

# Southern Nevada Public Land Management Act – Section 7 (b)

## Authority and Provisions for Land Disposal for Affordable Housing

**EXHIBIT D - LANDS**  
Document consists of 17 pages.  
Entire Exhibit Provided  
Meeting Date: 05-26-06

# SNPLMA Section 7(b)

- The Secretary, in consultation with the Secretary of Housing and Urban Development, may make available, in accordance with Section 203 of the Federal Land Policy and Management Act of 1976, land in the State of Nevada at less than fair market value and under other such terms and conditions as s/he may determine for affordable housing purposes. Such lands shall be made available only to State or local governmental entities, including local public housing authorities.

# SNPLMA Section 7(b)

(continued)

- For purposes of this subsection, housing shall be considered to be affordable housing if the housing serves low-income families as defined in Section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 USC 12704). [end]

# Section 12704 of the Cranston-Gonzales National Affordable Housing Act

- The term “low-income families” means families whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary (of HUD) with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

# Key Definitions

- Affordable Housing: Housing that serves low-income families under Cranston-Gonzales National Affordable Housing Act.
- Construction: On-going and substantial work dedicated to building dwelling structures of projects located on lands conveyed under Section 7(b) SNPLMA.

# Key Definitions (cont'd)

- Living Space: All areas within dwelling intended for human occupation, as measured by exterior walls of structure.
- Proponent: Any qualified Nevada State or local governmental entity, including public housing authority, which nominates a project requesting purchase of land under Section 7(b) SNPLMA.

# Policy

- BLM may place terms or conditions on disposals as determined by BLM, in consultation with HUD, to be appropriate under the circumstances of each case.
- Lands identified suitable for disposal through land use planning under Section 202 of FLPMA, or by Congress under SNPLMA.
- No more sold than reasonably necessary for the affordable housing project
- Lands sold for definitively proposed project for which construction will begin within 5 years of conveyance.

# Policy

- Direct sale method preferred, as justified under 43 CFR 2711.3-3(a).
- Project must commit 50% or more of living space to affordable housing purposes. No affordable housing purposes shall consider any uses other than residential use.



# Policy

- Segregation and Reservation for Affordable Housing Purposes. Federal lands nominated by a governmental entity to be sold for affordable housing purposes will not be segregated from the operation of public land laws, or reserved (set aside) from applications for other uses, until BLM publishes a NORA. Should segregation or reservation be considered necessary prior to publishing a NORA while BLM and HUD consider a nomination, the local governmental entity shall consult with the appropriate BLM office.

# Nomination

- Form NV-2700-06: Information Required for Section 7(b) SNPLMA Land Disposal

# Nomination Processing

- BLM Responsibilities – processing a sale and conveyance of land
- HUD Responsibilities – assuring project complies with affordable housing purposes consistent with Section 7 (b) SNPLMA

# Determination of Less than Fair Market Value

- FMV determined
- Rental versus Ownership development applicability determined
- Discount based upon Respective Median Income Category administratively applied

# Terms and Conditions

- BLM may place terms or conditions on disposals as determined by BLM, in consultation with HUD, to be appropriate under the circumstances of each case (ie. patent restrictions, reporting requirements, performance requirements, reversionary clauses, or covenants determined necessary to enforce affordable housing purposes).

# Terms and Conditions

- Period of Affordability – BLM, in consultation with HUD, may determine length of time for which the property will be required to remain in use for affordable housing purposes. Restriction(s) may expire, be in perpetuity, commence upon issuance of certificate of occupancy or equivalent.

# Terms and Conditions

- Enforcement – Any restrictions, requirements, or clauses under Section 7(b) may be made enforceable by HUD, or third party beneficiary, in addition to being enforceable by BLM. Require payment of fair market value, or at BLM's option, revert to U.S. upon default of affordability restriction.
- U.S. may take legal action to recover any financial losses to the public.

U.S. Department of Interior  
Bureau of Land Management  
Nevada State Office

**Information Required for Section 7(b) SNPLMA Land Disposal Nominations**

Under Section 7(b) of the Southern Nevada Public Land Management Act (SNPLMA) of 1998 (Public Law 105-263), the Secretary of Interior, in consultation with the Secretary of Housing and Urban Development (HUD), may make available, in accordance with Section 203 of the Federal Land Policy and Management Act of 1976, land in the State of Nevada at less than fair market value and under other such terms and conditions as s/he may determine for affordable housing purposes. The State of Nevada, or any appropriate Nevada local governmental entity, may submit on separate paper a written nomination or request in accordance with the required information listed below to the local Nevada Bureau of Land Management (BLM) office to purchase eligible land for affordable housing. The provisions of 43 Code of Federal Regulations Subpart 1822, *Filing a Document with BLM*, shall apply to nominations under Section 7(b) of the SNPLMA.

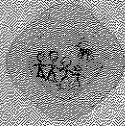
The nomination shall include:

1. Name of the governmental entity requesting a nomination.
2. A legal land description based on a survey approved by BLM and the approximate number of acres of the land sought for affordable housing purposes.
3. A map produced on a scale acceptable to BLM of the location of the land sought for affordable housing purposes.
4. A description of the affordable housing project, including:
  - (a) A development or site plan depicting the minimum number and type of dwelling units and other facilities to be constructed on the property.
  - (b) A narrative addressing the consistency of the project with the State or a local Consolidated Plan approved by the Nevada State Office of HUD.
  - (c) References to the project in an Annual Affordable Housing Action Plan approved by the Nevada State Office of HUD.
  - (d) A description of the target resident population including information sufficient to assess the qualification of the project according to the definition of low-income families. If the development involves a mix of affordable and non-affordable housing categories, the nomination should include the percentage amount of living space committed for development in each category.
  - (e) A construction schedule.
  - (f) A narrative describing the connection and involvement of the proponent over the life of the project.
  - (g) A narrative describing what other (if any) affordable housing assistance programs will be a part of the project.
5. Any other information deemed necessary by BLM or HUD for review of the nomination.

NV-2700-06  
(April 2004)



# **NOMINATION TO PURCHASE BLM LAND FOR AFFORDABLE HOUSING**



**SUBMITTED BY  
CLARK COUNTY, NEVADA**

**PROJECT  
HARMON PINES  
SENIOR APARTMENTS**

**DEVELOPER  
NEVADA HAND**

