilities and services for
36 bicycles.

37 (i) To ensure that the development on land is commensurate
38 with the character and the physical limitations of the land.

39 (j) To take into account the immediate and long-range financial
40 impact of the application of particular land to particular kinds of
41 development, and the relative suitability of the land for
42 development.

43 (k) To promote health and the general welfare.



(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing **and attainable housing.**

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(n) To promote systems which use solar or wind energy.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing **or attainable housing.**

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing **or attainable housing.**

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 32. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.

Sec. 33. *"Affordable housing" has the meaning ascribed to it in section 2 of this act.*

Sec. 34. *"Attainable housing" has the meaning ascribed to it in section 18 of this act.*

Sec. 35. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, **and sections 33 and 34 of this act**, unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive,



1 *and sections 33 and 34 of this act* have the meanings ascribed to
2 them in those sections.

3 **Sec. 36.** NRS 279.397 is hereby amended to read as follows:

4 279.397 "Low-income household" means a household ~~[,]~~
5 which may include one or more persons ~~[, whose total gross income~~
6 ~~is less than 80 percent of the median gross income for households of~~
7 ~~the same size within the same geographic region.]~~ *and which is*
8 *eligible for affordable housing or attainable housing.*

9 **Sec. 37.** NRS 279.425 is hereby amended to read as follows:

10 279.425 It is further found and declared that:

11 1. The provision of housing is a fundamental purpose of the
12 Community Redevelopment Law and that a generally inadequate
13 supply of decent, safe and sanitary housing available to low-income
14 households threatens the accomplishment of the primary purposes of
15 the Community Redevelopment Law, including, without limitation,
16 creating new employment opportunities, attracting new private
17 investments of money in the area and creating physical, economic,
18 social and environmental conditions to remove and prevent the
19 recurrence of blight.

20 2. The provision and improvement of housing which can be
21 rented or sold to families with low incomes and which is inside or
22 outside the boundaries of the redevelopment area can be of direct
23 benefit to the redevelopment area in assisting the accomplishment of
24 project objectives whether or not the redevelopment plan provides
25 for housing within the project area.

26 3. The provision of affordable housing *and attainable housing*
27 by redevelopment agencies and the use of taxes allocated to the
28 agency pursuant thereto is of statewide benefit and assistance to all
29 local governmental agencies in the areas where housing is provided.

30 **Sec. 38.** NRS 279A.010 is hereby amended to read as follows:

31 279A.010 The Legislature hereby finds and declares that:

32 1. There exists within the urban areas of this State a large
33 number of deteriorated, substandard and unsanitary residential
34 properties because of the inability of their owners, for whatever
35 reason, to pay for their repair and maintenance;

36 2. These properties are a threat not only to the health, safety
37 and well-being of the persons who occupy them but also to
38 neighboring persons and property;

39 3. There is also a shortage of decent ~~[, safe]~~ and *safe* affordable
40 housing ~~[for persons of low or moderate income]~~ *and attainable*
41 *housing* and the counties and cities of this State have an obligation
42 to encourage persons who own residential property to maintain that
43 property in a decent, safe and sanitary condition;

44 4. It is in the public interest to encourage the preservation and
45 maintenance of *affordable housing and attainable* housing in this



1 State, ~~[for persons of low or moderate income,]~~ in order to improve
2 ~~[their]~~ living conditions and, in doing so, to benefit the health, safety
3 and welfare of the people of this State; and

4 5. The provisions of this chapter are in addition to, and do not
5 abrogate or limit the application of, any other provisions of law
6 granting to a county or city the authority to:

7 (a) Develop affordable housing ~~[and]~~ *and attainable housing*; and

8 (b) Rehabilitate residential neighborhoods and individual
9 properties within those neighborhoods.

10 **Sec. 39.** NRS 279A.020 is hereby amended to read as follows:

11 279A.020 As used in this chapter, unless the context otherwise
12 requires:

13 1. *“Affordable housing” has the meaning ascribed to it in*
14 *section 2 of this act.*

15 2. “Agency” means an agency of a county or city established or
16 designated to administer a program.

17 ~~[2-]~~ 3. *“Attainable housing” has the meaning ascribed to it*
18 *in section 18 of this act.*

19 4. “Fund” means a revolving fund for loans for the
20 rehabilitation of residential property.

21 ~~[3-]~~ 5. “Governing body” means the governing body of a
22 county or city.

23 ~~[4-]~~ 6. “Program” means a program for the rehabilitation of
24 residential neighborhoods established by a governing body pursuant
25 to this chapter.

26 ~~[5-]~~ 7. “Rehabilitation” includes structural improvements,
27 landscaping and any other measure to improve the appearance of
28 property or maintain property in a decent, safe and sanitary
29 condition.

30 **Sec. 40.** NRS 279A.040 is hereby amended to read as follows:

31 279A.040 1. An applicant for a loan for the rehabilitation of
32 residential property must, at the time application is made:

33 (a) Be a natural person who:

34 (1) Is a resident of or an owner of residential property in the
35 city or an unincorporated area of the county, as the case may be;

36 (2) Is a member of a household ~~[having a gross income of~~
37 ~~less than 80 percent of the median gross income for households of~~
38 ~~the same size residing in the same county or city, as applicable, as~~
39 ~~that percentage is defined by the United States Department of~~
40 ~~Housing and Urban Development, or rents residential property to~~
41 ~~such households;]~~ *eligible for affordable housing or attainable*
42 *housing;*

43 (3) Owns and resides on or rents for residential purposes
44 only the property for which the loan is sought;



(4) Has the financial resources to repay the loan in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing *or attainable housing* to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to repay the loan in accordance with the terms of the agreement.

2. Any residential property for which a loan for rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 41. NRS 279B.010 is hereby amended to read as follows:

279B.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties which have been abandoned by their owners;

2. These properties are a threat to the health, safety and well-being of the persons occupying neighboring properties;

3. There is also a shortage of decent ~~[-, safe]~~ and *safe* affordable housing ~~[for persons of low or moderate income]~~ and *attainable housing* and the counties and cities of this State have an obligation to provide ~~[such persons]~~ *their residents* with an opportunity to obtain residential property;

4. It is in the public interest to encourage the preservation and maintenance of *affordable housing and attainable* housing in this State, ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ~~[-]~~ and *attainable housing*; and

(b) Rehabilitate abandoned residential properties.



1 **Sec. 42.** NRS 279B.020 is hereby amended to read as follows:
2 279B.020 As used in this chapter, unless the context otherwise
3 requires:

4 1. “Abandoned residential property” means residential property
5 which has been:

6 (a) Acquired by the governing body pursuant to the provisions
7 of NRS 361.603 or subsection 3 of NRS 279B.100, or by a grant
8 from the Federal Government, the state government or any political
9 subdivision of the State;

10 (b) Declared to have been abandoned by the Federal
11 Government, the state government or the governing body; and

12 (c) Determined by the governing body to be in need of
13 rehabilitation because of its deteriorated, substandard or unsanitary
14 condition.

15 2. *“Affordable housing” has the meaning ascribed to it in*
16 *section 2 of this act.*

17 3. “Agency” means an agency of a county or city established or
18 designated to administer a program.

19 4. *“Attainable housing” has the meaning ascribed to it in*
20 *section 18 of this act.*

21 ~~[3.]~~ 5. “Governing body” means the governing body of a
22 county or city.

23 ~~[4.]~~ 6. “Program” means a program for the rehabilitation of
24 abandoned residential properties established by a governing body
25 pursuant to this chapter.

26 ~~[5.]~~ 7. “Rehabilitation” includes structural improvements,
27 landscaping and any other measure to improve the appearance of
28 property or maintain property in a decent, safe and sanitary
29 condition.

30 **Sec. 43.** NRS 279B.040 is hereby amended to read as follows:

31 279B.040 1. An applicant for rehabilitation of abandoned
32 residential property must, at the time application is made:

33 (a) Be a natural person who:

34 (1) Is a resident of the city or an unincorporated area of the
35 county, as the case may be;

36 (2) Is a member of a household ~~[having a gross income of~~
37 ~~less than 80 percent of the median gross income for households of~~
38 ~~the same size residing in the same county or city, as applicable, as~~
39 ~~that percentage is defined by the United States Department of~~
40 ~~Housing and Urban Development;]~~ *eligible for affordable housing*
41 *or attainable housing;*

42 (3) Intends to reside on the abandoned residential property
43 for which the rehabilitation is sought;

44 (4) Has the financial resources to rehabilitate the abandoned
45 residential property in accordance with the terms of the agreement;



(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing *or attainable housing* to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement.

2. Any abandoned residential property for which an application for the rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 44. NRS 375.010 is hereby amended to read as follows:

375.010 1. The following terms, wherever used or referred to in this chapter, have the following meaning unless a different meaning clearly appears in the context:

(a) *“Affordable housing” has the meaning ascribed to it in section 2 of this act.*

(b) *“Attainable housing” has the meaning ascribed to it in section 18 of this act.*

(c) “Buyer” means a person or other legal entity acquiring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantee or other transferee of real property.

~~(b)~~ (d) “Deed” means every instrument in writing, whatever its form and by whatever name it is known in law, by which title to any estate or present interest in real property, including a water right, permit, certificate or application, is conveyed or transferred to, and vested in, another person, except that the term does not include:

(1) A lease for any term of years;

(2) An easement;

(3) A deed of trust or common-law mortgage instrument that encumbers real property;

(4) A last will and testament;

(5) A distribution of the separate property of a decedent pursuant to chapter 134 of NRS;

(6) An affidavit of a surviving tenant;

(7) A conveyance of a right-of-way; or



1 (8) A conveyance of an interest in gas, oil or minerals.
2 ~~[(e)]~~ (e) "Escrow" means the delivery of a deed by the seller
3 into the hands of a third person, including an attorney, title
4 company, real estate broker or other person engaged in the business
5 of administering escrows for compensation, to be held by the third
6 person until the happening of a contingency or performance of a
7 condition, and then to be delivered by the third person to the buyer.

8 ~~[(d)]~~ (f) "Seller" means a person or other legal entity
9 transferring title to any estate or present interest in real property in
10 this State by deed, including, without limitation, a grantor or other
11 transferor of real property.

12 ~~[(e)]~~ (g) "Value" means:

13 (1) In the case of any deed which is not a gift, the amount of
14 the full purchase price paid or to be paid for the real property.

15 (2) In the case of a gift, or any deed with nominal
16 consideration or without stated consideration, the estimated fair
17 market value of the property.

18 2. As used in paragraph ~~[(e)]~~ (g) of subsection 1, "estimated
19 fair market value" means the estimated price the real property would
20 bring on the open market in a sale between a willing buyer and a
21 willing seller. Such price may be derived from the assessor's taxable
22 value or the prior purchase price, if the prior purchase was within
23 the 5 years immediately preceding the date of valuation, whichever
24 is higher.

25 **Sec. 45.** NRS 375.070 is hereby amended to read as follows:

26 375.070 1. The county recorder shall transmit the proceeds of
27 the tax imposed by NRS 375.020 at the end of each quarter in the
28 following manner:

29 (a) An amount equal to that portion of the proceeds which is
30 equivalent to 10 cents for each \$500 of value or fraction thereof
31 must be transmitted to the State Controller who shall deposit that
32 amount in the Account for Low-Income Housing created pursuant to
33 NRS 319.500.

34 (b) In a county whose population is more than 400,000, an
35 amount equal to that portion of the proceeds which is equivalent to
36 60 cents for each \$500 of value or fraction thereof must be
37 transmitted to the county treasurer for deposit in the county school
38 district's fund for capital projects established pursuant to NRS
39 387.328, to be held and expended in the same manner as other
40 money deposited in that fund.

41 (c) The remaining proceeds must be transmitted to the State
42 Controller for deposit in the Local Government Tax Distribution
43 Account created by NRS 360.660 for credit to the respective
44 accounts of Carson City and each county.



2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of affordable housing ~~{for families whose income does not exceed 80 percent of the median income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.}~~ *and attainable housing*. A county or city that uses the proceeds in that manner must give priority to the development of affordable housing *and attainable housing* for persons who are disabled or elderly.

3. The expenses authorized by subsection 2 include, but are not limited to:

- (a) The costs to acquire land and developmental rights;
- (b) Related predevelopment expenses;
- (c) The costs to develop the land, including the payment of related rebates;
- (d) Contributions toward down payments made for the purchase of affordable housing ~~{}~~ *and attainable housing*; and
- (e) The creation of related trust funds.

Sec. 46. The provisions of sections 10, 11 and 12 of this act expire by limitation when chapter 233J of NRS as a whole expires by limitation. The provisions of section 13 of this act expire by limitation when NRS 233J.010 expires by limitation. The provisions of section 14 of this act expire by limitation when NRS 233J.060 expires by limitation.

Sec. 47. This act becomes effective on July 1, 2007.

