

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Senate Committee on Government Affairs

This measure may be considered for action during today's work session.

ASSEMBLY BILL 213 (R1)

Revises provisions governing residential zoning. (BDR 22-250)

Sponsored By: Assemblywoman Jauregui
Date Heard: May 8, 2023
Fiscal Notes: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.
CONTAINS UNFUNDED MANDATE

Assembly Bill 213 revises provisions relating to the adoption of measures in certain counties relating to affordable housing. The measure provides that certain deadlines relating to land use planning that apply to counties also apply to cities. In addition, on or before July 1, 2024, the governing body of each county and city must enact certain ordinances relating to affordable housing projects.

The measure requires a governing body of certain cities or counties to publish on its website a list of applications relating to land use planning in areas zoned for residential housing. Such governing bodies must annually submit a plan to the Housing Division, Department of Business and Industry, and the Advisory Committee on Housing certain information relating to housing. The Housing Division must compile and post such reports on its website.

Amendments: There is one amendment proposed for this measure.

Assemblywoman Jauregui proposes to amend the bill to:

1. Clarify the definition of "application";
2. Extend from three to ten working days the time allotted to a local governing body to review and respond to an application; and
3. Extend from three to five working days the time allotted to a local governing body to review and respond to a corrected application.

Proposed Amendment to AB 213

5/4/23 4:30 p.m.

Blue bold italics represent additions proposed by bill as introduced; red bracketed strikethrough represents deletions proposed by bill as introduced; green bold underlining represents material proposed for addition by amendment; purple double strikethrough represents material proposed for deletion by amendment.

Sec. 1

Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A governing body shall publish on its Internet website a list of all applications relating to land use planning for residential housing pursuant to NRS 278.010 to 278.630, inclusive.*
2. *The list must be updated at least monthly and include, without limitation:*
 - (a) *The date an application was initially filed;*
 - (b) *The number of days an application has been pending;*
 - (c) *The number of times an application was issued a notice for incompleteness;*
 - (d) *The number of applications rejected for being incomplete; and*
 - (e) *Any other information that is relevant to determine whether applications relating to land use planning for residential housing are processed efficiently and expeditiously.*
3. *As used in this section, "application" means any established ~~preliminary~~ application, including, without limitation, the preliminary application established pursuant to subsection 5 of NRS 278.02327. The term does not include an application for a building permit.*

Sec. 3. NRS 278.02327 is hereby amended to read as follows:

- 278.02327** 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, *and sections 1.3 and 1.6 of this act*, or any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete. **For purposes of this section, the term "application" does not include an application for a building permit.**
2. The governing body or its designee shall, within ~~3~~ **10** working days after receiving an application of the type described in subsection 1:
 - (a) Review the application for completeness;
 - (b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and
 - (c) If the governing body or its designee returns the application:
 - (1) Provide to the applicant a *specific* description of the additional information required;
 - (2) ~~[If requested by the applicant, provide]~~ **Provide** to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.
 3. *If a governing body or its designee fails to comply with the provisions of subsection 2, the application shall be deemed to be complete.*
 4. *Once an applicant submits a corrected application in response to a notice of incompleteness provided pursuant to subsection 2, the governing body or its designee shall review and respond to the corrected application within ~~3~~ **5** working days.*

5. A governing body or its designee may establish a preliminary application process to help an applicant submit a complete application but shall not use any preliminary application process to circumvent the provisions of this section. Any preliminary application process established pursuant to this subsection must require a substantive meeting between an applicant and a governing body or its designee within 15 business days after the applicant's request.

6. As used in this section, "designee" means any division, department or agency of a governing body with jurisdiction over land use planning, improvement planning, permitting, inspection, zoning, roadways, utilities, public health, water, sewer, drainage, traffic control and public works.

All Other Sections of the Bill Unchanged by this Proposed Amendment.