

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 certain provisions relating to
accommodation. (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 accommodation; authorizing the creation and maintenance of a statewide low-income housing database; creating a new definition of “affordable housing”; revising old definitions of “affordable housing”; revising provisions regarding unlawful discrimination in public accommodations to include sexual orientation; 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. **Sections 6-15 and 20-45** of this bill make necessary amendments so that the definition applies throughout most of NRS.

Sections 3 and 4 of this bill authorize the Housing Division of the Department of Business and Industry to create and maintain a statewide low-income housing database. **Section 5** of this bill requires that owners of residential rental units that are receiving or have received government money for those housing units must report certain information regarding those units on a quarterly basis.

Existing law declares that all persons are entitled to full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any places of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin or disability. (NRS 651.070)



17 Sections 45.3-45.7 of this bill add sexual orientation as a class protected from
18 discrimination in public accommodation.

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. 2.1.** (Deleted by amendment.)

11 **Sec. 2.3.** (Deleted by amendment.)

12 **Sec. 2.7.** (Deleted by amendment.)

13 **Sec. 3. 1.** *The Division may provide for the creation and*
14 *maintenance of a statewide low-income housing database.*

15 **2.** *If the Division creates and maintains a statewide low-*
16 *income housing database pursuant to subsection 1, the database*
17 *must include, without limitation, the compilation and analysis of*
18 *demographic, economic and housing data from a variety of*
19 *sources that:*

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

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

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



(d) Provides a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

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

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

Sec. 4. *If the Division creates a database pursuant to section 3 of this act:*

1. *The costs of the database must be paid from the Account for Low-Income Housing created pursuant to NRS 319.500; and*

2. *The amount used for the database must not exceed \$175,000 per year.*

Sec. 5. *If an owner of residential housing that is accessible or affordable and is available for rent or lease in this State has received any loans, grants or contributions for the residential housing from the Federal Government, the State or any public body, the owner shall, not less than quarterly, report to the Office of Disability Services of the Department of Health and Human Services all of those residential housing units which are available and suitable for persons with disabilities.*

Sec. 6. NRS 319.030 is hereby amended to read as follows:

319.030 As used in this chapter, the words and terms defined in NRS 319.040 to 319.135, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6.5. NRS 319.060 is hereby amended to read as follows:

319.060 "Eligible family" means a person or family, selected without regard to race, creed, national origin or sex, determined by the Division to require such assistance as is made available by this chapter on account of insufficient personal or family income after taking into consideration, without limitation, such factors as:

1. The amount of the total income of that person or family available for housing needs;

2. The size of the family;

3. The cost and condition of housing facilities available;

4. The ability of the person or family to compete successfully in the normal private housing market and to pay the amounts at



1 which private enterprise is providing decent, safe and sanitary
2 housing;

3 5. If appropriate, standards established for various federal
4 programs determining eligibility based on income of those persons
5 and families; and

6 6. Service in the Armed Forces of the United States with a
7 minimum of 90 days on active duty at some time between:

8 (a) April 21, 1898, and June 15, 1903;

9 (b) April 6, 1917, and November 11, 1918;

10 (c) December 7, 1941, and December 31, 1946;

11 (d) June 25, 1950, and January 31, 1955; ~~for~~

12 (e) January 1, 1961, and May 7, 1975 ~~to~~;

13 (f) *August 2, 1990, and April 3, 1991; or*

14 (g) *September 11, 2001, and the date on which the Federal*
15 *Government declares officially that the War on Terror has ended,*

16 ➔ and at least 2 years' continuous residence in Nevada immediately
17 preceding any application for assistance under this chapter.

18 **Sec. 7.** NRS 319.147 is hereby amended to read as follows:

19 319.147 1. The Division shall certify an assisted living
20 facility for the purpose of providing services pursuant to the
21 provisions of the home and community-based services waiver which
22 are amended pursuant to NRS 422.2708 if the facility:

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

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

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

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

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

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

36 3. As used in this section:

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

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

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

42 319.510 1. Money deposited in the Account for Low-Income
43 Housing must be used:

44 (a) For the acquisition, construction or rehabilitation of
45 *affordable* housing for eligible families by public or private



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1 nonprofit charitable organizations, housing authorities or local
2 governments through loans, grants or subsidies;

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

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

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

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

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

28 (a) Except as otherwise provided in subsection 3, 15 percent *of*
29 *the money that is deposited in the Account pursuant to paragraph*
30 *(a) of subsection 1 of NRS 375.070* must be distributed to the
31 Division of Welfare and Supportive Services of the Department of
32 Health and Human Services for use in its program developed
33 pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to
34 needy families with children, subject to the following:

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

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

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

44 (4) All money provided by the Federal Government to match
45 the money distributed to the Division of Welfare and Supportive



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Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) ~~[Eighty five]~~ *All of the remaining money in the Account other than the money that is deposited pursuant to paragraph (a) of subsection 1 of NRS 375.070, and 85 percent of the money that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070,* must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of *affordable* 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]~~ *Except as otherwise provided in this subparagraph, 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. Money that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070 must be used to benefit families with a total gross income equal to or less than 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.*

(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 *that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070* 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.



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

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

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

9 **Sec. 12.** (Deleted by amendment.)

10 **Sec. 13.** NRS 233J.010 is hereby amended to read as follows:
11 233J.010 ~~[As used in this chapter, unless the context otherwise~~
12 ~~requires.]~~ “Commission” means the Nevada Commission on
13 Minority Affairs created by NRS 233J.020.

14 **Sec. 14.** (Deleted by amendment.)

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

17 **Sec. 16.** *As used in this chapter, unless the context otherwise*
18 *requires, “affordable housing” has the meaning ascribed to it in*
19 *section 2 of this act.*

20 **Sec. 17.** (Deleted by amendment.)

21 **Sec. 18.** (Deleted by amendment.)

22 **Sec. 19.** (Deleted by amendment.)

23 **Sec. 20.** NRS 244.287 is hereby amended to read as follows:
24 244.287 1. A nonprofit organization may submit to a board
25 of county commissioners an application for conveyance of property
26 that is owned by the county if the property was:

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

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

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

34 (a) Published at least once in a newspaper of general circulation
35 in the county.

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

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

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

44 3. The board of county commissioners may approve such an
45 application for conveyance if the nonprofit organization



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

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

18 5. As a condition to the conveyance of the property pursuant to
19 subsection 4, the board of county commissioners shall enter into an
20 agreement with the nonprofit organization that requires the
21 nonprofit organization or its assignee to use the property to provide
22 affordable housing for at least 50 years. If the nonprofit organization
23 or its assignee fails to use the property to provide affordable housing
24 pursuant to the agreement, the board of county commissioners may
25 take reasonable action to return the property to use as affordable
26 housing, including, without limitation:

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

29 (b) Transferring ownership of the property from the nonprofit
30 organization or its assignee to another person or governmental entity
31 that will use the property to provide affordable housing.

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

35 (a) The number of years for which the nonprofit organization or
36 its assignee must use the property to provide affordable housing;
37 and

38 (b) The action that the board of county commissioners will take
39 if the nonprofit organization or its assignee fails to use the property
40 to provide affordable housing pursuant to the agreement.

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

43 (a) Prepare annually a list which includes a description of all
44 property that was conveyed to a nonprofit organization pursuant to
45 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 entered into such contracts as are necessary to commence the construction of affordable housing, 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.

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.]~~ If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an



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1 application of a nonprofit organization that demonstrates to the
2 satisfaction of the governing body that the organization or its
3 assignee will use the property to develop affordable housing for
4 persons who are disabled or elderly.

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

10 5. As a condition to the conveyance of the property pursuant to
11 subsection 4, the governing body shall enter into an agreement with
12 the nonprofit organization that requires the nonprofit organization or
13 its assignee to use the property to provide affordable housing for at
14 least 50 years. If the nonprofit organization or its assignee fails to
15 use the property to provide affordable housing pursuant to the
16 agreement, the governing body may take reasonable action to return
17 the property to use as affordable housing, including, without
18 limitation:

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

21 (b) Transferring ownership of the property from the nonprofit
22 organization or its assignee to another person or governmental entity
23 that will use the property to provide affordable housing.

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

27 (a) The number of years for which the nonprofit organization or
28 its assignee must use the property to provide affordable housing;
29 and

30 (b) The action that the governing body will take if the nonprofit
31 organization or its assignee fails to use the property to provide
32 affordable housing pursuant to the agreement.

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

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

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

40 8. If, 5 years after the date of a conveyance pursuant to
41 subsection 4, a nonprofit organization or its assignee has not
42 commenced construction of affordable housing, or entered into such
43 contracts as are necessary to commence the construction of
44 affordable housing, the property that was conveyed automatically
45 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.

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, "affordable housing" has the meaning ascribed to it in section 2 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, manufacturing or other enterprises may be excluded, and limiting the height, area and bulk of buildings and structures therein.

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

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

4. As used in this section, "affordable housing" has the meaning ascribed to it in section 2 of this act.

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

277.360 1. A regional development district may establish a nonprofit corporation for any purpose for which the district is authorized to act pursuant to NRS 277.300 to 277.390, inclusive, including increasing the supply of affordable housing and improving opportunities for home ownership in a development region. A nonprofit corporation formed pursuant to this section may, among other things, acquire land and buildings, accept private, state and federal grant and loan funds, construct and rehabilitate housing



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1 units, and buy, sell or manage housing within the boundaries of the
2 development district.

3 2. A regional development district may receive and administer
4 private, state and federal affordable housing funds to increase the
5 supply of affordable housing and to improve opportunities for home
6 ownership within the boundaries of the district. The creation of a
7 regional development district does not affect the right of a county or
8 city to receive and administer affordable housing funds or to
9 develop and implement subregional affordable housing programs.

10 3. *As used in this section, "affordable housing" has the*
11 *meaning ascribed to it in section 2 of this act.*

12 Sec. 24. (Deleted by amendment.)

13 Sec. 25. (Deleted by amendment.)

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

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

21 Sec. 27. (Deleted by amendment.)

22 Sec. 28. (Deleted by amendment.)

23 Sec. 29. (Deleted by amendment.)

24 Sec. 30. (Deleted by amendment.)

25 Sec. 31. (Deleted by amendment.)

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

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

30 Sec. 34. (Deleted by amendment.)

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

32 279.384 As used in NRS 279.382 to 279.685, inclusive, *and*
33 *section 33 of this act*, unless the context otherwise requires, the
34 words and terms defined in NRS 279.386 to 279.414, inclusive, *and*
35 *section 33 of this act* have the meanings ascribed to them in those
36 sections.

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

38 279.397 "Low-income household" means a household ~~[~~
39 which may include one or more persons ~~[, whose total gross income~~
40 ~~is less than 80 percent of the median gross income for households of~~
41 ~~the same size within the same geographic region.]~~ *and which is*
42 *eligible for affordable housing.*

43 Sec. 37. (Deleted by amendment.)

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

45 279A.010 The Legislature hereby finds and declares that:



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

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

8 3. There is also a shortage of decent ~~[-, safe]~~ and *safe* affordable
9 housing ~~[for persons of low or moderate income]~~ and the counties
10 and cities of this State have an obligation to encourage persons who
11 own residential property to maintain that property in a decent, safe
12 and sanitary condition;

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

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

21 (a) Develop affordable housing; and

22 (b) Rehabilitate residential neighborhoods and individual
23 properties within those neighborhoods.

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

25 279A.020 As used in this chapter, unless the context otherwise
26 requires:

27 1. *"Affordable housing" has the meaning ascribed to it in*
28 *section 2 of this act.*

29 2. "Agency" means an agency of a county or city established or
30 designated to administer a program.

31 ~~[2.]~~ 3. "Fund" means a revolving fund for loans for the
32 rehabilitation of residential property.

33 ~~[3.]~~ 4. "Governing body" means the governing body of a
34 county or city.

35 ~~[4.]~~ 5. "Program" means a program for the rehabilitation of
36 residential neighborhoods established by a governing body pursuant
37 to this chapter.

38 ~~[5.]~~ 6. "Rehabilitation" includes structural improvements,
39 landscaping and any other measure to improve the appearance of
40 property or maintain property in a decent, safe and sanitary
41 condition.

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

43 279A.040 1. An applicant for a loan for the rehabilitation of
44 residential property must, at the time application is made:

45 (a) Be a natural person who:



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

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

(3) Owns and resides on or rents for residential purposes 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 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 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 in this State, ~~[for persons of low or moderate income;]~~ in order to improve ~~[their]~~ living conditions



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1 and, in doing so, to benefit the health, safety and welfare of the
2 people of this State; and

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

6 (a) Develop affordable housing; and

7 (b) Rehabilitate abandoned residential properties.

8 **Sec. 42.** NRS 279B.020 is hereby amended to read as follows:

9 279B.020 As used in this chapter, unless the context otherwise
10 requires:

11 1. "Abandoned residential property" means residential property
12 which has been:

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

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

19 (c) Determined by the governing body to be in need of
20 rehabilitation because of its deteriorated, substandard or unsanitary
21 condition.

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

24 3. "Agency" means an agency of a county or city established or
25 designated to administer a program.

26 ~~[3-]~~ 4. "Governing body" means the governing body of a
27 county or city.

28 ~~[4-]~~ 5. "Program" means a program for the rehabilitation of
29 abandoned residential properties established by a governing body
30 pursuant to this chapter.

31 ~~[5-]~~ 6. "Rehabilitation" includes structural improvements,
32 landscaping and any other measure to improve the appearance of
33 property or maintain property in a decent, safe and sanitary
34 condition.

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

36 279B.040 1. An applicant for rehabilitation of abandoned
37 residential property must, at the time application is made:

38 (a) Be a natural person who:

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

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



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

(4) Has the financial resources to rehabilitate the abandoned 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 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) "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)~~ (c) "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;



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(6) An affidavit of a surviving tenant;

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

(8) A conveyance of an interest in gas, oil or minerals.

~~(e)~~ (d) "Escrow" means the delivery of a deed by the seller into the hands of a third person, including an attorney, title company, real estate broker or other person engaged in the business of administering escrows for compensation, to be held by the third person until the happening of a contingency or performance of a condition, and then to be delivered by the third person to the buyer.

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

~~(e)~~ (f) "Value" means:

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

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

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

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

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

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

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

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution



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1 Account created by NRS 360.660 for credit to the respective
2 accounts of Carson City and each county.

3 2. In addition to any other authorized use of the proceeds it
4 receives pursuant to subsection 1, a county or city may use the
5 proceeds to pay expenses related to or incurred for the development
6 of affordable housing . ~~[[for families whose income does not exceed~~
7 ~~80 percent of the median income for families residing in the same~~
8 ~~county, as that percentage is defined by the United States~~
9 ~~Department of Housing and Urban Development.]]~~ A county or city
10 that uses the proceeds in that manner must give priority to the
11 development of affordable housing for persons who are disabled or
12 elderly.

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

- 15 (a) The costs to acquire land and developmental rights;
- 16 (b) Related predevelopment expenses;
- 17 (c) The costs to develop the land, including the payment of
18 related rebates;
- 19 (d) Contributions toward down payments made for the purchase
20 of affordable housing; and
- 21 (e) The creation of related trust funds.

22 **Sec. 45.3.** NRS 651.050 is hereby amended to read as follows:
23 651.050 As used in NRS 651.050 to 651.110, inclusive, unless
24 the context otherwise requires:

- 25 1. "Disability" means, with respect to a person:
 - 26 (a) A physical or mental impairment that substantially limits one
27 or more of the major life activities of the person;
 - 28 (b) A record of such an impairment; or
 - 29 (c) Being regarded as having such an impairment.
- 30 2. "Place of public accommodation" means:
 - 31 (a) Any inn, hotel, motel or other establishment which provides
32 lodging to transient guests, except an establishment located within a
33 building which contains not more than five rooms for rent or hire
34 and which is actually occupied by the proprietor of the
35 establishment as his residence;
 - 36 (b) Any restaurant, bar, cafeteria, lunchroom, lunch counter,
37 soda fountain, casino or any other facility where food or spirituous
38 or malt liquors are sold, including any such facility located on the
39 premises of any retail establishment;
 - 40 (c) Any gasoline station;
 - 41 (d) Any motion picture house, theater, concert hall, sports arena
42 or other place of exhibition or entertainment;
 - 43 (e) Any auditorium, convention center, lecture hall, stadium or
44 other place of public gathering;



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(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use; and

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment.

3. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 45.5. NRS 651.070 is hereby amended to read as follows:

651.070 All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin ~~{or disability-}~~, **disability or sexual orientation.**

Sec. 45.7. NRS 651.110 is hereby amended to read as follows:

651.110 Any person who believes he has been denied full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation because of discrimination or segregation based on race, color, religion, national origin , ~~{or}~~ disability **or sexual orientation** may file a complaint to that effect with the Nevada Equal Rights Commission.

Sec. 46. The provisions of sections 9 to 13, inclusive, of this act expire by limitation when NRS 233J.010 expires by limitation.



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- 1 **Sec. 47.** 1. This section and sections 9 to 14, inclusive, of
2 this act become effective on June 30, 2007.
3 2. Sections 1 to 8, inclusive, and 15 to 46, inclusive, of this act
4 become effective on July 1, 2007.

