

Amendment No. 798

Senate Amendment to Assembly Bill No. 478 First Reprint (BDR 25-1237)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: No Title: No 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 dashed underlining* is newly added transitory language.

MSM



Date: 5/17/2009

A.B. No. 478—Revises provisions relating to certain housing authorities.
(BDR 25-1237)



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. ~~[A regional authority also has the authority to repeal local laws, ordinances and regulations that are in conflict with each other.]~~ Upon the formation of a regional authority, the individual authorities of the county and the cities participating in the regional authority ~~are dissolved.~~ ***must begin the process of dissolution.***

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 to 6, inclusive, 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.*

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*

1 the county that desires to participate in the regional authority shall adopt a
2 resolution setting forth:

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

4 (b) A reference to the development of a plan for transitioning to a regional
5 authority;

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

7 ~~(d) That, upon the formation of the regional authority, any individual~~
8 ~~authorities of the local governments who form the regional authority are~~
9 ~~dissolved; and~~

10 ~~—(e)—~~ Such other matters as the governing bodies determine to be necessary or
11 advisable.

12 3. If the formation of a regional authority pursuant to this section involves
13 fiscal matters, the ownership of real property or the consolidation of functions,
14 the governing bodies who form the regional authority shall, in consultation with
15 the United States Department of Housing and Urban Development, resolve such
16 matters [must be resolved] by written contract, agreement or other arrangement
17 entered into by [the] those governing bodies . [who form the regional authority.]

18 Sec. 3.5. Upon the adoption of a resolution pursuant to section 3 of this act
19 forming a regional authority, the dissolution of any individual authorities of the
20 local governments who form the regional authority must be begun.

21 Sec. 4. 1. Upon the adoption of a resolution pursuant to section 3 of this
22 act forming a regional authority, nine persons must be appointed to serve as
23 commissioners of the authority as follows:

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

26 (b) The governing body of the largest city in the county shall appoint two
27 persons to serve as commissioners of the authority;

28 (c) The governing body of the second largest city in the county shall appoint
29 two persons to serve as commissioners of the authority;

30 (d) The governing body of the third largest city in the county shall appoint
31 two persons to serve as commissioners of the authority; and

32 (e) One commissioner who serves on behalf of tenants must be selected as
33 described in subsection 3.

34 ~~—None of the persons appointed to serve as commissioners of the authority may~~
35 ~~be elected officials of any governmental entity.—~~

36 2. Six of the commissioners who are first appointed pursuant to subsection
37 1 must be designated to serve for terms of 1, 2 and 3 years, respectively, from the
38 date of their appointment, and three must be designated to serve for terms of 4
39 years from the date of their appointment, but thereafter commissioners must be
40 appointed for a term of office of 4 years. The persons appointed initially to serve
41 as commissioners pursuant to subsection 1 shall determine by lot whether they
42 are designated pursuant to this subsection to serve for a term of 1 year, 2 years, 3
43 years or 4 years.

44 3. The commissioner who serves on behalf of tenants must be a current
45 recipient of assistance from the authority who was selected from a list of at least
46 five eligible nominees submitted for this purpose by an organization which
47 represents tenants of housing projects. If no such organization exists, the
48 commissioner must be selected from a list of nominees submitted for this purpose
49 from persons who currently receive assistance from the authority. Thereafter, at
50 least one commissioner must be such a recipient who was nominated and
51 appointed in the same manner. If, during his term, the commissioner ceases to be
52 a recipient of assistance, he must be replaced in the manner set forth in this
53 subsection by a person who is a recipient of assistance.

4. In making the appointments described in subsection 1, the relevant local governments shall seek recommendations for appointment from a diverse background of interests with a view toward:

(a) Balancing gender and ethnicity; and

(b) Soliciting appointees who have experience in fields such as, without limitation:

(1) Real estate;

(2) Financial planning;

(3) Legal aid;

(4) Education;

(5) Public safety;

(6) The provision of public services; and

(7) The assistance of persons of low income.

5. All vacancies must be filled for the unexpired term.

Sec. 5. A regional authority may, in addition to exercising the powers set forth in NRS 315.440 and 315.460 and any other relevant provisions of this chapter:

1. ~~Repeal conflicting local laws, ordinances and regulations;~~

~~2.~~ Jointly, or with another authority, exercise any powers, privileges and rights that are exercised or capable of being exercised by a local housing agency of this State; and

~~3.~~ 2. Exercise such other powers as the governing bodies of the local governments that formed the regional authority may agree upon.

Sec. 6. A regional authority may not request a reservation ~~or nomination~~ of land from the Bureau of Land Management unless the governing body of the jurisdiction within which the applicable land of the Bureau is located adopts a resolution of approval.

Sec. 7. NRS 315.021 is hereby amended to read as follows:

315.021 As used in NRS 315.021 to 315.071, inclusive, unless the context otherwise requires:

1. "Housing authority" means a housing authority created pursuant to this chapter. *The term includes a regional authority formed pursuant to section 3 of this act.*

2. "Landlord" means a person who owns or manages any premises that he rents or leases to a tenant pursuant to a contract with a housing authority.

3. "Premises" means a particular apartment or other residential unit of public housing occupied by a tenant, or a residential unit that is occupied by a tenant pursuant to a federally assisted housing program administered by a housing authority.

4. "Public housing" means the residential accommodations operated by a housing authority or a landlord.

Sec. 8. NRS 315.140 is hereby amended to read as follows:

315.140 NRS 315.140 to 315.780, inclusive, *and sections 2 to 6, inclusive, of this act* may be referred to as the Housing Authorities Law of 1947.

Sec. 9. NRS 315.150 is hereby amended to read as follows:

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, *and section 2 of this act* govern the construction of NRS 315.140 to 315.780, inclusive ~~§~~, *and sections 2 to 6, inclusive, of this act.*

Sec. 10. NRS 315.160 is hereby amended to read as follows:

315.160 1. In the case of an authority of a city or town, "area of operation" shall include such city or town and the area within 5 miles of the territorial boundaries thereof; but the area of operation of an authority of any city or town

shall not include any area which lies within the territorial boundaries of some other city or town as herein defined, unless a resolution shall have been adopted by the governing body of such other city or town (and by any authority which shall have been theretofore established and authorized to exercise its powers in such city or town) declaring that there is a need for such authority to exercise its powers within that city or town.

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

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

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

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

Sec. 11. NRS 315.170 is hereby amended to read as follows:

315.170 "Authority" means any of the public corporations created or authorized to be created by NRS 315.140 to 315.780, inclusive, *and sections 2 to 6, inclusive, of this act* and any housing authority established and operating prior to July 1, 1975, under the provisions of the Housing Authorities Law of 1943 or the Housing Law of 1951. *The term includes a regional authority.*

Sec. 12. NRS 315.380 is hereby amended to read as follows:

315.380 1. An authority shall select a chairman and a vice chairman from its commissioners.

2. *For the purpose of managing a regional authority, the commissioners of the regional authority shall initially select an executive director by way of a competitive, open and public process. Thereafter, the selection of an executive director must be made as determined by the commissioners of the regional authority to be in the best interests of the authority.*

Sec. 13. NRS 315.435 is hereby amended to read as follows:

315.435 Except as otherwise provided in NRS 315.9835, a housing authority shall not operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein. *For the purposes of this section, the formation of a regional authority pursuant to section 3 of this act shall be deemed to constitute consent by resolution of the authority of any participating local governmental entity.*

Sec. 14. NRS 315.440 is hereby amended to read as follows:

315.440 Within its area of operation, an authority may:

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

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

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

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

5. *If it is a regional authority, work cooperatively with the relevant local jurisdictions concerning new developments or housing projects, or both. The relevant local jurisdictions with which a regional authority works cooperatively concerning new developments or housing projects, or both, shall provide to the*

regional authority such support and assistance as the regional authority may require.

Sec. 15. As soon as practicable after July 1, 2009, and after the adoption of a resolution pursuant to section 3 of this act, the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas shall appoint the commissioners described in section 4 of this act.

Sec. 15.5. If the governing bodies of Clark County, the City of Las Vegas, the City of Henderson and the City of North Las Vegas adopt a resolution pursuant to section 3 of this act, the dissolution required to be begun pursuant to section 3.5 of this act must be completed not later than January 1, 2010.

Sec. 16. 1. This section and sections 1 to ~~15.1~~ 11, inclusive, and ~~17 to 15.1~~ 13 to 15.5, inclusive, of this act become effective ~~on July 1, 2009.~~ upon passage and approval.

2. Section ~~16.1~~ 12 of this act becomes effective on January 1, 2010.