

Amendment No. 626

Assembly Amendment to Assembly Bill No. 255 First Reprint (BDR 25-140)

Proposed by: Assemblywoman Kirkpatrick

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

MSM



Date: 4/24/2007

A.B. No. 255—Revises and creates provisions relating to housing assistance.
(BDR 25-140)



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}~~ **certain** provisions relating to ~~{housing assistance}~~ **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 ~~{housing}~~ **accommodation**; providing for the creation and maintenance of a statewide low-income housing database; ~~{providing for the maintenance of the Nevada Housing Registry}~~ 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”; **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.

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. ~~{Sections 2.3 and 4 of this bill recognize the existence of the Nevada Housing Registry and provide for its maintenance.}~~ **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) Sections 45.3-45.7 of this bill

add sexual orientation as a class protected from discrimination in public accommodation.

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

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

Sec. 2. *"Affordable housing" means housing affordable for a family with a total gross income equal to or less than 80 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.*

Sec. 2.1. ~~*"Consortia" means the consortia described in 42 U.S.C. § 12746.*~~ (Deleted by amendment.)

Sec. 2.3. ~~*"Nevada Housing Registry" means the housing registry maintained as a joint project of:*~~

~~*1. The Office of Disability Services created pursuant to NRS 426.235; and*~~
~~*2. The State Council on Developmental Disabilities established in this State pursuant to section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. § 15025.*~~ (Deleted by amendment.)

Sec. 2.7. ~~*"Nevada Low Income Housing Database" means the database created and maintained pursuant to section 3 of this act.*~~ (Deleted by amendment.)

Sec. 3. 1. *The demographer employed pursuant to NRS 360.283 shall provide for the creation and maintenance of a statewide low-income housing database. ~~(to be known as the Nevada Low Income Housing Database.)~~*

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

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

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

(c) Contains an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to 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

1 income and a summary relating to the effects of demographics and economic
2 factors on housing demand;

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

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

10 ~~{3. The Database created pursuant to this section must provide sufficient~~
11 ~~information to satisfy the requirements imposed by 24 C.F.R. Part 91 upon all~~
12 ~~relevant consortia and jurisdictions of this State.}~~

13 Sec. 4. ~~{1. The costs of the Nevada Housing Registry must be paid from~~
14 ~~the Account for Low-Income Housing created pursuant to NRS 319.500. The~~
15 ~~amount used for the Registry must not exceed \$50,000 per year.~~

16 ~~2. The costs of the {Nevada Low-Income Housing Database} database~~
17 ~~described in section 3 of this act must be paid from the Account for Low-Income~~
18 ~~Housing created pursuant to NRS 319.500. The amount used for the {Database}~~
19 ~~database must not exceed {250,000} \$175,000 per year.~~

20 Sec. 5. If an owner of residential housing that is accessible or affordable
21 and is available for rent or lease in this State has received any loans, grants or
22 contributions for the residential housing from the Federal Government, the State
23 or any public body, the owner shall, not less than quarterly, report to the Office of
24 Disability Services ~~{created pursuant to NRS 426.235, information to include the~~
25 ~~following:~~

26 ~~1. Whether the housing is currently vacant or occupied;~~

27 ~~2. The number of persons, if any, who are currently on a waiting list to rent~~
28 ~~or lease the housing;~~

29 ~~3. The current duration of the waiting list to rent or lease the housing; and~~

30 ~~4. Such additional information as the Office of Disability Services may~~
31 ~~direct, to allow a determination of whether a particular unit of housing may be~~
32 ~~appropriate for occupancy by persons in different demographic groups, including~~
33 ~~those based on income, age, level of disability, family size or any other relevant~~
34 ~~factors.} of the Department of Health and Human Services all of those residential~~
35 ~~housing units which are available and suitable for persons with disabilities.~~

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

37 319.030 As used in this chapter, the words and terms defined in NRS 319.040
38 to 319.135, inclusive, ~~and {sections 2, 2.1, 2.3 and 2.7} section 2 of this act~~ have
39 the meanings ascribed to them in those sections.

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

41 319.060 "Eligible family" means a person or family, selected without regard
42 to race, creed, national origin or sex, determined by the Division to require such
43 assistance as is made available by this chapter on account of insufficient personal or
44 family income after taking into consideration, without limitation, such factors as:

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

47 2. The size of the family;

48 3. The cost and condition of housing facilities available;

49 4. The ability of the person or family to compete successfully in the normal
50 private housing market and to pay the amounts at which private enterprise is
51 providing decent, safe and sanitary housing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Satisfies any other requirements set forth by the Division in 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 ~~[not more than 6 percent of the]~~ money ~~from [in]~~ the Account as reimbursement for the necessary costs ~~of efficiently administering [for the Division to~~

~~— (a) Efficiently administer]~~ 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 f~~

~~— (b) Administer money in the Account that the Division allocates to local jurisdictions and consortia; and~~

~~— (c) Pay the necessary administrative costs associated with programs the Division, local jurisdictions and consortia may fund with money from the Account.~~

~~3. The~~ remaining money allocated from the Account :

~~(a) Except as otherwise provided in subsection 3, 15]~~ Fifteen 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) f, after the expenditures authorized pursuant to subsection 2, must be allocated as follows:~~

~~(a) Before the distribution of money for the purposes set forth in paragraphs (b) and (c), the Division must pay the necessary costs for:~~

~~(1) That portion of any Homeless Management Information System which is required by, but not paid for by, the Department of Housing and Urban Development;~~

~~(2) An amount not to exceed \$50,000 per year to pay for the costs described in subsection 1 of section 4 of this act; and~~

~~(3) An amount not to exceed \$250,000 per year to pay for the costs described in subsection 2 of section 4 of this act.~~

~~(b) Fifteen percent of the amount remaining after the expenditures required pursuant to paragraph (a) must be distributed to public or private nonprofit organizations, housing authorities and local governments for activities to prevent homelessness, including, but not limited to, assistance relating to emergency housing. All such money must be used to benefit persons and 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.~~

~~(c) Eighty-five percent [of the amount remaining after the expenditures required pursuant to paragraph (a)] 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, purposes described in paragraphs (a), (b), (c) and (e) of subsection 1] 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) ~~[(A)] 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 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.]~~

~~[4.— As used in this section, “Homeless Management Information System” means an information system described in Homeless Management Information Systems (HMIS) Data and Technical Standards Notice, Notice, as issued by the Department of Housing and Urban Development in 68 Federal Register 43,420 on July 22, 2003.]~~

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.

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

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

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

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

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

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

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

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

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

3. Study the:

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

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

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

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

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

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

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

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

7. Recommend proposed legislation to the Governor.

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

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

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

Sec. 18. *“Attainable housing” means housing affordable for a family with a total gross income greater than 80 percent and equal to or less than 120 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.*

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

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

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

(b) The control and protection of animals;

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

(d) The rehabilitation of abandoned residential property.

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

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

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

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

1 (a) Received by donation for the use and benefit of the county pursuant to NRS
2 244.270.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 7. A board of county commissioners that has conveyed property pursuant to
53 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 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 attainable housing, as applicable*, or entered into such contracts as are necessary to commence the construction of affordable housing *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 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 the height, area
2 and bulk of buildings and structures therein.

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

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

13 4. *As used in this section:*

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

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

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

19 277.360 1. A regional development district may establish a nonprofit
20 corporation for any purpose for which the district is authorized to act pursuant to
21 NRS 277.300 to 277.390, inclusive, including increasing the supply of affordable
22 housing *and attainable housing* and improving opportunities for home ownership
23 in a development region. A nonprofit corporation formed pursuant to this section
24 may, among other things, acquire land and buildings, accept private, state and
25 federal grant and loan funds, construct and rehabilitate housing units, and buy, sell
26 or manage housing within the boundaries of the development district.

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

34 3. *As used in this section:*

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

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

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

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

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

43 278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 24 of*
44 *this act*, unless the context otherwise requires, the words and terms defined in NRS
45 278.0105 to 278.0195, inclusive, *and section 24 of this act* have the meanings
46 ascribed to them in those sections.

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

48 278.0105 "Affordable housing" ~~means housing affordable for a family with a~~
49 ~~total gross income less than 110 percent of the median gross income for the county~~
50 ~~concerned based upon the estimates of the United States Department of Housing~~
51 ~~and Urban Development of the most current median gross family income for the~~
52 ~~county-] has the meaning ascribed to it in section 2 of this act.~~

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

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

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

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

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

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

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

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

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(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.

(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.

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

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

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

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

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

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

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

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

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

2 278.230 1. Except as otherwise provided in subsection 4 of NRS 278.150,
3 whenever the governing body of any city or county has adopted a master plan or
4 part thereof for the city or county, or for any major section or district thereof, the
5 governing body shall, upon recommendation of the planning commission,
6 determine upon reasonable and practical means for putting into effect the master
7 plan or part thereof, in order that the same will serve as:

8 (a) A pattern and guide for that kind of orderly physical growth and
9 development of the city or county which will cause the least amount of natural
10 resource impairment and will conform to the adopted population plan, where
11 required, and ensure an adequate supply of housing, including affordable housing
12 ~~and~~ **and attainable housing**; and

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

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

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

18 278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, **and**
19 **section 24 of this act**, the governing body may divide the city, county or region into
20 zoning districts of such number, shape and area as are best suited to carry out the
21 purposes of NRS 278.010 to 278.630, inclusive ~~and~~ **, and section 24 of this act**.
22 Within the zoning district, it may regulate and restrict the erection, construction,
23 reconstruction, alteration, repair or use of buildings, structures or land.

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

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

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

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

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

34 (e) To provide for recreational needs.

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

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

38 (h) To develop a timely, orderly and efficient arrangement of transportation
39 and public facilities and services, including public access and sidewalks for
40 pedestrians, and facilities and services for bicycles.

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

43 (j) To take into account the immediate and long-range financial impact of the
44 application of particular land to particular kinds of development, and the relative
45 suitability of the land for development.

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

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

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

52 (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~~ *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~~ *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, *and sections 33 and 34 of this act* have the meanings ascribed to them in those sections.

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

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

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

279.425 It is further found and declared that:

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

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

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

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

279A.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 because of the inability of their owners, for whatever reason, to pay for their repair and maintenance;

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

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 encourage persons who own residential property to maintain that property in a decent, safe and sanitary condition;

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 residential neighborhoods and individual properties within those neighborhoods.

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

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

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

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

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

4. "Fund" means a revolving fund for loans for the rehabilitation of residential property.

~~[-]~~ 5. "Governing body" means the governing body of a county or city.

~~[-]~~ 6. "Program" means a program for the rehabilitation of residential neighborhoods established by a governing body pursuant to this chapter.

~~[-]~~ 7. "Rehabilitation" includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

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

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

(a) Be a natural person who:

(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 or attainable 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 *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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Be a natural person who:

(1) Is a resident of 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;~~ *eligible for affordable housing or attainable housing;*

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

~~(c)~~ (e) "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)~~ (f) "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)~~ (g) "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)~~ (g) 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 Account created by NRS 360.660 for credit to the respective 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. 45.3. NRS 651.050 is hereby amended to read as follows:

651.050 As used in NRS 651.050 to 651.110, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

- (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;
- (b) A record of such an impairment; or
- (c) Being regarded as having such an impairment.

2. "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as his residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;

(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 ~~for 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, ~~for~~ 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. The provisions of section 14 of this act expire by limitation when NRS 233J.060 expires by limitation.

Sec. 47. 1. This section and sections 9 to 14, inclusive, of this act become effective on June 30, 2007.

2. Sections 1 to 8, inclusive, and 15 to 46, inclusive, of this act become effective on July 1, 2007.