

SENATE BILL No. 23—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF BOULDER CITY)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Government Affairs

SUMMARY—Authorizes certain legislative bodies to amend a redevelopment plan to remove an area from a redevelopment area under certain circumstances. (BDR 22-367)

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 redevelopment; authorizing certain legislative bodies to amend a redevelopment plan to remove an area from a redevelopment area under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a legislative body to: (1) adopt by ordinance a redevelopment plan as the official redevelopment plan for a redevelopment area; and (2) amend the existing redevelopment plan, including the addition of one or more areas to the redevelopment area. (NRS 279.586, 279.608) Existing law prohibits the removal of an area from a redevelopment area by amendment. (NRS 279.608) **Section 1** of this bill authorizes a legislative body of a city whose population is less than 25,000 to amend a redevelopment plan to remove an area from the redevelopment area if the legislative body determines following a public hearing that: (1) the removal will not impair adversely any outstanding bonds or securities; (2) the area that will be removed consists primarily of single-family residential dwellings or multi-family residential dwellings of three stories or less, or both; and (3) the removal is necessary or desirable because it is in the public interest for the property tax revenue collected from the area that will be removed to be distributed in the same manner as property tax revenue is distributed outside the redevelopment area. Under **section 2** of this bill, a legislative body is prohibited from amending a redevelopment plan to remove such an area from a redevelopment area if the removal would impair adversely outstanding obligations of any political subdivision of this State or any other public entity.



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

Section 1. NRS 279.608 is hereby amended to read as follows:

279.608 1. If, at any time after the adoption of a redevelopment plan by the legislative body, the agency desires to take an action that will constitute a material deviation from the plan or otherwise determines that it would be necessary or desirable to amend the plan, the agency must recommend the amendment of the plan to the legislative body. An amendment may include the addition of one or more areas to any redevelopment area but, *except as otherwise provided in subsection 2*, may not include the removal of an area from any redevelopment area, regardless of whether that area was initially a part of the redevelopment area or was added later through amendment.

2. Except as otherwise provided in NRS 279.683, in a city whose population is less than 25,000, an amendment to a redevelopment plan may include the removal of an area from a redevelopment area only if the area proposed for removal consists primarily of single-family residential dwellings or multi-family residential dwellings of three stories or less, or both.

~~[2.]~~ 3. Before recommending amendment of the plan, the agency shall hold a public hearing on the proposed amendment. Notice of that hearing must be published at least 10 days before the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing must include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment.

~~[3.]~~ 4. In addition to the notice published pursuant to subsection ~~[2.]~~ 3, the agency shall cause a notice of hearing on a proposed amendment to the plan to be sent by mail at least 10 days before the date of the hearing to each owner of real property, as listed in the records of the county assessor, whom the agency determines is likely to be directly affected by the proposed amendment. The notice must:

(a) Set forth the date, time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed amendment; and

(b) Contain a brief summary of the intent of the proposed amendment.

~~[4.]~~ 5. If after the public hearing, the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, those changes must be submitted by the agency to



the planning commission for its report and recommendation. The planning commission shall give its report and recommendations to the legislative body within 30 days after the agency submitted the changes to the planning commission.

~~[5.]~~ 6. After receiving the recommendation of the agency concerning the changes in the plan, the legislative body shall hold a public hearing on the proposed amendment, notice of which must be published in a newspaper in the manner designated for notice of hearing by the agency. ~~[H.]~~ *The legislative body shall adopt an ordinance amending the ordinance adopting the plan if, after ~~[that]~~ the public hearing held pursuant to this subsection, the legislative body determines that the ~~[amendments in] amendment to the plan ~~[.]~~ proposed by the agency ~~[, are]~~ :~~*

(a) For an amendment that includes the removal of an area from any redevelopment area pursuant to subsection 2:

(1) Is not prohibited by NRS 279.683;

(2) Will only remove from the redevelopment area an area that consists primarily of single-family residential dwellings or multi-family residential dwellings of three stories or less, or both; and

(3) Is necessary or desirable because it is in the public interest for the property tax revenue collected from the area that will be removed to be distributed in the same manner as property tax revenue is distributed outside the redevelopment area; and

(b) For any other amendment, is necessary or desirable . ~~[, the legislative body shall adopt an ordinance amending the ordinance adopting the plan.~~

~~—6.]~~ 7. As used in this section, “material deviation” means an action that, if taken, would alter significantly one or more of the aspects of a redevelopment plan that are required to be shown in the redevelopment plan pursuant to NRS 279.572. The term includes, without limitation, the vacation of a street that is depicted in the streets and highways plan of the master plan described in NRS 278.160 which has been adopted for the community and the relocation of a public park. The term does not include the vacation of a street that is not depicted in the streets and highways plan of the master plan described in NRS 278.160 which has been adopted for the community.

Sec. 2. Notwithstanding the provisions of NRS 279.608, as amended by section 1 of this act, the provisions of NRS 279.608, as amended by section 1 of this act, must not be applied to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of any political subdivision of this State or other public entity, including, without limitation, bonds, medium-term financing, letters of credit



1 and any other financial obligation, until all such obligations have
2 been discharged in full or provision for their payment and
3 redemption has been fully made.

4 **Sec. 3.** This act becomes effective upon passage and approval.

