

ASSEMBLY BILL NO. 478—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 20, 2009

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain housing authorities. (BDR 25-1237)

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

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental administration; revising provisions relating to certain housing authorities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Housing Authorities Law of 1947. (NRS 315.140-315.780) In relevant part, under the provisions of this Law, each county, city and town of the State has a housing authority which is a municipal corporation and which is presided over by five commissioners. (NRS 315.320, 315.370) The housing authorities governed by this Law exist primarily to ensure that veterans and persons of low income are able to find safe and sanitary housing at affordable prices. (NRS 315.330, 315.340, 315.440, 315.460, 315.510)
This bill, in a county whose population is 400,000 or more (currently Clark County), allows two or more (housing) authorities to form a regional (housing) authority. Such a regional authority is created by a resolution agreed to between or among, as applicable, the governing bodies of the local governments that desire to participate in the regional authority. A regional authority has the same powers and duties as a regular authority, except on an expanded geographic scale.

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

- Section 1.** Chapter 315 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.
Sec. 2. *“Regional authority” means an authority formed pursuant to section 3 of this act.*
Sec. 3. 1. *In a county whose population is 400,000 or more, any two or more authorities may form a regional authority.*



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2. To form a regional authority as described in subsection 1, the governing body of the county and the governing body of each city and town located within the county that desires to participate in the regional authority shall adopt a resolution setting forth:

(a) The intent to regionalize some or all of their powers;

(b) The purpose of the regional authority, which may include, without limitation:

(1) Aiding and cooperating with local agencies in the administration, planning, undertaking, construction and operation of housing projects to provide decent, safe and sanitary housing that is affordable to:

(I) Persons of low income; and

(II) Persons who are preferred tenants for the purposes of tenant selection as set forth in NRS 315.510; and

(2) Assisting local housing agencies in carrying out any other activities that are authorized pursuant to or in furtherance of the provisions of NRS 315.140 to 315.780, inclusive, and sections 2, 3 and 4 of this act;

(c) The geographic scope of the regional authority; and

(d) Such other matters as the governing bodies determine to be necessary or advisable.

3. If the formation of a regional authority pursuant to this section involves fiscal matters, the ownership of real property or the consolidation of functions, such matters must be resolved by written contract, agreement or other arrangement entered into by the governing bodies who form the regional authority.

Sec. 4. 1. Upon the adoption of a resolution pursuant to section 3 of this act forming a regional authority, five persons must be appointed to serve as commissioners of the authority. If the regional authority was formed by:

(a) A county and one other local government in that county:

(1) The governing body of the county shall appoint three persons to serve as commissioners of the authority; and

(2) The chief executive of the city or the governing body of the town, as the case may be, shall appoint two persons to serve as commissioners of the authority.

(b) A county and two other local governments in that county:

(1) The governing body of the county shall appoint two persons to serve as commissioners of the authority;

(2) With respect to the larger participating city or town, the chief executive of the city or the governing body of the town, as the case may be, shall appoint two persons to serve as commissioners of the authority; and

(3) With respect to the smaller participating city or town, the chief executive of the city or the governing body of the town, as



1 *the case may be, shall appoint one person to serve as a*
2 *commissioner of the authority.*

3 *(c) A county and three other local governments in that county:*

4 *(1) The governing body of the county shall appoint two*
5 *persons to serve as commissioners of the authority; and*

6 *(2) With respect to each of the other three participating*
7 *cities or towns, the chief executive of the city or the governing*
8 *body of the town, as the case may be, shall appoint one person to*
9 *serve as a commissioner of the authority.*

10 *(d) A county and four other local governments in that county:*

11 *(1) The governing body of the county shall appoint one*
12 *person to serve as a commissioner of the authority; and*

13 *(2) With respect to each of the other four participating*
14 *cities or towns, the chief executive of the city or the governing*
15 *body of the town, as the case may be, shall appoint one person to*
16 *serve as a commissioner of the authority.*

17 *2. Three of the commissioners who are first appointed*
18 *pursuant to subsection 1 must be designated to serve for terms of*
19 *1, 2 and 3 years, respectively, from the date of their appointment,*
20 *and two must be designated to serve for terms of 4 years from the*
21 *date of their appointment, but thereafter commissioners must be*
22 *appointed for a term of office of 4 years. The persons appointed*
23 *initially to serve as commissioners pursuant to subsection 1 shall*
24 *determine by lot whether they are designated pursuant to this*
25 *subsection to serve for a term of 1 year, 2 years, 3 years or 4 years.*

26 *3. The first commissioner appointed after the authority has*
27 *provided assistance to at least eight persons must be a current*
28 *recipient of assistance from the authority who was selected from a*
29 *list of at least five eligible nominees submitted for this purpose by*
30 *an organization which represents tenants of housing projects. If*
31 *no such organization exists, the commissioner must be selected*
32 *from a list of nominees submitted for this purpose from persons*
33 *who currently receive assistance from the authority. Thereafter, at*
34 *least one commissioner must be such a recipient who was*
35 *nominated and appointed in the same manner. If, during his term,*
36 *the commissioner ceases to be a recipient of assistance, he must be*
37 *replaced in the manner set forth in this subsection by a person*
38 *who is a recipient of assistance.*

39 *4. All vacancies must be filled for the unexpired term.*

40 **Sec. 5.** NRS 315.140 is hereby amended to read as follows:

41 315.140 NRS 315.140 to 315.780, inclusive, *and sections 2, 3*
42 *and 4 of this act* may be referred to as the Housing Authorities Law
43 of 1947.



1 **Sec. 6.** NRS 315.150 is hereby amended to read as follows:
2 315.150 Unless the context otherwise requires, the definitions
3 contained in NRS 315.160 to 315.300, inclusive, **and section 2 of**
4 **this act** govern the construction of NRS 315.140 to 315.780,
5 inclusive **H**, **and sections 2, 3 and 4 of this act.**

6 **Sec. 7.** NRS 315.160 is hereby amended to read as follows:
7 315.160 1. In the case of an authority of a city or town, "area
8 of operation" shall include such city or town and the area within 5
9 miles of the territorial boundaries thereof; but the area of operation
10 of an authority of any city or town shall not include any area which
11 lies within the territorial boundaries of some other city or town as
12 herein defined, unless a resolution shall have been adopted by the
13 governing body of such other city or town (and by any authority
14 which shall have been theretofore established and authorized to
15 exercise its powers in such city or town) declaring that there is a
16 need for such authority to exercise its powers within that city or
17 town.

18 2. In the case of an authority of a county, "area of operation"
19 shall include all of the county for which it is created; but a county
20 authority shall not undertake any housing project or projects within
21 the boundaries of any city or town, as herein defined, unless a
22 resolution shall have been adopted by the governing body of such
23 city or town (and by any authority which shall have been theretofore
24 established and authorized to exercise its powers in such city or
25 town) declaring that there is a need for the county authority to
26 exercise its powers within such city or town.

27 **3. In the case of a regional authority, "area of operation"**
28 **shall include:**

29 **(a) All of the territory within the geographic scope of the**
30 **regional authority, as referred to in paragraph (c) of subsection 2**
31 **of section 3 of this act; and**

32 **(b) Any other territory regarding which the regional authority**
33 **and another authority agree to exercise joint power or control.**

34 **Sec. 8.** NRS 315.170 is hereby amended to read as follows:
35 315.170 "Authority" means any of the public corporations
36 created or authorized to be created by NRS 315.140 to 315.780,
37 inclusive, **and sections 2, 3 and 4 of this act** and any housing
38 authority established and operating prior to July 1, 1975, under the
39 provisions of the Housing Authorities Law of 1943 or the Housing
40 Law of 1951. **The term includes a regional authority.**

41 **Sec. 9.** NRS 315.435 is hereby amended to read as follows:
42 315.435 Except as otherwise provided in NRS 315.9835, a
43 housing authority shall not operate in any area in which an authority
44 already established is operating without the consent by resolution of
45 the authority already operating therein. **For the purposes of this**



1 *section, the formation of a regional authority pursuant to section 3*
2 *of this act shall be deemed to constitute consent by resolution of*
3 *the authority of any participating local governmental entity.*

4 **Sec. 10.** NRS 315.440 is hereby amended to read as follows:

5 315.440 Within its area of operation, an authority may:

6 1. Prepare, carry out and operate housing projects and provide
7 for the construction, reconstruction, improvement, extension,
8 alteration, or repair of any such project or any part thereof.

9 2. Determine where there is unsafe, insanitary or overcrowded
10 housing.

11 3. Make studies and recommendations relating to the problem
12 of eliminating unsafe, insanitary or overcrowded housing.

13 4. Cooperate with the city, the county, the State, or any
14 political subdivision thereof in action taken in connection with such
15 problems.

16 *5. If it is a regional authority, work cooperatively with the*
17 *relevant local jurisdictions concerning new developments or*
18 *housing projects, or both. The relevant local jurisdictions with*
19 *which a regional authority works cooperatively concerning new*
20 *developments or housing projects, or both, shall provide to the*
21 *regional authority such support and assistance as the regional*
22 *authority may require.*

23 **Sec. 11.** This act becomes effective on July 1, 2009.

