

ASSEMBLY BILL NO. 544—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S
COMMITTEE TO STUDY GROUP HOMES)

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Provides for uniformity in the definitions of group homes and similar facilities. (BDR 20-675)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

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

AN ACT relating to group homes; requiring, under certain circumstances, that local governments adopt definitions for group homes and similar facilities which are the same as or substantially similar to the definitions used in state law; requiring, under certain circumstances, the use of the terms so defined; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing state law defines the terms “child care institution,” “facility for transitional living for released offenders,” “group foster home,” “halfway house for recovering alcohol and drug abusers,” “home for individual residential care” and “residential facility for groups.” (NRS 424.015, 432A.0245, 449.0055, 449.008, 449.0105, 449.017) Existing county and city ordinances do not necessarily use the same terms or define them in the same way.

This bill requires that each county and city: (1) adopt definitions for the preceding terms which are the same as, or substantially similar to, the definitions of those terms as set forth in state law; and (2) use the terms so defined. However, a county or city is not required to adopt or use a definition for a term if no facility of the type corresponding to the term exists in the county or city, or if the county’s or city’s ordinances do not otherwise, by whatever name, refer to a facility of the type corresponding to the term.



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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, each board of county commissioners shall, for consistency with state law:

(a) Adopt an ordinance defining the following terms in the following manner, or in a manner substantially similar thereto:

(1) Child care institution, as that term is defined in NRS 432A.0245.

(2) Facility for transitional living for released offenders, as that term is defined in NRS 449.0055.

(3) Group foster home, as that term is defined in NRS 424.015.

(4) Halfway house for recovering alcohol and drug abusers, as that term is defined in NRS 449.008.

(5) Home for individual residential care, as that term is defined in NRS 449.0105.

(6) Residential facility for groups, as that term is defined in NRS 449.017.

(b) If it defines a term pursuant to paragraph (a), ensure that the county government and the ordinances of the county use the term when referring to the type of facility, home, house or institution so defined.

2. A board of county commissioners is not required to define or use a term set forth in subsection 1 if:

(a) A facility, home, house or institution of the type corresponding to the term does not exist in the county; or

(b) The county's ordinances do not otherwise, by whatever name, refer to a facility, home, house or institution of the type corresponding to the term.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the governing body of each city shall, for consistency with state law:

(a) Adopt an ordinance defining the following terms in the following manner, or in a manner substantially similar thereto:

(1) Child care institution, as that term is defined in NRS 432A.0245.

(2) Facility for transitional living for released offenders, as that term is defined in NRS 449.0055.

(3) Group foster home, as that term is defined in NRS 424.015.



42 (4) *Halfway house for recovering alcohol and drug*
43 *abusers, as that term is defined in NRS 449.008.*

44 (5) *Home for individual residential care, as that term is*
45 *defined in NRS 449.0105.*

46 (6) *Residential facility for groups, as that term is defined in*
47 *NRS 449.017.*

48 (b) *If it defines a term pursuant to paragraph (a), ensure that*
49 *the city government and the ordinances of the city use the term*
50 *when referring to the type of facility, home, house or institution so*
51 *defined.*

52 2. *The governing body of a city is not required to define or*
53 *use a term set forth in subsection 1 if:*

54 (a) *A facility, home, house or institution of the type*
55 *corresponding to the term does not exist in the city; or*

56 (b) *The city's ordinances do not otherwise, by whatever name,*
57 *refer to a facility, home, house or institution of the type*
58 *corresponding to the term.*

59 **Sec. 3.** This act becomes effective on July 1, 2011.

