

ASSEMBLY BILL NO. 294—ASSEMBLYMEN KIRKPATRICK;
ANDERSON, ARBERRY, ATKINSON, CHRISTENSEN,
CLABORN, CONKLIN, GANSERT, KIHUEN, MORTENSON,
MUNFORD, PARNELL, PIERCE, SEGERBLOM, SMITH,
SPIEGEL AND STEWART

MARCH 11, 2009

Referred to Committee on Elections, Procedures, Ethics,
and Constitutional Amendments

SUMMARY—Directs the Legislative Commission to conduct an
interim study concerning group homes.
(BDR S-570)

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 group homes; directing the Legislative
Commission to conduct an interim study concerning
group homes; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the concept of requiring certain minimum distances
2 between group homes was enacted initially in 1999, and the minimum distance was
3 at that time set at 660 feet. (Chapter 619, Statutes of Nevada 1999, pp. 3365-66) In
4 2001, the minimum distance between group homes was altered to be a range of 660
5 feet to 1,500 feet. (Chapter 395, Statutes of Nevada 2001, pp. 1907-09) Most
6 recently, the range of minimum distances between group homes was raised to be a
7 range of 1,500 feet to 2,500 feet. (Chapter 297, Statutes of Nevada 2007, pp.
8 1131-33) However, at all relevant times, the applicable section specifying the
9 distances between group homes (NRS 278.021, replaced in revision by NRS
10 278.02386) has stated that there is no presumption that the location of more than
11 one group home within the specified distance or range is inappropriate under all
12 circumstances.

13 On July 9, 2008, the United States District Court for the District of Nevada
14 struck down the entirety of Nevada's "group home statute" (NRS 278.0238-
15 278.02388), finding that it was facially discriminatory and therefore preempted by
16 the Fair Housing Amendments Act, 42 U.S.C. §§ 3601-31. (*Nevada Fair Hous.*
17 *Ctr., Inc. v. Clark County*, 565 F. Supp. 2d 1178, 1183 (D. Nev. 2008))



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18 This bill directs the Legislative Commission to conduct an interim study
19 concerning group homes. In relevant part, the committee appointed by the
20 Legislative Commission to conduct the interim study must examine potential
21 methods by which the siting of group homes may be monitored and regulated in a
22 manner that is consistent with federal law.

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

1 **Section 1.** 1. The Legislative Commission shall appoint a
2 committee to conduct an interim study concerning group homes.

3 2. The committee appointed by the Legislative Commission
4 pursuant to subsection 1 must be composed of six Legislators as
5 follows:

6 (a) Three members appointed by the Majority Leader of the
7 Senate, at least one of whom must be appointed from the
8 membership of the Senate Standing Committee on Government
9 Affairs during the immediately preceding session of the Legislature;
10 and

11 (b) Three members appointed by the Speaker of the Assembly,
12 at least one of whom must be appointed from the membership of the
13 Assembly Standing Committee on Government Affairs during the
14 immediately preceding session of the Legislature.

15 3. The study must include, without limitation:

16 (a) Consideration of the applicable provisions of federal law.

17 (b) A survey of different mechanisms by which the siting of
18 group homes may be regulated for the benefit of both the residents
19 of the group homes and the residents of the surrounding community.

20 (c) Consideration of the concept of whether the definition of a
21 group home may be broadened in such a manner that the term does
22 not discriminate against persons with disabilities, either facially or
23 in effect.

24 (d) An examination of methods by which other jurisdictions
25 have regulated group homes in a manner that is consistent with
26 federal law.

27 (e) Consideration of whether the licensing and regulation of
28 group homes may be carried out most effectively at the local level.

29 (f) Insofar as is reasonably practicable, input from all parties
30 having an interest in the licensing, regulation and siting of group
31 homes, including, without limitation:

32 (1) Persons or entities, or both, who advocate on behalf of
33 persons with disabilities or residents of group homes.

34 (2) Owners and operators of group homes.

35 (3) Residents of group homes.



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1 (4) Residents of neighborhoods in which group homes are or
2 may be located.

3 (5) Officers and representatives of state and local
4 governmental agencies involved in the licensing, regulation or siting
5 of group homes, or any combination of those activities.

6 (6) Officers and representatives of the United States
7 Department of Housing and Urban Development.

8 (g) An examination of any other matter that the committee
9 determines to be relevant to the study.

10 4. The Legislative Commission shall submit a report of the
11 results of the study and any recommendations for legislation to the
12 76th Session of the Nevada Legislature.

13 5. As used in this section, "group home" means a residential
14 establishment as defined in NRS 278.02384.

15 **Sec. 2.** This act becomes effective on July 1, 2009.

