

# *Housing Programs in Nevada*



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**STUDY OF HOUSING PROGRAMS IN NEVADA**

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## **SUMMARY OF RECOMMENDATIONS**

### **HOUSING PROGRAMS IN NEVADA (A.C.R. 38)**

The following are the recommendations approved by the Legislative Commission's Committee to Study Housing Programs in Nevada.

#### **RECOMMENDATIONS FOR LEGISLATION**

The committee recommends that the 69th Session of the Nevada Legislature:

1. **Create a tax credit program to encourage gaming licensees to provide affordable housing. (BDR 41--229)**
2. **Specify the parameters within which the State Board of Finance may waive certain conditions in the process of letting certain bonds. (BDR 20--223)**
3. **Authorize local governments to use density bonuses. (BDR 22--225)**
4. **Authorize counties to use their proceeds of the real estate transfer tax for affordable housing purposes, including, but not limited to, development fee rebates, affordable housing trust funds, down payment assistance, predevelopment expenses, and land acquisition. (BDR 32--227)**
5. **Ease zoning restrictions on manufactured homes. (BDR 22--226)**
6. **Authorize a local governing body to convey certain property to a nonprofit organization or housing authority for the development of affordable housing. (BDR 20--228)**
7. **Express support for affordable housing and encourage local governments to approve appropriate projects. (BDR R--222)**
8. **Urge Congress to request federal legislation be passed that allows the sale of public lands to governmental agencies or nonprofits at less than market value for the specific purpose of developing affordable housing. Include in the resolution a statement of support**

for United States Senator Richard H. Bryan's proposed amendment that would address this issue through a change to the federal Recreation and Public Purposes Act (43 U.S.C. 869). (BDR R--224)

### **RECOMMENDATIONS FOR COMMITTEE ACTION**

The members voted to send letters:

9. To county commissions and city councils, urging them to approve affordable housing projects.
10. To Governor Robert J. Miller to encourage him to require better coordination and communication between the Housing Division and the Community Block Development Program, which are the two entities in State Government that are most involved in the administration of affordable housing programs.

### **INCLUSION IN FINAL REPORT**

The committee agreed to include in its final report, without recommendation, the discussions, testimony, and proposed language that would:

11. Prohibit local governments from adopting an ordinance that prohibits or restricts residential developments based on certain characteristics of the occupants.
12. Require that a proposed housing development be allowed to apply for building permits after the staff review process, if the development is in the proper zone and complies with the local government's approved master plan, including the community's design standards.
13. Prohibit a local government from requiring that an affordable housing development obtain a special use permit.

**In addition, the committee authorized the final report to include statements that:**

- 14. Recommend that Nevada's Housing Advisory Committee implement the guidelines drafted by the Housing Division to allow the use of portions for the Low-Income Housing Trust Account for predevelopment dollars and matches for federal grants.**
- 15. Support the transfer of the Weatherization Program from the Welfare Division to an appropriate agency within the Department of Business and Industry.**



**REPORT TO THE 69TH SESSION OF THE NEVADA LEGISLATURE  
BY THE LEGISLATIVE COMMISSION'S COMMITTEE TO  
STUDY HOUSING PROGRAMS IN NEVADA**

**I. INTRODUCTION AND BACKGROUND**

The 68th Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 38 (File No. 171, *Statutes of Nevada 1995*, pages 3046-3048), which directed the Legislative Commission to conduct an interim study concerning the housing programs within this state. The study was to include, among several topics, a review and evaluation of the various aspects of the administration of federal and state housing programs in Nevada and the level of customer service provided by Nevada's Department of Business and Industry (DB&I). A copy of A.C.R. 38 is attached to this report as Appendix A.

**A. Committee Members**

The Legislative Commission created a committee of six legislators and eight advisory members to examine the issues and compile recommendations that address the provision of affordable housing in Nevada.

The following legislators were appointed:

Assemblywoman Barbara E. Buckley, Chair  
Senator Bernice Mathews  
Senator Joseph M. Neal, Jr.  
Senator Dean A. Rhoads  
Assemblywoman Patricia A. Tripple  
Assemblyman Wendell P. Williams

The resolution specified that people who represent certain interests must be appointed to the committee to serve in an advisory capacity. As a result, the Legislative Commission designated the following representatives:

Holly Gregory, representing a developer experienced in rural housing  
Eric Horn, Southern Nevada Homebuilders, representing a housing association  
Robert Nielsen, representing a private developer of housing with experience in developing affordable housing  
Cloyd Phillips, Community Services Agency, representing a nonprofit developer of housing

Jim Regan, Churchill County Commissioner, representing local government housing

Charlene Wood-Peterson, Fannie Mae, representing a program for affordable  
Jon Sasser, Legal Services Statewide Advocacy Office, representing an organization that provides legal services to low-income persons

In addition, A.C.R. 38 authorized the Commission to include four other advisory representatives on the committee. The Commission chose to appoint one of those four:

Charles Horsey, Administrator, Housing Division, Nevada's Department of Business and Industry

Advisory members were allowed to participate in committee discussions and question witnesses, but only the legislative members were authorized to vote or take any formal action.

B. Support Staff

Support for the committee was provided by the following Legislative Counsel Bureau staff members:

Dana R. Bennett, Principal Research Analyst (Research Division)  
Kimberly A. Morgan, Chief Deputy Legislative Counsel (Legal Division)  
Nenita Wasserman, Research Secretary (Research Division)

C. Hearings and Recommendations

The committee met five times in Carson City and Las Vegas, Nevada, simultaneously via video conferencing. Following are the meeting dates; copies of the minutes may be obtained from the Research Library of the Legislative Counsel Bureau (telephone: 702/687-6827):

October 25, 1995  
December 12, 1995  
March 5, 1996  
April 9, 1996  
June 4, 1996

At the beginning of the study, the committee formally adopted three goals to be pursued during its deliberations:

- 1) To recommend possible state legislation;
- 2) To review Nevada's Housing Division; and
- 3) To monitor new federal legislation.

However, the expected congressional amendments to federal housing laws did not materialize during the study period. Consequently, the committee's focus was on the first two goals.

Also at the first meeting, the committee and other interested people toured affordable housing projects in the Las Vegas area. Throughout the remainder of the study, the committee compiled and refined the suggestions presented in testimony and by the members. As appropriate during these meetings, the committee voted to send certain letters to address immediate issues. Final action on the recommendations were taken at the work session held at the last meeting.

As a result of its work, the committee adopted 15 recommendations, including eight bill draft requests to be presented to the 1997 Session of the Nevada Legislature. This document summarizes the committee's actions, discussions, and recommendations.

## II. OVERVIEW OF ISSUES

Much of the committee's discussion revolved around conflicts between affordable housing developers and local governing bodies at the planning and zoning level. Interested parties, such as local governments, developers, and affordable housing advocates, were involved in this debate. In addition, the members concentrated on a proposed plan from Nevada's Department of Business and Industry to reorganize the Housing Division. The following are summaries of the information provided to the committee during this study.

### A. Need for Affordable Housing

The need for affordable housing in the various communities of Nevada is readily apparent. The phenomenal growth in population experienced in recent years has strained the availability of existing houses and apartments and created an unrelenting demand for new units. The 1990 United States Census found that Nevada's population had increased 54.4 percent since the 1980 Census. The state's growth has continued at a high rate, and

the State Demographer estimates that the population may increase another 52.8 percent by the year 2000.

As a result, Nevada's Housing Division expects that, by the year 2000, about 29,000 additional housing units will be needed in the non-metropolitan communities of the state. In the Reno/Sparks area, approximately 13,000 additional housing units will be required to accommodate the additional residents. In Clark County, where the state's population growth is the most pronounced, over 85,000 additional housing units will be necessary by 2000.

In many cases, the current demand for housing units has led to overcrowding of existing facilities. The division's *Consolidated Plan 1995* notes that:

Overcrowding among certain types of households can also be another indicator of housing demand. The highest incidence of overcrowding can generally be found in large related renter households. The incidence of overcrowding in many Nevada counties is well above 50% (1990 census). Overcrowding among low-income large renter households is also indicative of a housing affordability problem.

Many of the people who are moving to Nevada are lured by the numerous jobs in the gaming industry. These jobs, however, do not typically pay high salaries; most pay close to minimum wage, relying on tips from casino customers to supplement casino workers' pay. In addition, retirees are moving to the state and adding to the already large numbers of senior citizens. Both of these populations place a particularly heavy demand on housing.

In 1991, the Nevada Housing Division prepared a Housing Needs Assessment that considered the sale prices of homes in each county and household incomes to establish an affordability measure. The division found that the least affordable counties are Carson City, Clark, Douglas, and Washoe; these are the most populous areas, containing 89 percent of the state's population.

For example, 75 percent of the households in Washoe County could afford a home that cost \$60,000 or less; however, only 9.5 percent of the homes in 1990 sold at or below \$60,000. In Clark County, 25 percent of all households have housing cost burdens, and 30 percent of all households are classified as low-income.

The most affordable counties are Lander, Lincoln, and Mineral. However, only one percent of the state's population lives in these counties.



The National Association of Home Builders estimates that over one-quarter of the population in the Las Vegas metropolitan area and over 30 percent of those in the Reno metropolitan area cannot afford to purchase a median priced home. According to the United States Bureau of the Census, Nevada has one of the lowest home ownership rates in the country. In 1994, the national home ownership rate was 64 percent; in Nevada, it was 55.8 percent, making Nevada 47th among the 50 states.

Consequently, Nevada, particularly in the urban areas, has a high percentage of renters. In Washoe County, approximately 46 percent of the population are in rented housing; in Clark County, almost 49 percent are renters.

Nevada residents also face some of the highest rents in the country. According to the 1990 census, the national median monthly rent is \$374. In Nevada, the median is \$445, placing the state ninth among the 50 states. Nevada ranks higher than Florida, New York, and all of the Western states (except Alaska, California, and Hawaii).

Again, the urban areas have higher costs than the rest of the state. According to the Center for Business and Economic Research, the average monthly rent in Las Vegas is currently around \$627. Data from the Washoe County HOME Consortium's Affordable Housing Study indicates that the average monthly rent in Reno and Sparks is about \$690.

As might be expected, the Nevadans with the most dire housing needs are those whose income is limited by age, illness, mental or physical disability. In addition, large families have difficulty finding housing that is adequate in both size and price. However, working Nevadans also need assistance with housing. For example, the Reno Housing Authority has noted that it is unique among most housing authorities in the country because it has a high percentage of working people who qualify for assistance.

#### B. Definitions of Affordable Housing

During the study, the Chair and other members emphasized that affordable housing does not mean ugly, cheap housing, reminiscent of blighted slum areas. In fact, the committee toured several affordable housing projects in Las Vegas that are attractive, pleasant places to live. Testimony also indicated that national studies by various groups such as the Public Housing Association, the Urban Land Institute, and the National Association of Homebuilders have shown that affordable housing should not be clustered together, but should be spread throughout the community.

According to Nevada's Housing Division, "affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs." The formulas used to determine whether a family

qualifies for certain public assistance for housing differ among the various federal and state programs. Following are the division's descriptions of the most commonly used determinations:

- Moderate Income: Households whose incomes are between 81 percent and 95 percent of the median income for the area, as determined by the United States Department of Housing and Urban Development (HUD), with adjustments for smaller or larger families, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD'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.
- Low-Income: Households whose incomes do not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD'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.
- Very Low-Income: Households whose incomes do not exceed 50 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of prevailing levels of construction costs or fair market rents.

Attached as Appendix B are tables that provide HUD's various income determinations by county in Nevada.

#### C. Nevada's Housing Division

According to testimony, there is a need for the Housing Division to become involved in additional programs to promote the development of low-income housing, particularly in southern Nevada where the majority of the state's population resides.

The 1995 Legislature approved Assembly Bill 655 (Chapter 704, *Statutes of Nevada 1995*), which makes various changes to the Housing Division, DB&I. The bill provides for the Advisory Committee on Housing to be appointed by the director of the department, rather than the administrator of the division, and expands the committee to include an advocate for low-income housing and members who are knowledgeable about the marketing or management of real property, the development or management of nonprofit housing, the housing programs of local governments, and the housing programs of the

Federal Government. The director of the department serves as chairman of the committee. The bill also increases the scope of the committee's responsibilities. In addition, A.B. 655 requires that the Housing Division, DB&I, establish its principal office in Las Vegas by July 1, 1997.

The Committee monitored the implementation of this legislation by reviewing some of the problems that prompted the bill and exhorting the Housing Division to serve all of Nevada and its citizens who need affordable housing. Testimony by Claudia Cormier, Director of the Department of Business and Industry, and Charles Horsey, Administrator of the Housing Division, indicated a strong commitment to addressing concerns raised by the Chair and other members.

A copy of a letter from Ms. Cormier to Assemblywoman Barbara E. Buckley that outlines the proposed restructuring of the Housing Division may be found in Appendix C to this report. At the final meeting of the committee, the Chair remarked that this reorganization plan, which had been accepted by the members, was unanimously approved by the Nevada Legislature's Interim Finance Committee.

Also at the final meeting, Mr. Horsey noted that, as part of the restructuring, the Housing Division is committed to space within the Bradley Building, a public office building located in Las Vegas. He explained that, consistent with a recommendation submitted to the committee early in the study, the Bradley Building would be available for utilization by the Nevada Community Reinvestment Corporation. Consequently, the members did not take formal action to require that these two entities be located near each other.

#### D. Local Government Regulation

Throughout the study, the members discussed with various witnesses the effects of local government regulation on the provision of affordable housing. In addition, consideration was given to the issue of the existing property tax exemption for such development.

##### 1. *Regulation*

Much testimony corroborated the findings of the National Association of Home Builders in its publication "The Truth About Regulations and The Cost of Housing," which states:

All regulations add to the final purchase price of a home. Although some regulations are clearly needed, layers of unnecessary regulations drive up housing costs, pushing potential buyers out of the market, and slowing new home construction and America's economy. Even a \$1,000 increase in the purchase

price of a median-priced home can force more than 21,000 potential buyers out of the market nationwide.

Overregulation has negative effects on renters as well as on home buyers. The cost of multifamily rental housing also is affected by overregulation. In fact overregulation has a disproportionately adverse impact on low-income families. Often they are relegated to substandard housing in areas with limited economic opportunities and a poor quality of life because construction of affordable housing has become impossible in the places where they would prefer to live. Furthermore, regulation can cause rental housing to deteriorate or be abandoned because it makes rehabilitation of the existing housing stock economically infeasible.

Further, the association estimates that:

The cost of a typical new \$200,000 house could be cut by \$28,000 (14 percent), in highly-regulated areas by reforming and streamlining the regulatory process governing land development and construction. In moderately-regulated areas, \$16,000 (8 percent), could be trimmed off the cost. In less regulated areas, the cost could be reduced by \$8,000 (4 percent).

At the committee's first meeting, testimony was presented that indicated the existence of an onerous special permit process for affordable housing projects in the City of Sparks. At the next meeting, city representatives noted that officials were reviewing that process and may consider changing ordinances as appropriate. The committee voted to send a diplomatic letter to the City of Sparks to support and encourage its efforts to repeal, amend, or add to these ordinances as necessary to remove inappropriate barriers to the approval of affordable housing projects. A copy of this letter may be found in Appendix D to this report.

However, testimony indicated that Sparks is not the only local governing board in Nevada that has a permit process that many affordable housing advocates find complicated. In fact, a good portion of the committee's discussions centered on the difficulties that affordable housing developers -- both for-profit and not-for-profit -- have in obtaining approval for their projects. At the first two meetings, the committee received testimony on state and local barriers to the provision of affordable housing from representatives of the Affordable Housing Resource Center, the Nevada Fair Housing Center, nonprofit developers, and for-profit developers as well as a planning consultant. At the third meeting, representatives of local governments provided their perspectives on the issue.

It was the consensus of all involved that the “Not in My Backyard” (NIMBY) syndrome is instrumental in the growth of more detailed regulations and is key to many of the problems facing the development of affordable housing. Both committee members and witnesses agreed that people often oppose affordable housing from a biased perspective. There was no consensus, however, on the best approach for the Nevada Legislature to take to address the extremely difficult and emotional issue of public opposition.

## 2. *Exemption from Property Taxes*

*Nevada Revised Statutes* 361.082 authorizes a tax exemption for real and tangible personal property used for housing if the property includes a low-income housing project that is funded in part by federal money appropriated pursuant to 42 *United States Code* §§ 12701 *et seq.* (commonly known as the Cranston-Gonzales Act or the HOME program). This statute was approved by the 1991 Legislature.

The intention behind this legislation is for the exemption to serve as part of the State’s matching obligation, thereby making Nevada eligible to receive additional federal funds without actually appropriating additional money. During the 1991 Session, Nevada’s Department of Taxation concluded that the effect of the exemptions would depend on the amount of federal funding appropriated for Nevada and would first affect the 1993-1994 tax roll.

According to the department, four counties have projects to which this exemption applies for the 1996-1997 tax year.

- ▶ Carson City has one project with \$1,425,345 in assessed value, which has been exempted.
- ▶ Churchill County has one project totaling \$568,317 in assessed value. An exemption of \$134,979 was granted; the property owner is appealing this assessment to the State Board of Equalization.
- ▶ Clark County has three projects totaling \$3,102,120 in assessed value, all of which have been exempted.
- ▶ Washoe County has ten properties totaling \$3,823,247 in assessed value, all of which have been exempted.

A project is currently being built in Lyon County that may qualify for the exemption, which may be similar to Carson City’s.

The department also provided the following estimates, based on each county's 1995 tax rate, of the tax revenue these counties will not collect as a result of the granted exemptions (the county's budgeted new general fund revenue for Fiscal Year 1995 is noted in parentheses):

- ▶ Carson City, approximately \$36,000 (\$28,292,952);
- ▶ Churchill County, approximately \$3,300 (\$5,725,157);
- ▶ Clark County, approximately \$63,000 (\$441,786,388); and
- ▶ Washoe County, approximately \$96,000 (\$142,574,847).

Confusion exists about the application of this statute. Some county assessors have argued that the exemption only applies to that part of the project for which the HOME funds have been used. On the other hand, some developers believe that the entire project should be exempt under the law. Nevada's Department of Taxation is reviewing this discrepancy.

The committee discussed the property tax exemption in detail. Advocates for affordable housing testified strongly in favor of the existing program and recommended that the member support its preservation. Local government officials testified forcefully against the program and recommended that the statute be repealed. In particular, the Board of Commissioners for Lyon County passed a formal resolution that opposes the tax-exempt status for housing projects within the county.

As a result of the topic being discussed at hearings of this committee, several interested parties -- local government representatives and affordable housing advocates -- began meeting to determine if a compromise could be reached. The committee was assured that this group was working diligently on the issue. Consequently, at the work session, the members chose to not take action on either recommendation. The Chair urged the participants to continue working toward a solution and noted that the committee encourages preservation of the exemption while ensuring that the rural counties do not unduly suffer because of it.

### III. DISCUSSION OF RECOMMENDATIONS

Unlike many other legislative study committees, this group reviewed its work session document at every meeting, beginning with its second gathering. Throughout the interim, the committee discussed and refined this document and its suggestions for legislative

action, taking votes where necessary; at the last meeting, the legislative members took final action on the recommendations, all of which had been debated early in the study. These actions included submitting requests for bill drafting, transmitting committee letters of encouragement, and specifying statements to be made in this report.

Following are the recommendations approved by the Legislative Commission's Committee to Study Housing Programs in Nevada.

A. Recommendations for Legislation

The committee approved the submission of requests for eight bill drafts. The topics of these drafts range from resolutions of encouragement to the establishment of a tax credit program.

1. *Tax Credit Proposal*

Testimony to the committee indicated that additional funding is needed to provide an adequate number of affordable housing projects in Nevada. A recommendation was made that the Nevada Legislature increase the real property transfer tax and require the additional funds be deposited in the Low-income Housing Account. Appendix E provides a summary of the revenue generated from this tax in the past two fiscal years and estimates the amount that would be generated for each percent of increase.

The members emphasized, however, that they could not support legislation that would request an appropriation or increase any tax. In other states, affordable housing funding is generated through a credit against income or corporate taxes, which can be used as matching funds to obtain federal money. Nevada's tax structure, however, does not provide many opportunities for credits.

However, members noted that the state's gaming industry is a major contributor to the need for affordable housing, specifically by opening resorts that bring in thousands of workers for wages that make it difficult to afford existing housing.

The committee does not want to penalize gaming for its impact on housing demands. Instead, the members discussed the creation of an incentive for the industry to assist in the development of affordable housing.

Therefore, the committee recommends that the 1997 Session of the Nevada Legislature:

**Create a tax credit program to encourage gaming licensees to provide affordable housing. (BDR 41-229)**

Because of the intricate nature of the issue, the committee approved the drafting of a skeleton bill to be refined during the session.

2. *Specification of Waiver*

Testimony indicated that existing law authorizes the State Board of Finance to waive the condition that there be a five-year operating history before issuing bonds. The statutes, however, do not define the parameters within which that condition may be waived; consequently, the waiver has never been granted. Affordable housing developers indicated that specifying these parameters would assist their efforts, and the administrator for Nevada's Housing Division noted that such action would not result in a surge of bonds being issued for projects of this nature.

Therefore, the committee recommends that the 1997 Session of the Nevada Legislature:

**Specify the parameters within which the State Board of Finance may waive certain conditions in the process of letting certain bonds. (BDR 20-223)**

3. *Incentives to Develop Affordable Housing*

Testimony indicated that local governments could assist the development of affordable housing by using density bonuses, which are incentives offered to developers who agree to construct housing that is affordable to low income persons. Currently, the State of California requires a city to grant a density bonus or some other development concession to a developer who constructs housing units, of which a certain percentage are reserved for persons of low income. The members chose not to require local governments to use housing incentives; instead, it was agreed that local governments should have the opportunity to use density bonuses, if they so desired.

Therefore, the committee recommends that the 1997 Session of the Nevada Legislature:

**Authorize local governments to use density bonuses. (BDR 22-225)**

Testimony to the committee also indicated that the use of density bonuses is one incentive for local governments to approve the development of affordable housing. The members discussed other incentives and determined that it would be beneficial to specify some of the programs for which counties could utilize proceeds of the real estate transfer tax. Testimony had also noted that the lack of county home rule in Nevada prevents county governments from taking actions unless they have direct authority from the State Legislature.



Therefore, the committee recommends that the 1997 Session of the Nevada Legislature:

**Authorize counties to use their proceeds of the real estate transfer tax for affordable housing purposes, including, but not limited to, development fee rebates, affordable housing trust funds, down payment assistance, predevelopment expenses, and land acquisition. (BDR 32-227)**

4. *Manufactured Housing*

Testimony indicated that manufactured housing is much more similar to the site-built homes of today than to the mobile homes of the past. Because manufactured homes are less expensive than site-built homes, testimony suggested that factory-built homes are a viable affordable housing option. However, zoning decisions have restricted the use of manufactured homes arbitrarily and unnecessarily.

Therefore, the committee recommends that the 1997 Session of the Nevada Legislature:

**Ease zoning restrictions on manufactured homes. (BDR 22-226)**

5. *Surplus Property*

Testimony indicated that the 1995 Legislature had considered legislation (A.B.143) that authorizes counties to donate certain county property to nonprofit organizations for the development of affordable housing. The bill specifies that property acquired by the county through purchase, donation, or acquisition under the threat of eminent domain for certain facilities may be conveyed to a nonprofit organization after a public hearing on the matter, if the condemned property cannot be reconveyed. The nonprofit organization must demonstrate to the board of county commissioners that the property will be used to develop affordable housing for families whose income does not exceed 80 percent of the median income for families in the same area. The measure stipulates that the nonprofit organization must be recognized as exempt under federal law and must begin the process of construction within a specified time period.

Supporters of A.B. 143 indicated that the purpose of the legislation was to provide a board of county commissioners with the ability to donate surplus county property, specifically land acquired with surplus revenues or that had been donated to the county, to nonprofit agencies for their use in creating affordable housing. Existing law enables the board to make cash grants to nonprofit organizations if such grants provided a substantial benefit to the inhabitants of the county. The requested legislation would provide the ability for such a board of county commissioners to donate land, as well as money, for use in

creating affordable housing and could assist a nonprofit organization in the overall financing of an affordable housing project.

The legislation, however, did not pass in 1995, so several witnesses requested that this committee consider resubmitting the bill. In addition, testimony suggested that the bill be expanded to allow cities to convey land and housing authorities to receive it.

Therefore, the committee recommends that the 1997 Session of the Nevada Legislature:

**Authorize a local governing body to convey certain property to a nonprofit organization or housing authority for the development of affordable housing. (BDR 20-228)**

Subsequent to this action, the committee's legal staff determined that *Nevada Revised Statutes* 315.550 already authorizes a public body (including a city or a county) to convey property to housing authorities. Consequently, BDR 20-228 does not include housing authorities.

#### **6. *Support for Affordable Housing***

Substantial testimony indicated that local governments are reluctant to approve affordable housing projects if opposition is expressed by those who will be neighbors to the proposed units. Discussions centered on potential methods to persuade local governments to approve appropriate projects, despite opposition that is unfounded or biased. One suggestion noted that local governments might be more inclined to approve projects, if they had the backing of the State in some form.

Therefore, the committee recommends that the 1997 Session of the Nevada Legislature:

**Express support for affordable housing and encourage local governments to approve appropriate projects. (BDR R-222)**

#### **7. *Use of Public Land***

One of the state's problems in developing affordable housing is unique to Nevada: Very little land is available because 87 percent of the state is controlled by the Federal Government. The members noted that the Federal Government typically does not provide land for affordable housing projects, thus requiring developers to compete for the small amount of available private land. Testimony indicated that land economics in this state drive the price of housing much more than construction costs.

Testimony suggested that the committee work to acquire land in the rural areas for this purpose. Research found that the Federal Recreation and Public Purposes Act (43 *United States Code* § 869 through § 869-4) allows local governments and nonprofits to obtain federal land at a low rate for public uses. However, the regulations corresponding to the Act specify that such uses do not include residential projects.

The members learned that Nevada's United States Senator Richard H. Bryan has introduced, in past congressional sessions, an amendment to this Act that would specifically authorize affordable housing projects as a public purpose. Therefore, the committee voted to send letters to Senator Bryan and the rest of the Nevada Delegation, indicating the members' support for this amendment.

The committee also learned that Senator Bryan had introduced legislation in the United States Senate seeking to acquire public lands for various purposes in the Las Vegas area. The committee voted to send a letter to Senator Bryan, recommending that, for the purposes of this bill, affordable housing be considered a public purpose.

Copies of these letters may be found in Appendix F to this report. Also included in this appendix are subsequent communications between the committee and Congressman John Ensign. Congressman Ensign showed a particular interest in this issue, as he had introduced in the United States House of Representatives legislation similar to Senator Bryan's.

The committee agreed that the large amount of public land in Nevada could be an important resource for much-needed property, upon which affordable housing could be built.

Therefore, the committee recommends that the 1997 Session of the Nevada Legislature:

**Urge Congress to request that federal legislation be passed that allows the sale of public lands to governmental agencies or nonprofits at less than market value for the specific purpose of developing affordable housing. Include in the resolution a statement of support for United States Senator Richard H. Bryan's proposed amendment that would address this issue through a change to the federal Recreation and Public Purposes Act (43 *United States Code* 869). (BDR R-224)**

## B. Recommendations for Committee Letters

In addition to requests for the drafting of legislation to be considered by the 1997 Legislature, the members decided to send letters that address two issues deemed important by the committee. The first urges local governing bodies to remove unnecessary obstacles to the development of affordable housing projects. The second encourages the Governor to require coordination and communication between the two state agencies primarily responsible for housing programs in Nevada.

Early in the course of this study, the members were informed of certain ordinances promulgated by the City of Sparks that make it difficult for affordable housing projects to receive approval for construction in that town. At that time, the committee voted to send a letter to Sparks. Testimony provided at later meetings indicated that Sparks may not be the only local governing body that has placed hurdles in front of proposed affordable housing projects.

Throughout the study, statements by committee members stressed that local government ordinances should not impede the development of affordable housing, if the project has been properly planned and zoned.

Therefore, the committee voted to send letters:

**To county commissions and city councils, urging them to approve affordable housing projects.**

A copy of the letter and a list of its recipients may be found in Appendix G.

Another topic that received much discussion was the possibility of combining state housing programs. Currently, Housing Division (in Nevada's Department of Business and Industry) and the State's Community Block Development Program (administered by the Commission on Economic Development) are the two state agencies most actively involved in the provision of affordable housing. Testimony to the committee suggested that these two functions be combined into one state agency or the other; however, an ad hoc study group determined that the complexity of such action outweighed the possible benefits at this time, especially since the United States Congress has not completed its expected amendments to federal housing laws.

Consequently, the committee did not vote to request legislation to effect the merger. Instead, the members determined that the Housing Division and the Community Block Development Program should be directed by the Governor to establish thorough coordination and strong communication with each other. The committee indicated that the

two state agencies responsible for this issue should maintain a close working relationship to ensure that their customers receive the best service possible.

Therefore, the committee voted to send a letter:

**To Governor Robert J. Miller to encourage him to require better coordination and communication between the Housing Division and the Community Block Development Program, which are the two entities in State Government that are most involved in the administration of affordable housing programs.**

A copy of this letter may be found in Appendix H.

C. Inclusion in Final Report

During this study, the members discussed several issues that did not result in recommendations for specific actions on the part of the committee or the Nevada Legislature. However, it was determined that the issues were of sufficient importance to merit certain statements in this report. The following are brief summaries of these issues.

1. *Local Government Approval Process*

As has been noted, consensus was not reached on the best approach to removing local government obstacles to affordable housing projects. Several affordable housing advocates strongly recommended that the committee resubmit Assembly Bill 444, which was not approved by the 1995 Nevada Legislature.

Assembly Bill 444 prohibits local governments from adopting zoning ordinances that restrict or place different requirements upon a residential development based upon certain characteristics (such as race, religion, ethnicity, disability, and low to moderate income levels) of the occupants of the development. In addition, the bill authorizes preferential treatment, which may include a reduction or waiver of fees and exactions, for residential developments designed for occupants with low to moderate incomes.

Assembly Bill 444 stipulates that a governing body may not disapprove a residential development designed for persons of low to moderate income unless:

- The development would have a specific adverse impact upon the public health or safety;
- The disapproval is necessary to comply with federal or state law;

- The development is in an area that already has a disproportionately high number of households with low to moderate incomes; or
- The development is inconsistent with the master plan.

The measure provides that a governing body may require the residential development to conform with applicable standards and objectives of the master plan and, further, may require assurances that the residential development will be sold or rented as affordable housing.

However, local government representatives strongly opposed this action.

Therefore, the committee voted to include in its final report, without recommendation, the discussions, testimony, and proposed language that would:

**Prohibit local governments from adopting an ordinance that prohibits or restricts residential developments based on certain characteristics of the occupants.**

As part of the attempt to reach a compromise between local governments and affordable housing advocates, other recommendations were considered. Again, no consensus was reached on these suggestions.

Therefore, the committee voted to include in its final report, without recommendation, the discussions and testimony concerning the proposal to:

**Require that a proposed housing development be allowed to apply for building permits after the staff review process, if the development is in the proper zone and complies with the local government's approved master plan, including the community's design standards.**

The committee also voted to include in its final report, without recommendation, the discussions and testimony concerning the proposal to:

**Prohibit a local government from requiring that an affordable housing development obtain a special use permit.**

Because these three issues are so closely related, all of the pertinent materials may be found together in Appendix I.

## *2. Certain Uses of Funds in Nevada's Low-Income Housing Trust Account*

As one of the State's primary funding sources for affordable housing, the Low-Income Housing Trust Account was reviewed periodically by the committee. Attached as Appendix J is the last report to the committee of the allocation of these funds. The division's administrator noted that much of this funding is used for some form of down payment assistance.

Testimony indicated that the Housing Division was not using portions of the trust account as well as it could for predevelopment dollars and matches to obtain additional federal funds. At the final meeting, the division's administrator explained that pertinent guidelines had been submitted to the Housing Advisory Committee for review. The members determined that legislative action was not needed as a result of that explanation.

Therefore, the committee voted to include in its final report this statement:

**The Legislative Commission's Committee to Study Housing Programs recommends that Nevada's Housing Advisory Committee implement the guidelines drafted by the Housing Division to allow the use of portions for the Low-Income Housing Trust Account for predevelopment dollars and matches for federal grants.**

## *3. Consolidation of State Functions*

The members engaged in numerous discussions about combining certain state efforts that concern affordable housing. However, expected actions on the federal level did not occur; consequently, no suggestions for substantive change were made. Instead, an unofficial group of the advisory members considered potential alterations and reported to the full committee that the Weatherization Program should be transferred from the Welfare Division. Attached as Appendix K is the report from this group. It was determined that this action did not require a legislative response, other than through the budget process.

Therefore, the committee voted to include in its final report this statement:

**The Legislative Commission's Committee to Study Housing Programs supports the transfer of the Weatherization Program from the Welfare Division, Department of Human Resources to an appropriate agency within the Department of Business and Industry.**

#### IV. CONCLUDING REMARKS

This report presents a summary of the deliberations of the Legislative Commission's Committee to Study Housing Programs in Nevada. The study found that affordable housing is an important issue to this state, especially in light of the explosive growth in population. No one objected to the concept that housing -- both rented and owned -- must be available and affordable for the citizens of Nevada.

The committee determined, however, that implementing this concept is a complex and difficult process. Participation is required on the state and local levels as well as by the private sector. The recommendations made and the actions taken by this committee are not and cannot be the final approach to solving the problems. Much discussion occurred about the need to educate people that affordable housing is not bad housing; it will not, by itself, increase crime in neighborhoods or lower property values. This educational process must be conducted on many different levels, and the committee encourages all who are concerned about this issue to become involved in the search for solutions.

The members of the committee take this opportunity to thank all of the individuals and organizations who participated in the study's hearings. The committee's meetings were immeasurably enhanced by the valuable assistance provided by all of the dedicated people who willingly contributed their expertise in verbal and written testimony.



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## APPENDIX A

Assembly Concurrent Resolution No. 38 of the  
1995 Legislative Session (File No. 171,  
*Statutes of Nevada 1995*, pages 3046-3048)



Assembly Concurrent Resolution No. 38—Committee on  
Elections and Procedures

FILE NUMBER 171

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning the management of housing programs in Nevada.

WHEREAS, The shortage of safe, decent, sanitary and affordable housing for low-income and moderate-income families continues to be a problem in Nevada; and

WHEREAS, The housing needs of persons with special needs also are not being fully met; and

WHEREAS, Housing is a fundamental element of a strong economy and it is a basic need within our society; and

WHEREAS, When housing costs become too high, society is impacted in several negative ways, including reduced employment in the construction industry, and increased social welfare and related governmental costs resulting in the impairment of the security of the family structure; and

WHEREAS, The lack of affordable housing is detrimental to this state's goal of economic diversification and development; and

WHEREAS, It is essential to provide comprehensive housing opportunities with the cooperation of and coordination between the public and private sectors; and

WHEREAS, Within the executive branch of the State of Nevada, three separate departments administer housing or housing-related programs, in addition to two or more multijurisdictional local governmental consortiums; and

WHEREAS, A substantial amount of public money for Nevada's affordable housing programs is derived from the United States Department of Housing and Urban Development; and

WHEREAS, The United States Department of Housing and Urban Development is currently being reorganized and, whether by executive branch initiatives or congressional action, its functions and administrative responsibilities may be severally reduced, and its many housing programs may be cast into a few block grants, requiring the state and local governments to provide for the administration of such money; and

WHEREAS, Administration of the money for affordable housing must be carried out in the most efficient and effective manner possible; and

WHEREAS, The rules and regulations adopted by the United States Department of Housing and Urban Development relating to the requirements for tenants, owners and housing authorities may be eliminated and it will be within the discretion of the state or local governments to adopt appropriate rules and regulations with regard to the constraints of affordable housing programs; and

WHEREAS, Concerns have been voiced regarding the administration of public money for affordable housing and such concerns are best addressed by state legislation and administration; and

WHEREAS, The capability of a person or family of low income or moderate income to purchase or rent decent, safe and sanitary housing in this state is of grave concern to the Nevada Legislature; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint an interim committee composed of members of the Senate and members of the Assembly to conduct an interim study concerning the housing programs within this state and develop a comprehensive plan for the coordination, administration and management of these programs; and be it further

RESOLVED, That the Legislative Commission is hereby directed to appoint to the committee the following nonvoting members to assist the committee in an advisory capacity:

1. One member who is a nonprofit developer of housing;
  2. One member who represents local government;
  3. One member who represents a housing association;
  4. One member who represents a program for affordable housing;
  5. One member who represents an organization which provides legal services to persons of low income;
  6. One member who is a private developer of housing with experience in the development of affordable housing; and
  7. One member with experience in the development of housing in rural communities;
- and be it further

RESOLVED, That the Legislative Commission may appoint to the committee the following nonvoting members to assist the committee in an advisory capacity:

1. One member who represents financial institutions;
2. One member who is a realtor;
3. One member who represents a low-income housing program sponsored by the Federal Government;
4. One member who lives on a fixed income; and

5. One member who represents the Housing Division of the Department of Business and Industry;  
and be it further

RESOLVED, That the study include, but not be limited to, an examination, review and evaluation of:

1. The administration of the existing United States Housing and Urban Development programs, including consideration of the management of block grants;

2. To the extent feasible, the consolidation of state housing programs and consideration of the administrative responsibilities of federal programs;

3. Plans for the future which will provide an ample supply of affordable housing in this state;

4. The requirements governing tenants, housing providers and developers, cities and counties relating to the operation of affordable housing programs;

5. The coordination of the various affordable public housing programs in this state;

6. The administration of money for affordable housing, including, without limitation:

(a) The feasibility of creating a public or private agency for financing low-income housing; and

(b) Methods to increase the involvement of private financing and funding for low-income housing;

7. The qualifications and experience required of a director and other personnel of a housing agency; and

8. The responsiveness and the timeliness of the response of the Housing Division of the Department of Business and Industry to all persons who use its services;

and be it further

RESOLVED, That the members of the committee who are not legislators shall serve without salary, per diem allowance or reimbursement for travel expenses; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of any members of the Senate and a majority of any members of the Assembly appointed to the committee; and be it further

RESOLVED, That the Legislative Commission submit a report of the results of the study and any recommended legislation to the 69th session of the Nevada Legislature.





## APPENDIX B

Tables provided by United States Department of Housing  
and Urban Development (HUD), dated December 10, 1994,  
that Provide Median Income by County in Nevada



STATE: NEVADA  
PREPARED: 12-10-94

		I N C O M E   L I M I T S							
PROGRAM		1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
MSA : Las Vegas, NV-AZ									
FY 1995 MEDIAN FAMILY INCOME: 41100	VERY LOW-INCOME LOW-INCOME	15100 24200	17300 27650	19450 31100	21600 34550	23350 37300	25050 40100	26800 42850	28500 45600
MSA : Reno, NV									
FY 1995 MEDIAN FAMILY INCOME: 47000	VERY LOW-INCOME LOW-INCOME	18450 28300	18800 30100	21150 33850	23500 37600	25400 40600	27250 43600	29150 46600	31000 49650
COUNTY : Churchill County									
FY 1995 MEDIAN FAMILY INCOME: 39400	VERY LOW-INCOME LOW-INCOME	15100 24200	17300 27650	19450 31100	21600 34550	23350 37300	25050 40100	26800 42850	28500 45600
COUNTY : Douglas County									
FY 1995 MEDIAN FAMILY INCOME: 47900	VERY LOW-INCOME LOW-INCOME	16750 26800	19150 30650	21550 34500	23950 38300	25850 41400	27800 44450	29700 47500	31600 50600
COUNTY : Elko County									
FY 1995 MEDIAN FAMILY INCOME: 47300	VERY LOW-INCOME LOW-INCOME	16550 26500	18900 30250	21300 34050	23650 37850	25550 40850	27450 43900	29350 46900	31200 49950
COUNTY : Esmeralda County									
FY 1995 MEDIAN FAMILY INCOME: 36600	VERY LOW-INCOME LOW-INCOME	15100 24200	17300 27650	19450 31100	21600 34550	23350 37300	25050 40100	26800 42850	28500 45600
COUNTY : Eureka County									
FY 1995 MEDIAN FAMILY INCOME: 45200	VERY LOW-INCOME LOW-INCOME	15800 25300	18100 28950	20350 32550	22600 36150	24400 39050	26200 41950	28000 44850	29850 47750
COUNTY : Humboldt County									
FY 1995 MEDIAN FAMILY INCOME: 44600	VERY LOW-INCOME LOW-INCOME	15600 25000	17850 28550	20050 32100	22300 35700	24100 38550	25850 41400	27650 44250	29450 47100
COUNTY : Lander County									
FY 1995 MEDIAN FAMILY INCOME: 45100	VERY LOW-INCOME LOW-INCOME	15100 24200	17300 27650	19450 31100	21600 34550	23350 37300	25050 40100	26800 42850	28500 45600
COUNTY : Lincoln County									
FY 1995 MEDIAN FAMILY INCOME: 32400	VERY LOW-INCOME LOW-INCOME	15100 24200	17300 27650	19450 31100	21600 34550	23350 37300	25050 40100	26800 42850	28500 45600
COUNTY : Lyon County									
FY 1995 MEDIAN FAMILY INCOME: 35500	VERY LOW-INCOME LOW-INCOME	15100 24200	17300 27650	19450 31100	21600 34550	23350 37300	25050 40100	26800 42850	28500 45600
COUNTY : Mineral County									
FY 1995 MEDIAN FAMILY INCOME: 37400	VERY LOW-INCOME LOW-INCOME	15100 24200	17300 27650	19450 31100	21600 34550	23350 37300	25050 40100	26800 42850	28500 45600

STATE: NEVADA  
PREPARED: 12-10-94

		-----I N C O M E   I M I T S-----							
		PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON 8 PERSON
COUNTY :	Pershing County								
FY 1995 MEDIAN FAMILY		VERY LOW-INCOME	15100	17300	19450	21600	23350	25050	26800 28500
INCOME: 36400		LOW-INCOME	24200	27650	31100	34550	37300	40100	42850 45600
COUNTY :	Storey County								
FY 1995 MEDIAN FAMILY		VERY LOW-INCOME	15850	18100	20400	22650	24450	26250	28100 29900
INCOME: 45300		LOW-INCOME	25350	29000	32600	36250	39150	42050	44950 47850
COUNTY :	White Pine County								
FY 1995 MEDIAN FAMILY		VERY LOW-INCOME	15100	17300	19450	21600	23350	25050	26800 28500
INCOME: 39100		LOW-INCOME	24200	27650	31100	34550	37300	40100	42850 45600
INDEP. CITY :	Carson City								
FY 1995 MEDIAN FAMILY		VERY LOW-INCOME	16100	18400	20700	23000	24850	26700	28500 30350
INCOME: 46000		LOW-INCOME	25750	29450	33100	36800	39750	42700	45650 48550

## APPENDIX C

Letter regarding restructuring of Housing Division, from  
Claudia K. Cormier, Director of Department of Business and Industry  
to Assemblywoman Barbara E. Buckley





DEPARTMENT OF BUSINESS AND INDUSTRY  
DIRECTOR'S OFFICE

555 E. Washington. No. 4900

Las Vegas, Nevada 89101

(702) 486-2750 • Fax (702) 486-2758

March 6, 1996

Assemblywoman Barbara Buckley  
c/o Nevada Legal Services  
701 East Bridger, Suite 100  
Las Vegas, Nevada 89101

Dear Assemblywoman Buckley:

Thank-you for your letter of January 19, 1996 concerning the reorganization of the Nevada Housing Division. I appreciate your contacting me, and I am pleased to provide you with the following update regarding the status of the reorganization:

As you know, the reorganization consists generally of three interdependent parts: (1) identifying and acquiring office space in southern Nevada for the Housing Division staff, (2) carrying out a number of personnel transactions necessary to staff the southern Nevada office, and (3) designing, purchasing and implementing management information systems to support the operation of the southern Nevada office.

My Administrative Services Officer and the Administrator of the Housing Division recommend that we have all three components on the same agenda of the Interim Finance Committee so that the reorganization can be viewed entirely by the Interim Finance Committee, rather than piecemeal. I agree with their recommendation and plan to submit Work Programs for the three components simultaneously. Practically speaking, that means we will not be in a position to seek Interim Finance Committee approval until we have tied down office space. We are working to achieve IFC review at the May 8, 1996 meeting. If we succeed with that timetable, we should be able to expand the southern Nevada office of the Housing Division by July 1, 1996. Delays in any of the steps we need to take along the way will result in delays in expanding the office here.

Assemblywoman Buckley  
March 6, 1996  
Page Two

Turning to particulars:

#### ACQUISITION OF OFFICE SPACE

After exploring other possibilities, none of which proved workable, the Housing Division received word that adequate space might be available in the Bradley Building. Negotiations were productive, and 1200 square feet of space have been acquired in the Bradley Building. Renovations are needed and will commence as soon as possible.

#### PERSONNEL MATTERS

Altogether, the planned reorganization will provide for five staff in the southern Nevada office: the Administrator of the Division, one Chief Assistant/Outreach Officer, one Compliance and Monitoring Officer, one Federal Programs Coordinator and one Management Analyst/Cash Flow Analyst. The Deputy Administrator will remain in the Carson City office.

##### The Administrator (to be located in the southern Nevada Office)

The Administrator will transfer from the Carson City office to the southern Nevada office. The responsibilities of the Administrator will not change, even though the Administrator's primary location will be transferred to southern Nevada.

##### The Deputy Administrator (to remain in the Carson City office)

The Deputy Administrator's role will be changed to transfer from the Deputy Administrator to the Federal Programs Coordinators (one in Carson City and the new position described below in the southern Nevada office) oversight responsibility for Multi-family, HOME, Tax Credit, and Trust Fund activity in Nevada.

##### The Chief Assistant (to remain in the southern Nevada office)

The Chief Assistant is presently located in the southern Nevada office. The Chief Assistant position will take on additional duties, ranging from public relations and program training to providing public education services and training support for the southern Nevada office.



Assemblywoman Buckley  
March 6, 1996  
Page Three

The Federal Program Coordinator  
(reclassification/new position in southern Nevada office)

The Federal Program Coordinators will oversee Multi-family, HOME, Tax Credit, and Trust Fund activity, and will be working with the developers, nonprofits, and others to stimulate programs for low income housing. This position will be established by upgrading a Loan Officer position. The Division has completed the Position Questionnaire, NPD-19, requesting the reclassification of a vacant Loan Officer position to that of Loan Administration Officer, which will function as the Federal Program Coordinator. My office has approved the proposal and authorized submission of the NPD-19 to Personnel.

The new Federal Program Coordinator position and its counterpart in Carson City will report directly to the Administrator of the Division.

The Management Analyst II/Cash Flow Analyst  
(reclassification/new position in southern Nevada office)

The Management Analyst II/Cash Flow Analyst position will analyze cash flows and other pro forma financial data from Tax Credit, HOME, and Multi-family applications and other applications for grants and aid. The Division has completed the Position Questionnaire, NPD-19, requesting the reclassification of a vacant Accountant I position to that of a Management Analyst II. My office approved the proposal and authorized submission of the NPD-19 to Personnel, subject to the Division's clarifying with Budget a discrepancy on the existing position roster, which indicates the vacant position is that of Account Clerk instead of Accountant I. It appears the discrepancy occurred during the last budgetary process, at which time a position upgrade was approved but was never changed on the position roster.

The necessary forms have been submitted to Budget and the analyst there will be forwarding them to Personnel for approval in the near future. Additional funds for the positions are needed, and accordingly, the related Work Programs will be submitted to the Interim Finance Committee for approval. The Division will be in a position to commence recruitment as soon as the Interim Finance Committee has approved those Work Programs.

Assemblywoman Buckley  
March 6, 1996  
Page Four

MANAGEMENT INFORMATION SYSTEMS

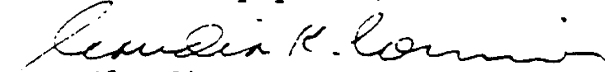
The Division is continuing to pursue with the Department of Information Services and Purchasing the cost of management information systems' equipment to be used to support the Housing Division's southern Nevada operations. We are unable to pin down a completion date at present.

RECAP

To recap, upon receipt of the necessary information and approvals from Buildings and Grounds, Budget, Personnel, Purchasing and the Department of Information Services, the necessary Work Programs will be completed and submitted to my office. We would like to submit the reorganization plan (i.e. Work Programs) to the Interim Finance Committee in time for its May meeting. If we succeed in that plan and receive IFC approval in May, recruitment for positions and requisitioning of equipment can be started right away, and the southern Nevada office of the Housing Division could become operational by July 1, 1996. As you know, that date is one year earlier than required under AB 655.

The other departments involved in the reorganization plan are working with us and, I believe, are doing all they can to expedite our requests. Thank-you for your continued interest and willingness to help. I will appreciate your support when the plan is considered by the Interim Finance Committee.

Sincerely yours,

  
Claudia K. Cormier  
Director

cc: Birgit Baker, Administrative Services Officer, Department of  
Business and Industry  
Chas Horsey, Administrator, Housing Division  
Thalia Dondero, Chairwoman, Housing Division Advisory  
Committee  
Catherine Cortez, Executive Assistant to the Governor

## APPENDIX D

Letter of direction from Assemblywoman Barbara E. Buckley to  
Mayor Bruce H. Breslow, City of Sparks,  
dated March 5, 1996



BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



DISTRICT OFFICE:  
5481 Super Drive  
Las Vegas, Nevada 89103  
Office: (702) 222-9901

LEGISLATIVE BUILDING:  
401 S. Carson Street  
Carson City, Nevada 89710  
Office: (702) 687-3581 or 687-5739  
Fax No.: (702) 687-5962

COMMITTEES:

*Vice Chairman*  
Judiciary

*Member*  
Commerce  
Health and Human Services

State of Nevada  
Assembly  
Sixty-Eighth Session

March 5, 1996

The Honorable Bruce H. Breslow  
Mayor of the City of Sparks and  
City Council Members  
P.O. Box 857  
Sparks, Nevada 89432

Dear Mayor Breslow and City Council Members:

At the first meeting of the Legislative Commission's Committee to Study Housing Programs in Nevada (A.C.R. 38), the committee was informed of certain Sparks ordinances that make it difficult for affordable housing projects to receive approval for construction in Sparks. Specifically, the ordinances mentioned were:

1. **20.74.020**, "Permitted Uses," which requires a special use permit for multiple-family residential development on land classified R2;
2. **20.76.202**, "Permitted Uses," which requires a special use permit for multiple-family residential developments over six dwelling units and boarding or rooming houses on land classified as R3; and
3. **20.77.020**, "Permitted Uses," which requires a special use permit for boarding or rooming houses, multiple family residential developments of over six dwelling units, and single family dwellings of a permanent nature on land classified as R4.

The committee was asked to review these ordinances and to recommend legislative action. However, at the committee's second meeting on December 12, 1995, Margaret Powell, Planning Manager for the City of Sparks, testified that these ordinances are rather old and that the City is currently reviewing them.

Consequently, the members (list of names enclosed) of the A.C.R. 38 committee voted to send you this letter to encourage you to consider, as you review these ordinances, the need in your community for housing that is affordable for low- and moderate-income families. It is important that additional local government ordinances do not impede the development of such housing, if it is properly planned and zoned.

Thank you for your attention.

Sincerely,

A handwritten signature in cursive script that reads "Barbara E. Buckley".

Assemblywoman Barbara E. Buckley  
Chair, Legislative Commission's Committee  
to Study Housing Programs in Nevada (A.C.R. 38)



## APPENDIX E

A paper entitled, "Real Property Transfer Tax Revenue,"  
prepared by the Department of Taxation





## REAL PROPERTY TRANSFER TAX REVENUE

COUNTY	FY 1994-95	FY 1993-94	GROWTH RATE	PERCENT OF TOTAL
CARSON CITY	\$ 190,203.00	\$ 240,917.00	-21.05%	2.07%
CHURCHILL COUNTY	\$ 57,575.00	\$ 63,870.00	-9.86%	0.63%
CLARK COUNTY	\$ 6,377,222.00	\$ 5,725,650.00	11.38%	69.52%
DOUGLAS COUNTY	\$ 310,000.00	\$ 428,917.00	-27.72%	3.38%
ELKO COUNTY	\$ 113,000.00	\$ 104,203.00	8.44%	1.23%
ESMERALDA COUNTY	\$ 1,800.00	\$ 2,070.00	-13.04%	0.02%
EURKA COUNTY	\$ 2,500.00	\$ 2,634.00	-5.09%	0.03%
HUMBOLDT COUNTY	\$ 42,923.00	\$ 41,266.00	4.02%	0.47%
LANDER COUNTY	\$ 7,000.00	\$ 9,636.00	-27.36%	0.08%
LINCOLN COUNTY	\$ 4,750.00	\$ 5,693.00	-16.56%	0.05%
LYON COUNTY	\$ 122,251.00	\$ 117,862.00	3.72%	1.33%
MINERAL COUNTY	\$ 4,892.00	\$ 6,912.00	-29.22%	0.05%
NYE COUNTY	\$ 89,394.00	\$ 93,619.00	-4.51%	0.97%
PERSHING COUNTY	\$ 8,577.00	\$ 5,276.00	62.57%	0.09%
STOREY COUNTY	\$ 10,000.00	\$ 14,621.00	-31.61%	0.11%
WASHOE COUNTY	\$ 1,803,264.00	\$ 2,026,348.00	-11.01%	19.66%
WHITE PINE COUNTY	\$ 27,818.00	\$ 10,783.00	157.98%	0.30%
STATEWIDE TOTAL	<u>\$ 9,173,169.00</u>	<u>\$ 8,900,277.00</u>	3.07%	100.00%
EST. LOW-INCOME HOUSING ACCT.	\$ 1,667,848.91	\$ 1,618,232.18	3.07%	
TOTAL RPTT	<u>\$ 10,841,017.91</u>	<u>\$ 10,518,509.18</u>	3.07%	
REVENUE PER 1CENT INCREASE	<u>\$ 166,784.89</u>	<u>\$ 161,823.22</u>		

Revenue information is as reported by the local governments in either their final budgets or audits as filed with the Department of Taxation. Low-income housing account information is an estimate based on 10 cents of additional revenue collected over the 55 cents collected by local governments. Percent of total is based on FY 1994-95 revenue.



## APPENDIX F

Letters of direction from Assemblywoman Barbara E. Buckley to  
the Nevada Congressional Delegation, dated March 5, 1996



BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



DISTRICT OFFICE:  
5481 Sunset Drive  
Las Vegas, Nevada 89103  
Office: (702) 222-9901

LEGISLATIVE BUILDING:  
401 S. Carson Street  
Carson City, Nevada 89710  
Office: (702) 687-3581 or 687-5739  
Fax No.: (702) 687-5962

COMMITTEES:  
Vice Chairman  
Judiciary  
Member  
Commerce  
Health and Human Services

## State of Nevada Assembly

Sixty-Eighth Session

March 5, 1996

The Honorable Richard H. Bryan  
United States Senator  
364 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Bryan:

Recently, the Legislative Commission's Committee to Study Housing Programs in Nevada (A.C.R. 38, File No. 171, *Statutes of Nevada 1995*) learned about your proposed legislation titled "Southern Nevada Public Land Management Act of 1996."

As you know, the Las Vegas area is limited in the amount of available land on which it is economical to construct housing that is affordable for low- and moderate-income Nevada families. In reviewing the draft of your proposed legislation, the members of this committee determined that this bill might result in the increased availability of such land.

The members (enclosed is a list of their names) understand your desire not to specify, within the legislation, certain uses for the land. However, the committee voted to recommend to you that the language be written in such a way that a local governing body cannot, at some future date, use the legislation to support a refusal to use the acquired land for affordable housing. In particular, the reserved land could be used for affordable housing, if the parameters for the use of such land include affordable housing as a public purpose [Section 3(b)].

Such a provision would be consistent with your proposed amendment to the Federal Recreation and Public Purposes Act (43 U.S.C. 869) that would include affordable housing as a public purpose. This committee was pleased to learn of your efforts in that matter and has voted to urge your Nevada colleagues to support that amendment.

Thank you for your attention. Please do not hesitate to call upon any one of us for assistance with this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Barbara E. Buckley".

Assemblywoman Barbara E. Buckley  
Chair, Legislative Commission's Committee  
to Study Housing Programs in Nevada (A.C.R. 38)

49

enclosure

BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



DISTRICT OFFICE:  
5481 Super Drive  
Las Vegas, Nevada 89103  
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Fax No.: (702) 687-5962

COMMITTEES:

Vice Chairman

Judiciary

Member

Commerce

Health and Human Services

# State of Nevada Assembly

Sixty-Eighth Session

March 5, 1996

The Honorable Harry Reid  
United States Senator  
324 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Reid:

Pursuant to Assembly Concurrent Resolution No. 38 (File No. 171, *Statutes of Nevada 1995*, pages 3046 through 3048), the Legislative Commission established a Committee to Study Housing Programs in Nevada. Attached is a list of the committee's membership.

Testimony has been provided to this committee about the difficulty in obtaining land on which to build housing that is affordable for low- and moderate-income Nevada families. As you know well, most of Nevada's land is under the control of the Federal Government and Nevada is the fastest-growing state in the nation; consequently, housing developers have more difficulty obtaining land in Nevada than in most other states.

It has come to the attention of this committee that Senator Richard H. Bryan has offered before, and will do so again, an amendment to the Federal Recreation and Public Purposes Act (43 U.S.C. 869) that would include affordable housing in the definition of "public purpose." A copy of the proposed amendment is enclosed. Passage of the amendment would provide a mechanism for local governments to obtain federal land for a small fee; therefore, the construction of affordable housing would be more feasible. This amendment would be most beneficial to Nevada's growing communities.

The members of the A.C.R. 38 committee voted unanimously to send you a letter to request your support for this amendment. We urge you to work with Senator Bryan and your other Nevada Congressional Delegation colleagues to ensure passage of this amendment.

Please do not hesitate to call upon any one of us for assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Barbara E. Buckley".

Assemblywoman Barbara E. Buckley  
Chair, Legislative Commission's Committee  
to Study Housing Programs in Nevada (A.C.R. 38)

cc: Senator Richard H. Bryan

BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



DISTRICT OFFICE:  
5481 Super Drive  
Las Vegas, Nevada 89103  
Office: (702) 222-9901

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Carson City, Nevada 89710  
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Fax No.: (702) 687-5962

COMMITTEES:

Vice Chairman  
Judiciary

Member  
Commerce  
Health and Human Services

# State of Nevada Assembly

Sixty-Eighth Session

March 5, 1996

The Honorable Barbara Vucanovich  
United States House of Representatives  
2202 Rayburn House Office Building  
Washington, D.C. 20515

Dear Representative Vucanovich:

Pursuant to Assembly Concurrent Resolution No. 38 (File No. 171, *Statutes of Nevada 1995*, pages 3046 through 3048), the Legislative Commission established a Committee to Study Housing Programs in Nevada. Attached is a list of the committee's membership.

Testimony has been provided to this committee about the difficulty in obtaining land on which to build housing that is affordable for low- and moderate-income Nevada families. As you know well, most of Nevada's land is under the control of the Federal Government and Nevada is the fastest-growing state in the nation; consequently, housing developers have more difficulty obtaining land in Nevada than in most other states.

It has come to the attention of this committee that Senator Richard H. Bryan has offered before, and will do so again, an amendment to the Federal Recreation and Public Purposes Act (43 U.S.C. 869) that would include affordable housing in the definition of "public purpose." A copy of the proposed amendment is enclosed. Passage of the amendment would provide a mechanism for local governments to obtain federal land for a small fee; therefore, the construction of affordable housing would be more feasible. This amendment would be most beneficial to Nevada's growing communities.

The members of the A.C.R. 38 committee voted unanimously to send you a letter to request your support for this amendment. We urge you to work with Senator Bryan and your other Nevada Congressional Delegation colleagues to ensure passage of this amendment.

Please do not hesitate to call upon any one of us for assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Barbara E. Buckley".

Assemblywoman Barbara E. Buckley  
Chair, Legislative Commission's Committee  
to Study Housing Programs in Nevada (A.C.R. 38)

DRB/nw:120  
Enc.  
cc: Senator Richard H. Bryan

BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



DISTRICT OFFICE:  
3481 Super Drive  
Las Vegas, Nevada 89103  
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Fax No.: (702) 687-5962

COMMITTEES:

Vice Chairman

Judiciary

Member

Commerce

Health and Human Services

# State of Nevada Assembly

*Sixty-Eighth Session*

March 5, 1996

The Honorable John Ensign  
United States House of Representatives  
414 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Ensign:

Pursuant to Assembly Concurrent Resolution No. 38 (File No. 171, *Statutes of Nevada 1995*, pages 3046 through 3048), the Legislative Commission established a Committee to Study Housing Programs in Nevada. Attached is a list of the committee's membership.

Testimony has been provided to this committee about the difficulty in obtaining land on which to build housing that is affordable for low- and moderate-income Nevada families. As you know well, most of Nevada's land is under the control of the Federal Government and Nevada is the fastest-growing state in the nation; consequently, housing developers have more difficulty obtaining land in Nevada than in most other states.

It has come to the attention of this committee that Senator Richard H. Bryan has offered before, and will do so again, an amendment to the Federal Recreation and Public Purposes Act (43 U.S.C. 869) that would include affordable housing in the definition of "public purpose." A copy of the proposed amendment is enclosed. Passage of the amendment would provide a mechanism for local governments to obtain federal land for a small fee; therefore, the construction of affordable housing would be more feasible. This amendment would be most beneficial to Nevada's growing communities.

The members of the A.C.R. 38 committee voted unanimously to send you a letter to request your support for this amendment. We urge you to work with Senator Bryan and your other Nevada Congressional Delegation colleagues to ensure passage of this amendment.

Please do not hesitate to call upon any one of us for assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Barbara E. Buckley".

Assemblywoman Barbara E. Buckley  
Chair, Legislative Commission's Committee  
to Study Housing Programs in Nevada (A.C.R. 38)

DRB/nw:120  
Enc.  
cc: Senator Richard H. Bryan



**RICHARD BRYAN  
NEVADA**

**COMMITTEES:  
ARMED SERVICES  
BANKING, HOUSING, AND  
URBAN AFFAIRS  
COMMERCE, SCIENCE, AND  
TRANSPORTATION  
ETHICS  
INTELLIGENCE**

## **United States Senate**

**364 RUSSELL SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-2804  
(202) 224-6244**

**OFFICES:  
300 SOUTH STREET  
SUITE 2014  
RENO, NV 89509  
(702) 784-6007**

**300 LAS VEGAS BOULEVARD SOUTH  
SUITE 1110  
LAS VEGAS, NV 89101  
(702) 388-8806**

**800 EAST WILLIAM STREET  
SUITE 304  
CARSON CITY, NV 89701  
(702) 886-9111**

### **AMENDMENT TO BE OFFERED BY MR. BRYAN**

**Purpose:** To clarify that the provision of affordable housing is a public purpose for which the Secretary of the Interior may dispose of public lands under the Recreation and Public Purposes Act.

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ DISPOSAL OF PUBLIC LANDS FOR AFFORDABLE HOUSING PURPOSES.**

Section 1 of the Act entitled "An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes", approved June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869), is amended--

(1) in the first sentence of subsection (a) --

(A) by inserting "including the provision of affordable housing as described in subsection (d)," after "public purposes,"; and

(B) by inserting ", excluding the provision of affordable housing," after "public purpose"; and

(2) by adding at the end the following:

"(d) AFFORDABLE HOUSING. -- For the purpose of subsection (a), housing shall be considered to be affordable housing if the housing is assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.)."

BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



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Fax No.: (702) 687-5962

COMMITTEES:

*Vice Chairman*

Judiciary

*Member*

Commerce

Health and Human Services

State of Nevada  
Assembly  
Sixty-Eighth Session

April 12, 1996

The Honorable John Ensign  
United States Representative  
414 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Ensign:

I recently had the pleasure of discussing with your staff the potential of amending H.R. 3127 to add the affordable housing component that Senator Richard Bryan included in his similar measure, S. 1626. I understand that Mayor Robert Groesbeck of Henderson endorsed this concept at the Congressional subcommittee hearing on H.R. 3127 in Las Vegas on April 5, 1996. I'm sorry I was unable to attend the hearing, but I wanted to take this opportunity to express my appreciation for your consideration of this idea.

As you know, the Legislative Commission's Committee to Study Housing Programs in Nevada, which I chair, has been exploring various approaches to dealing with the problem of affordable housing throughout our state. Although Clark County's need is the most acute at this point, other communities are also struggling with this issue. One of the biggest problems is the lack of land on which to build housing. It appears that the language in Senator Bryan's bill will, if passed, provide an extremely important and useful mechanism for communities throughout Nevada to acquire land for affordable housing. It would be most helpful if your bill contained similar language as well.

Again, I thank you for your attention and concern. Please do not hesitate to contact me if I may provide further assistance on this significant issue.

Sincerely,

A handwritten signature in black ink that reads "Barbara E. Buckley / deb".

Assemblywoman Barbara E. Buckley  
Chair, Legislative Commission's Committee  
to Study Housing Programs in Nevada (A.C.R. 38)

JOHN E. ENSIGN  
1ST DISTRICT, NEVADA

WAYS AND MEANS COMMITTEE  
SUBCOMMITTEE ON HEALTH  
SUBCOMMITTEE ON HUMAN RESOURCES

RESOURCES COMMITTEE  
SUBCOMMITTEE ON NATIONAL PARKS,  
FORESTS, AND LANDS  
SUBCOMMITTEE ON WATER AND  
POWER RESOURCES



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2801**

May 24, 1996

WASHINGTON OFFICE:  
414 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-6965  
FAX: (202) 225-3119

LAS VEGAS OFFICE:  
1000 E. SARAH AVE., SUITE D  
LAS VEGAS, NV 89104  
(702) 731-1801  
FAX: (702) 731-1863

HENDERSON OFFICE:  
223 LEAD ST., RM. 100  
HENDERSON, NV 89015  
(702) 564-9883  
FAX: (702) 564-9867  
E-MAIL ADDRESS: [ensign@hcr.house.gov](mailto:ensign@hcr.house.gov)

Assemblywoman Barbara E. Buckley  
5481 Supai Drive  
Las Vegas, NV 89103

Dear Barbara:

Thank you for your letter supporting a change to the Recreation and Public Purposes Act (RPPA) to include affordable housing in the definition of "public purpose." I appreciate the efforts of the A.C.R. 38 committee to examine Nevada's affordable housing needs.

I support changing the RPPA to include affordable housing. After various discussions with local governments, it is my understanding that local governments want the ability to offer homeownership opportunities as part of the effort to amend the RPPA. I endorse this concept wholeheartedly because homeownership is central to expanding real opportunities for low- and moderate-income families. However, even if the RPPA was amended to include "affordable housing," local governments would not have the homeownership option because title to the land would have to be transferred to private individuals. Transferring federal land to private individuals is not permitted under the RPPA; therefore, the only allowable affordable housing activities would likely be confined to assisted housing managed by a public housing authority. I want to solicit your committee's assistance in building consensus among local governments as to the best way to proceed with the homeownership aspect.

Related legislation was introduced in the 103rd Congress which would have authorized the Secretary of Interior to transfer federal lands, at less than fair market value or at no cost, to a public housing authority. I have examined this approach and believe it would encounter considerable opposition in Congress from members who would insist that the federal government is fully compensated for the land it owns.

In summary, I support efforts to include affordable housing as an allowable activity under the RPPA. However, I want to ensure that our joint efforts to expand the availability of affordable housing is done in a deliberate manner that will give local governments the flexibility they need. I will follow this matter closely and update you periodically as these issues are refined in the coming weeks.

Thanks again for writing. Please let me know if I can be of further assistance.

Sincerely,

JOHN E. ENSIGN  
Member of Congress

JE:tpl

BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



DISTRICT OFFICE:  
5481 Supai Drive  
Las Vegas, Nevada 89103  
Office: (702) 222-9901

LEGISLATIVE BUILDING:  
401 S. Carson Street  
Carson City, Nevada 89710  
Office: (702) 687-3581 or 687-5739  
Fax No.: (702) 687-5962

COMMITTEES:

*Vice Chairman*  
Judiciary

*Member*

Commerce

Health and Human Services

**State of Nevada**  
**Assembly**  
*Sixty-Eighth Session*

August 9, 1996

The Honorable John E. Ensign  
Representative in Congress  
414 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Ensign:

Thank you for your letter of May 24, 1996, concerning the proposal to amend the Recreation and Public Purposes Act (RPPA) to include affordable housing in the definition of "public purpose." The members of the Committee to Study Housing Programs in Nevada (Assembly Concurrent Resolution No. 38) and I appreciate your support for affordable housing and this amendment in particular.

The committee is pleased that you recognize the seriousness of this issue for Nevada and have spoken with local government representatives about home ownership opportunities for low- and moderate-income families. I agree with you that this is an important approach to the affordable housing problem, but I understand, as you explained in your letter, that an amendment to RPPA would not be helpful in this regard.

However, the members and I believe that the proposed amendment would provide significant assistance to local governing bodies and housing authorities who administer housing programs. In particular, the number of senior housing projects could be increased, if RPPA were an alternative governing bodies could utilize to acquire land. As you know, such an opportunity would be most useful in the Las Vegas area where the senior population is growing rapidly and in the rural areas where private land is simply unavailable. We urge you to continue your support for the amendment. It, too, is an important approach, and one of many, to the affordable housing problem in Nevada.

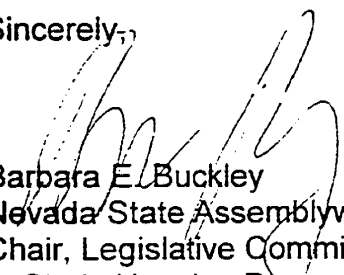
I recognize that the current congressional session is coming to a close without, it appears, final action on this amendment. Hopefully, it will succeed in the next session. Of course,

Page 2

you can count on continued support from me and the individuals who comprised the A.C.R. 38 Committee. We have completed our assigned study, so this particular committee has ended. Please do not hesitate, however, to call on me or my colleagues in that endeavor for any assistance you may need with this important proposal.

Thank you again for your support.

Sincerely,



Barbara E. Buckley  
Nevada State Assemblywoman  
Chair, Legislative Commission's Committee  
to Study Housing Programs in Nevada

BEB/nw:L23



## APPENDIX G

Letter of direction from Assemblywoman Barbara E. Buckley,  
to county commissions and city councils, dated  
September 30, 1996





BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



DISTRICT OFFICE:  
5481 Super Drive  
Las Vegas, Nevada 89103  
Office: (702) 222-9901

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Fax No. (702) 687-5962

COMMITTEES:

Vice Chairman  
Judiciary

Member

Commerce  
Health and Human Services

# State of Nevada Assembly

Sixty-Eighth Session

September 30, 1996

The Honorable Ken Tedford, Jr.  
Mayor of City of Fallon  
55 West Williams Avenue  
Fallon, Nevada 89406

Dear Mayor Tedford:

As you know, the Legislative Commission established a committee to study housing programs in Nevada (authorized by Assembly Concurrent Resolution No. 38; a copy of this measure and a list of the committee members' names are enclosed). During the course of its work, the committee was informed that many local governments have ordinances that place hurdles in front of proposed affordable housing projects and essentially prevent the development of affordable housing. One of these local governments, the City of Sparks, identified its problem ordinances for the committee and explained that it was reviewing them for possible amendment or repeal. The members strongly encouraged the City to work diligently on that issue.

The members of the A.C.R. 38 committee believe that affordable housing is vital to this State and its communities and were distressed to learn that local governments may be deliberately impeding the development of this important asset, even if the project is properly zoned and planned. Therefore, the committee voted to urge your governing body to emulate Sparks and review your existing requirements for the development of housing, identify the obstacles to appropriate affordable housing projects, and remove or amend troublesome ordinances.

In a state where so many people rely on service jobs to provide for their families, it is important that our governments do not add to their burden by placing housing out of their financial reach. Thank you for your attention to this critical issue for the citizens of Nevada.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara E. Buckley".

Assemblywoman Barbara E. Buckley  
Chair, Legislative Commission's Committee to  
Study Housing Programs in Nevada (A.C.R. 38)

BEB/nw:l25/Housing  
Enc.

THIS LETTER WAS SENT TO THE  
FOLLOWING GOVERNMENT OFFICIALS:

Ms. Yvonne Atkinson-Gates, Chairman  
Clark County Board of Commissioners  
500 South Grand Central Parkway  
Las Vegas, Nevada 89106

Mr. Wade Barton, Chairman  
Esmeralda County Board of Commissioners  
P.O. Box 517  
Goldfield, NV 89013

Mr. Henry Bland, Chairman  
Storey County Board of Commissioners  
County Courthouse, "B" Street  
Virginia City, Nevada 89440

The Honorable Ken Carter  
Mayor of City of Mesquite  
P.O. Box 69  
Mesquite, Nevada 89024

Mr. Julio Costello, Chairman  
White Pine County Board of Commissioners  
Courthouse Annex, 953 Campton Street  
Ely, Nevada 89301

The Honorable Ray Dummar  
Mayor of City of Gabbs  
P.O. Box 86  
Gabbs, Nevada 89409

Mr. Tom Fransway, Chairman  
Humboldt County Board of Commissioners  
Courthouse, Room 205  
Winnemucca, Nevada 89445

Mr. Arlo K. Funk, Chairman  
Mineral County Board of Commissioners  
P.O. Box 1450  
Hawthorne, Nevada 89415

The Honorable Jeff Griffin  
Mayor of City of Reno  
P.O. Box 1900  
Reno, Nevada 89505

Mr. Bob Allegeier, Chairman  
Douglas County Board of Commissioners  
P.O. Box 218  
Minden, NV 89423

Mr. David Ayoob, Chairman  
Pershing County Board of Commissioners  
County Courthouse, 401 Main Street  
Lovelock, Nevada 89419

The Honorable Linda Bingaman  
Mayor of City of Carlin  
101 South 8th Street  
Carlin, Nevada 89822

Mr. Steve Bradhurst, Chairman  
Washoe County Board of Commissioners  
P.O. Box 11130  
Reno, Nevada 89520

Mr. Robert (Lee) Chapman, Chairman  
Elko County Board of Commissioners  
569 Court Street  
Elko, Nevada 89801

Ms. Nancy Dallas, Chairman  
Lyon County Board of Commissioners  
31 South Main Street  
Yerington, Nevada 89447

The Honorable Ray Espinoza  
Mayor of City of Lovelock  
P.O. Box 238  
Lovelock, Nevada 89419

The Honorable Mike Franzoia  
Mayor of City of Elko  
1751 College Avenue  
Elko, Nevada 89801

Mr. Peter J. Goicoechea, Chairman  
Eureka County Board of Commissioners  
P.O. Box 677  
Eureka, Nevada 89316

The Honorable Robert A. Groesbeck  
Mayor of City of Henderson  
240 Water Street  
Henderson, Nevada 89015

The Honorable Douglas Homestead  
Mayor of City of Yerington  
P.O. Box 479  
Yerington, Nevada 89447

The Honorable Jan Lavery Jones  
Mayor of City of Las Vegas  
400 East Stewart Avenue  
Las Vegas, Nevada 89101

Mr. Gerald LaMiaux, Chairman  
Lander County Board of Commissioners  
315 South Humboldt Street  
Battle Mountain, Nevada 89820

The Honorable Eric Lundgaard  
Mayor of Boulder City  
401 California Avenue  
Boulder City, Nevada 89005

Mr. Cameron McRae, Chairman  
Nye County Board of Commissioners  
P.O. Box 153  
Tonopah, Nevada 89041

The Honorable Kevin J. Phillips  
Mayor of City of Caliente  
P.O. Box 158  
Caliente, Nevada 89008

Mr. James T. Regan, Chairman  
Churchill County Board of Commissioners  
10 West Williams Avenue  
Fallon, Nevada 89406

The Honorable Charles Rigel  
P.O. Box 366  
Wells, Nevada 89835

The Honorable Walter G. Sanders  
Mayor of City of West Wendover  
P.O. Box 2825  
West Wendover, Nevada 89883

The Honorable James K. Seastrand  
Mayor of City of North Las Vegas  
P.O. Box 4086  
North Las Vegas, Nevada 89030

The Honorable Jack Smith  
Mayor of City of Ely  
501 Mill Street  
Ely, Nevada 89301

The Honorable Mayor Ken Tedford, Jr.  
Mayor of City of Fallon  
55 West Williams Avenue  
Fallon, Nevada 89406

The Honorable Marv Teixeira  
Mayor of City of Carson City  
2621 Northgate Lane, No. 2  
Carson City, Nevada 89706

The Honorable Paul Vesco  
Mayor of City of Winnemucca  
City Hall, 90 West Fourth Street  
Winnemucca, Nevada 89445

Mr. Edward Wright, Chairman  
Lincoln County Board of Commissioners  
Lincoln County Courthouse  
Pioche, Nevada 89043



## APPENDIX H

Letter of direction from Assemblywoman Barbara E. Buckley,  
to Governor Robert J. Miller,  
dated September 30, 1996



BARBARA E. BUCKLEY  
ASSEMBLYWOMAN  
District No. 8



DISTRICT OFFICE:  
5481 Super Drive  
Las Vegas, Nevada 89103  
Office: (702) 222-9901

LEGISLATIVE BUILDING:  
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Fax No.: (702) 687-5962

COMMITTEES:

Vice Chairman

Judiciary

Member

Commerce

Health and Human Services

## State of Nevada Assembly

Sixty-Eighth Session  
September 30, 1996

The Honorable Robert J. Miller  
Governor of Nevada  
Capitol Complex  
Carson City, Nevada 89710

Dear Governor Miller:

During this interim period, the Legislative Commission's Committee to Study Housing Programs in Nevada (Assembly Concurrent Resolution No. 38) reviewed many issues related to the provision of affordable housing in this state. One of the topics that received much discussion was the possibility of combining state housing programs.

As you know, Nevada's Housing Division, in the Department of Business and Industry, and the Commission on Economic Development, through its Community Block Development Program, are the two state agencies most actively involved in the provision of affordable housing. Testimony to the committee suggested that these two functions be combined into one state agency or the other; however, an ad hoc study group determined that the complexity of such action outweighed the possible benefits at this time, especially since the United States Congress has not completed its expected amendments to federal housing laws.

Therefore, the committee did not vote to request legislation to effect the merger. Instead, the members voted to send you this letter to encourage you, as the State Executive Officer, to require thorough coordination and strong communication between the Housing Division and the Community Block Development Program. Affordable housing is a very real need for many families in Nevada's communities; this committee believes that the two state agencies responsible for this issue should maintain a close working relationship to ensure that their customers receive the best service possible.

Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Barbara E. Buckley".

Assemblywoman Barbara E. Buckley  
Chair, Legislative Commission's Committee to  
Study Housing Programs in Nevada (A.C.R. 38)





## APPENDIX I

Documents related to Assembly Bill 444 of the  
1995 Legislative Session



(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A.B. 444

ASSEMBLY BILL NO. 444—ASSEMBLYMEN BUCKLEY, MANENDO, GOLDWATER, ANDERSON, CHOWNING, ARBERRY, BACHE, GIUNCHIGLIANI, WILLIAMS, PRICE, CARPENTER, KRENZER, PERKINS, BATTEN, OHRENSCHALL, SCHNEIDER, SEGERBLOM, TRIPPLE, CLOSE, FETTIC, BENNETT, NEIGHBORS, DE BRAGA, EVANS, DINI AND BROWER

APRIL 5, 1995

Referred to Committee on Government Affairs

SUMMARY—Prohibits local government from adopting ordinance relating to zoning that prohibits or restricts residential developments based on certain characteristics of occupants. (BDR 22-1324)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in italics is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to land use; prohibiting a local government from adopting an ordinance that prohibits or restricts residential developments based on certain characteristics of the occupants; requiring that an ordinance relating to zoning include certain manufactured and modular homes within the definition of "single-family residences"; and providing other matters properly relating thereto.

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

- 1     **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to 5, inclusive, of this act.  
3     **Sec. 2.** *"Low or moderate levels of income" means a total gross income*  
4 *less than 110 percent of the median gross income for the county concerned*  
5 *based upon the estimates of the United States Department of Housing and*  
6 *Urban Development of the most current median gross income for the county.*  
7     **Sec. 3. 1.** *Except as otherwise provided in subsection 2 and section 4 of*  
8 *this act, a governing body shall not enact or enforce in any manner any*  
9 *ordinance, resolution or regulation that prohibits a residential development*  
10 *or that imposes different requirements on a residential development than the*  
11 *requirements imposed on other developments in the same area because:*  
12     (a) *Of the race, sex, religion, ethnicity, national origin, disability, lawful*  
13 *occupation or age of the intended occupants of the residential development;*  
14     (b) *The residential development is subsidized, financed, insured or other-*  
15 *wise assisted by a local government, the state or Federal Government; or*  
16     (c) *The residential development is intended for occupancy by persons of*  
17 *low or moderate income.*

1     2. Nothing in this section prohibits a governing body from extending  
2     preferential treatment to a residential development that is intended for occu-  
3     pancy by persons of low or moderate levels of income. Preferential treatment  
4     may include, but is not limited to:

5     (a) A reduction or waiver of fees, exactions or other requirements that  
6     would otherwise be imposed on the residential development;

7     (b) Less restrictive requirements relating to the parking of vehicles at or  
8     adjacent to the site of the residential development; and

9     (c) Authorizing an increase in the number of dwelling units per acre to a  
10    density greater than that prescribed in the otherwise applicable zoning regu-  
11    lations of the governing body, but not greater than the density prescribed in  
12    the master plan.

13    Sec. 4. 1. A governing body shall not disapprove a residential develop-  
14    ment affordable to households with low to moderate levels of income or  
15    impose restrictions which have a substantial adverse effect on the viability or  
16    affordability of such a residential development unless it finds, based upon  
17    substantial evidence, that:

18    (a) The residential development as proposed would have a specific adverse  
19    impact upon the public health or safety and there is no feasible method to  
20    mitigate or avoid satisfactorily the specific adverse impact without rendering  
21    the development unaffordable to households with low to moderate levels of  
22    income;

23    (b) The disapproval or restriction is required in order to comply with a  
24    specific state or federal law and there is no feasible method to comply without  
25    rendering the development unaffordable to households with low to moderate  
26    levels of income;

27    (c) Approval of the residential development as proposed would increase the  
28    concentration of households with low to moderate levels of income in a  
29    neighborhood that already has a disproportionately high number of house-  
30    holds with low to moderate levels of income and there is no feasible method of  
31    approving the development at a different site without rendering the develop-  
32    ment unaffordable to households with low to moderate levels of income; or

33    (d) The residential development as proposed is inconsistent with the master  
34    plan for the area as it existed on the date the application was determined to be  
35    complete.

36    2. If a governing body denies approval of a residential development  
37    affordable to households with low to moderate levels of income or imposes  
38    restrictions which have a substantial adverse effect on the viability or  
39    affordability of such a residential development and the denial of the develop-  
40    ment or the imposition of restrictions on the development is the subject of a  
41    court action which challenges the denial, the governing body bears the bur-  
42    den of proof to show that its decision is consistent with the findings as  
43    described in subsection 1.

44    3. When a proposed residential development complies with the applicable  
45    master plan and the zoning and development policies in effect at the time that  
46    the application of the residential development is determined to be complete,  
47    the governing body shall not disapprove the residential development or place  
48    a restriction on the residential development that it be developed at a lower

1 density unless it sets forth written findings supported by substantial evidence  
2 that:

3 (a) The residential development would have a specific, adverse impact  
4 upon public health or safety unless the development is disapproved or  
5 approved with the restriction that it be developed at a lower density; and

6 (b) There is no feasible method to mitigate or avoid satisfactorily the  
7 adverse impact identified pursuant to paragraph (a), other than the disap-  
8 proval of the residential development or the approval of the development with  
9 the restriction that it be developed at a lower density.

10 4. Nothing in this section prohibits a governing body from:

11 (a) Requiring the residential development to comply with written stan-  
12 dards, conditions and policies of development appropriate to and consistent  
13 with meeting the objectives of the applicable master plan;

14 (b) Imposing fees and other payments authorized by law which are essen-  
15 tial to provide necessary public services and facilities to the residential  
16 development; or

17 (c) Requiring the residential development to provide adequate assurances  
18 that the residential development will be sold or rented as affordable housing.

19 **Sec. 5. 1.** In any ordinance relating to the zoning of land adopted or  
20 amended by a governing body, the definition of "single-family residence"  
21 must include a manufactured or modular home that has been built in compli-  
22 ance with the standards for single-family residential dwellings of the Uniform  
23 Building Code most recently adopted by the International Conference of  
24 Building Officials.

25 2. Except as otherwise provided in subsection 3, the governing body shall  
26 adopt the same standards for development for the manufactured or modular  
27 home and the lot on which it is placed as those to which a conventional  
28 single-family residential dwelling on the same lot would be subject, including,  
29 but not limited to:

30 (a) Requirements for the setback of buildings.

31 (b) Side and rear yard requirements.

32 (c) Standards for enclosures, access and the parking of vehicles.

33 (d) Aesthetic requirements.

34 (e) Requirements for minimum square footage.

35 3. The governing body may impose additional architectural requirements  
36 on a manufactured or modular home relating to the roof overhang, roofing  
37 material and siding material of the manufactured or modular home that would  
38 not be imposed on a conventional single-family dwelling constructed on the  
39 same lot.

40 4. The governing body may prohibit the installation of a manufactured or  
41 modular home in a specified area if:

42 (a) More than 5 years have elapsed between the date of manufacture of the  
43 manufactured or modular home and the date of the application for the issu-  
44 ance of a permit to install the manufactured or modular home in the affected  
45 area; or

46 (b) The area contains a building, structure or other object having a special  
47 character or special historical interest or value.

1     5. As used in this section. "manufactured home" has the meaning  
2 ascribed to it in NRS 489.113.

3     6. Nothing in this section abrogates a recorded restrictive covenant.

4     Sec. 6. NRS 278.010 is hereby amended to read as follows:

5     278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 to  
6 5, inclusive, of this act, unless the context otherwise requires, the words and  
7 terms defined in NRS 278.011 to 278.0195, inclusive, and section 2 of this  
8 act, have the meanings ascribed to them in those sections.

9     Sec. 7. NRS 278.250 is hereby amended to read as follows:

10    278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, and  
11 sections 2 to 5, inclusive, of this act, the governing body may divide the city,  
12 county or region into zoning districts of such number, shape and area as are  
13 best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive  
14 [.] , and sections 2 to 5, inclusive, of this act. Within the zoning district it  
15 may regulate and restrict the erection, construction, reconstruction, altera-  
16 tion, repair or use of buildings, structures or land.

17    2. The zoning regulations must be adopted in accordance with the master  
18 plan for land use and be designed:

19    (a) To preserve the quality of air and water resources.

20    (b) To promote the conservation of open space and the protection of other  
21 natural and scenic resources from unreasonable impairment.

22    (c) To provide for recreational needs.

23    (d) To protect life and property in areas subject to floods, landslides and  
24 other natural disasters.

25    (e) To conform to the adopted population plan, if required by NRS  
26 278.170.

27    (f) To develop a timely, orderly and efficient arrangement of transportation  
28 and public facilities and services, including facilities and services for  
29 bicycles.

30    (g) To ensure that the development on land is commensurate with the  
31 character and the physical limitations of the land.

32    (h) To take into account the immediate and long-range financial impact of  
33 the application of particular land to particular kinds of development, and the  
34 relative suitability of the land for development.

35    (i) To promote health and the general welfare.

36    (j) To ensure the development of housing for the community, including the  
37 development of affordable housing for persons with low or moderate levels of  
38 income.

39    3. The zoning regulations must be adopted with reasonable consideration,  
40 among other things, to the character of the area and its peculiar suitability for  
41 particular uses, and with a view to conserving the value of buildings and  
42 encouraging the most appropriate use of land throughout the city, county or  
43 region.

44    Sec. 8. Notwithstanding the provisions of subsection 1 of NRS 354.599,  
45 each local government shall pay any additional expenses related to the provi-  
46 sions of this act from existing revenues of that local government.

# DRAFT

-- 1 --

Legal Draft

SUMMARY--Prohibits local government or planning commission from adopting ordinance, resolution, regulation or a regional plan relating to zoning that prohibits or restricts residential developments based on certain characteristics of occupants. (BDR 22-///)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to land use: prohibiting a local government or planning commission from adopting an ordinance, resolution, regulation or regional plan that prohibits or restricts residential developments based on certain characteristics of the occupants; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *1. Except as otherwise provided in subsection 2 and section 3 of this act:*

*(a) A governing body shall not enact or enforce in any manner any ordinance, resolution or regulation that prohibits a residential development or that imposes different requirements on a residential development than the requirements imposed on other developments in the same area because:*

*(1) Of the race, sex, religion, ethnicity, national origin, disability, lawful occupation or age of the intended occupants of the residential development;*

*(2) The residential development is subsidized, financed, insured or otherwise assisted by a local government, the state or Federal Government; or*

*(3) The residential development was intended to provide affordable housing.*

*(b) A planning commission shall not enact in any manner a resolution, develop a comprehensive regional plan or adopt an amendment to a comprehensive plan that prohibits a residential development or that imposes different requirements on a residential development than the requirements imposed on other developments in the same area because:*

*(1) Of the race, sex, religion, ethnicity, national origin, disability, lawful occupation or age of the intended occupants of the residential development;*

*(2) The residential development is subsidized, financed, insured or otherwise assisted by a local government, the state or Federal Government; or*

*(3) The residential development was intended to provide affordable housing.*

*2. Nothing in this section prohibits a governing body or planning commission from extending preferential treatment to a residential development which provides affordable housing. Preferential treatment may include, but is not limited to:*

*(a) A reduction or waiver of fees, exactions or other requirements that would otherwise be imposed on the residential development;*



*(b) Less restrictive requirements relating to the parking of vehicles at or adjacent to the site of the residential development; and*

*(c) Authorizing an increase in the number of dwelling units per acre to a density greater than that prescribed in the otherwise applicable zoning regulations of the governing body, but not greater than the density prescribed in the master plan.*

**Sec. 3. 1.** *A governing body or planning commission shall not disapprove a residential development intended to provide affordable housing or impose restrictions which have a substantial adverse effect on the viability or affordability of such a residential development unless it finds, based upon substantial evidence, that:*

*(a) The residential development as proposed would have a specific adverse impact upon the public health or safety and there is no feasible method to mitigate or avoid satisfactorily the specific adverse impact without rendering the development unaffordable to households with low to moderate levels of income;*

*(b) The disapproval or restriction is required in order to comply with a specific state or federal law and there is no feasible method to comply without rendering the development unaffordable to households with low to moderate levels of income;*

*(c) Approval of the residential development as proposed would increase the concentration of units of affordable housing in a neighborhood that already has a disproportionately high number of units of affordable housing and there is no feasible method of approving the development at a different site without*

**DRAFT**

*rendering the development unaffordable to households with low to moderate levels of income; or*

*(d) The residential development as proposed is inconsistent with the master plan for the area as it existed on the date the publication was determined to be complete.*

*2. If a governing body or planning commission denies approval of a residential development intended to provide affordable housing or imposes restrictions which have a substantial adverse effect on the viability or affordability of such a residential development and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, the governing body or planning commission bears the burden of proof to show that its decision is consistent with the findings as described in subsection 1.*

*3. When a proposed residential development complies with the applicable master plan and the zoning and development policies in effect at the time that the application of the residential development is determined to be complete, the governing body or planning commission shall not disapprove the residential development or place a restriction on the residential development that it be developed at a lower density unless it sets forth written findings supported by substantial evidence that:*

*(a) The residential development would have a specific, adverse impact upon public health or safety unless the development is disapproved or approved with the restriction that it be developed at a lower density; and*

**DRAFT**

*(b) There is no feasible method to mitigate or avoid satisfactorily the adverse impact identified pursuant to paragraph (a), other than the disapproval of the residential development or the approval of the development with the restriction that it be developed at a lower density.*

*4. Nothing in this section prohibits a governing body or planning commission from:*

*(a) Requiring the residential development to comply with written standards, conditions and policies of development appropriate to and consistent with meeting the objectives of the applicable master plan:*

*(b) Imposing fees and other payments authorized by law which are essential to provide necessary public services and facilities to the residential development; or*

*(c) Requiring the residential development to provide adequate assurances that the residential development will be sold or rented as affordable housing.*

**Sec. 4.** NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act* unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

**Sec. 5.** NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act* the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive [...] *and*

**DRAFT**

*sections 2 and 3 of this act.* Within the zoning district it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

- (a) To preserve the quality of air and water resources.
- (b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
- (c) To provide for recreational needs.
- (d) To protect life and property in areas subject to floods, landslides and other natural disasters.
- (e) To conform to the adopted population plan, if required by NRS 278.170.
- (f) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including facilities and services for bicycles.
- (g) To ensure that the development on land is commensurate with the character and the physical limitations of the land.
- (h) To take into account the immediate and long- range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.
- (i) To promote health and the general welfare.
- (j) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

Sec. 6. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.

**DRAFT**

# FAX TRANSMISSION

CLARK COUNTY  
500 Grand Central Pkwy, 6th Floor  
Las Vegas, Nevada 89155-1712  
(702) 455-3530  
Fax (702) 455-3558

To: Dana Bennett Date: April 2, 1996  
Fax #: (702) 6873048 Pages: 3, including this cover sheet.  
From: Kathy McClain  
Subject: ACR 38 & AB444

## COMMENTS:

Dana,

Here is the letter from Doug Bell expressing the concerns of the Community Resources Department regarding the 110% income definitions for affordable housing. Also, included is the suggested revised language provided by the Comprehensive Planning Department at the last committee hearing.

Please include these in any official documents relating to this committee. If you have any questions please call me.

Thanks

# MEMORANDUM

## DEPARTMENT OF FINANCE

### Community Resources Management

RANDALL H. WALKER  
Director

DOUGLAS R. BELL  
Community Resources Manager

TO: KATHY MCCLAIN, MANAGEMENT ANALYST, ADMINISTRATIVE SERVICES

FROM: DOUGLAS R. BELL, MANAGER, COMMUNITY RESOURCES MANAGEMENT *DRB*

SUBJECT: AB 444

DATE: MARCH 15, 1996

As a follow-up to the March 5 hearing of the ACR Legislative Committee on Housing Programs, I would like to restate my concern with the bill's current definition of affordable housing. The first reprint of AB 444 (see attached) defines "low or moderate levels of income" as a total gross income less than 110% of the median income for the county concerned. This is a significant departure from the majority of affordable housing programs which are targeted for households with incomes at or below 80% of area median income. The table below attempts to explain the impact of this higher income level definition. By raising the income threshold to 110% of median income, AB 444 would permit \$125,000 homes to be defined as affordable housing (using the standard rule of thumb that persons can qualify for a home mortgage that is no more than 2.5 times the household income).

1996 Clark County Median Household Income	80 % Income Limit (4 Person Household)	110% Income Limit (4 Person Household)
\$45,500	\$37,750	\$50,050

If the ACR 38 Committee proceeds to re-introduce AB 444 despite the objections of several local governments, including Clark County, then the following revisions are suggested:

1. Revise the income definitions so that owner-occupied units are affordable to households at 80% or below of median income and renter-occupied units are affordable to households at 60% or below of median income (consistent with the federal HOME program).
2. Include a section that places the burden on the applicant to prove that the units are affordable to the local jurisdiction. AB 444 should not be used as a vehicle for non-affordable housing developers to blackmail local governments by claiming that they are building affordable housing. There needs to be documentation that the units are, in fact, affordable to low-income households. This could include proof that the units are receiving federal or state housing subsidies or else that the developer is using deed restrictions to keep the units affordable.

I hope these comments are helpful. If you have any questions, please contact me or Candace Stowell at 455-5025.

CC: Commissioner Yvonne Atkinson Gates  
Clark County Affordable Housing Committee  
Jeff Harris, Comprehensive Planning

Attachment  
DRB:chs

Following are some specific comments regarding AB 444:

- In Section 2, we recommend that the Committee change the definition of "low or moderate level of income" to mean a household income less than 80 percent of area median income. This is consistent with the accepted HUD definition of low-income households.
- In Section 4 (line 13), we would like to suggest replacement language for subsections 1-3 (lines 13 to 48 on page 2, and lines 1 to 9 on page 3) that are consistent with the desire of the Clark County Board of County Commissioners to retain autonomy over local planning and zoning decisions while at the same time promoting the development of more affordable housing in the community.

**Replacement Language**

*Section 4. 1. A governing body should encourage a diversity of housing, including affordable housing, in the community.*

*2. A governing body shall adopt specific implementation measures to encourage affordable housing as part of the Housing Element of the Master Plan, including, but not limited to:*

- a) residential density bonuses;*
- b) land donations;*
- c) development fee waivers; and*
- d) expedited development review procedures*

*3. NRS 375.070 is hereby amended to permit local governments to use their allocation of property transfer tax revenues for financial incentives for for-profit and non-profit affordable housing developers, including, but not limited to, development fee rebates, affordable housing trust funds, downpayment assistance, predevelopment expenses, and land acquisition.*





April 11, 1996

Assemblywoman Barbara Buckley, Chairperson  
ACR 38 Committee  
Legislative Building  
Capitol Complex  
Carson City, Nevada 89710  
Attn: Dana Bennett, Research Division

Dear Ms. Buckley:

We have reviewed a copy of the revised draft of AB444 and offer the following comments:

Of major concern is that Section 3 puts an onerous burden on local governments. Governing bodies and planning commissions would be required to approve projects unless certain specific findings are met.

This is contrary to the way all other development proposals are decided--each proposal is approved or denied based on its merits and conformance with local standards. Affordable housing projects can and should stand on their own merits and meet locally adopted regulations, rather than standards decided at the state level. AB444 would, in effect, transfer authority for a local decision to the state.

Also of concern is that Section 2 appears to duplicate already existing state and federal protections based on race, sex, religion, ethnicity, national origin, disability, occupation, and age. It appears that this section is unnecessary.

In conclusion, we urge you to delete Section 3 before forwarding this legislation to the 1997 legislative session.

Sincerely,

For Mary Kay Peck, AICP  
Planning Director

MKP/mr

cc: Phil Speight, City Manager  
Kurt Fritsch, Assistant City Manager  
Skeet Fitzgerald, Housing Development Manager

EXCERPTS FROM THE MINUTES FOR DECEMBER 12, 1995, CONCERNING  
ASSEMBLY BILL 444 AND RELATED RECOMMENDATIONS

The committee then discussed the following items contained in Exhibit B-1.

**Item 1**

1. **Suggestion:** Provide some sort of anti-regulatory barrier, or "backbone," for city councils and county commissions to approve affordable housing projects that have been recommended by their staffs and planning commissions but are objected to by the audience.

***Actions in other states:*** In 1991, California prohibited a city from disapproving an affordable, low- or moderate-income housing project, and from conditioning approval of such a project in a manner that makes the project impossible to complete, unless specified criteria are met.

**Possible action:**

- [a] Review Assembly Bill 444 for re-introduction.*
- [b] The committee may consider California's approach or provide other suggestions for legislation.*
- [c] The committee may send a letter to city councils and county commissions, urging them to approve such projects.*
- [d] The committee may request the drafting of a resolution to city councils and county commissions in which the Legislature urges such approval.*

**Research revealed:** Copies of both versions of A.B. 444 are attached (Exhibit F). During the Assembly committee hearings on the bill, concerns were expressed about affordable housing lowering property values, the bill's removal of local government discretion, and restricting people from petitioning their governments. Section 4 (of the original bill) was of particular concern to members of the Assembly Committee on Government Affairs.

Committee discussion on Item 1 included the following topics:

- Assembly Bill 444 from the 1995 Legislative Session which prohibits local government from adopting an ordinance relating to zoning that prohibits or restricts residential developments based on certain characteristics of occupants (BDR 22-1324), and the First Reprint of A.B. 444 are being reviewed to determine if the committee should re-introduce them at the next legislative session or whether they should be modified.
- The first reprint changes the definition of low or moderate levels of income to 100 percent of median gross income whereas the first version is at 150 percent of median income.

Ms. Peterson requested staff to research how other states have overcome the "Not In My Backyard" (NIMBY) issue.

Mr. Horn suggested planning commissions and the elected officials of local governments be included in the legislation that this committee recommends.

Chairwoman Buckley noted Mr. Horn's suggestion would be included under section 3, line h. of Exhibit B-1 in addition to a governing body. This definition should be included throughout the bill. She requested staff present this topic to the committee at its next meeting for further review.

Senator Rhoads suggested that county commissioners and city council members be invited to express their concerns about A.B. 444 during the committee's next meeting.

The Chairwoman agreed with Senator Rhoads' suggestion and said, if appropriate, the committee can then recommend that a letter and resolution be prepared for the 1997 Legislative Session.

Mr. Williams stated the entire concept is one the committee should adopt and every member of the committee, staff, and public can submit additional suggestions for the final draft.

The Chairwoman clarified, for the record, that only the legislative members could vote on issues presented to the committee.

**ASSEMBLYMAN WILLIAMS MOVED TO RESUBMIT ASSEMBLY BILL 444 FROM THIS COMMITTEE TO THE LEGAL DIVISION FOR REDRAFTING. THE NEW DRAFT WILL BE RETURNED TO THE COMMITTEE FOR REVIEW. THE MOTION WAS SECONDED BY SENATOR RHOADS AND CARRIED UNANIMOUSLY.**

The Chairwoman noted Ms. Morgan was correct that the committee adopted the first reprint of Assembly Bill 444 with the planning commission addition and the BDR would be reviewed during the next meeting of this committee for further refinements if necessary.

## **Item 2**

2. **Suggestion:** If the proposed development follows a master plan, notice requirements and public hearings do not need to be as inclusive and broad as if someone proposes to change the plan. Amend the statutes to provide that if a proposal does not comply with the adopted master plan, then specified notices and hearings are required. Also provide an abbreviated notice and hearing process for a proposal that does comply with the master plan.

**Research revealed:** *There are numerous requirements for notices and hearings in state statutes and local ordinances. Certain actions that require, by statute, various levels of notice or hearing include agreements with local governing bodies concerning the development of land; regional planning; adoption and amendment of master plans; the determination, amendment and enforcement of zoning districts, regulations, and restrictions; zoning adjustments; the granting of variances and special use permits; and the preparation of subdivision maps. More research will need to be conducted under this topic, if the committee chooses to proceed with all or part of this suggestion and defines the specific actions that would require less or more hearings and notices.*

**Possible action:** *This suggestion specifically requested the drafting of a related bill.*

Ms. Bennett explained the number of statutes and local ordinances that could be affected by this suggestion are numerous. The index of the *Nevada Revised Statutes* shows that there are many places where various notices and hearings are required.

Committee discussion of Item 2 included the following:

- Mr. Williams remarked he would like to eliminate any unnecessary burdens for developers, builders, and local governments, but does not want to surpass something that protects people to take such action.
- The Chairwoman stated the committee wants to be careful not to deny the public the right to comment.

A brief discussion ensued between the Chairwoman and Mr. Horn regarding the requirements of a developer who applies for approval for a final map, special use of property that requires a public hearing, and a zone change.

Mr. Horn offered the following comments:

- Homeowners exhibit the most interest in the notice and hearing process for proposed developments.
- The people who need homes are not represented in the process.
- The notice provision has an effect on the approval of a development. As the number of homeowners who are aware of and participate in a hearing increases, there is a greater chance that the project will be objected to or denied.

Other comments by the committee members included:

- Senator Neal stated Item 2 states if the proposal for the development meets the requirement of the master plan, no notice should be required.
- Mr. Nielson noted the public needs a chance to comment but if a developer complies with all the requirements of the master plan, it is questionable if the public needs a second and third notice.

The Chairwoman asked staff to provide the committee with the following information:

- The type of notice and hearings currently required for master plan and zoning changes in a community.

- Suggestions for protecting the public's right to be notified of hearings while reducing the number of notices required.

### Item 3

3. **Suggestion:** Every housing project in Sparks, if it has more than six units, must have a special use permit, even if it is located in the right zone. Address this issue legislatively.

**Research revealed:** The ordinances referred to in Sparks are: 1) 20.74.020, "Permitted Uses," which requires a special use permit for multiple-family residential development on land classified R2; 2) 20.76.202, "Permitted Uses," which requires a special use permit for multiple-family residential developments over six dwelling units and boarding or rooming houses on land classified as R3; and 3) 20.77.020, "Permitted Uses," which requires a special use permit for boarding or rooming houses, multiple family residential developments of over six dwelling units, and single-family dwellings of a permanent nature on land classified as R4.

#### **Possible action:**

- [a]** This suggestion specifically requested the drafting of a related bill; therefore, the committee may request the drafting of a bill to ban such ordinances.
- [b]** Or, the committee may send a letter to city councils and county commissions, requesting that they review their ordinances for similar provisions and repeal or modify them.

**Actions in other states:** California has initiated stricter enforcement of a law that directs cities to analyze the impact of their regulations on the availability of affordable housing. Illinois created a citizen advisory council, called the Regulatory Barriers Committee, which is charged with evaluating the effects of local zoning regulations and building codes on affordable housing and exploring tactics for removing barriers to the creation of affordable housing.

Ms. Bennett explained the ordinances were relatively old and may be under some review at the current time. The committee could inquire of local governments if they have some ordinances that need review and maybe the local government would consider changing or repealing them.

Responding to Chairwoman Buckley, Barbara Powell, Planning Manager, City of Sparks, Nevada stated the City of Sparks is reviewing this regulation and noted that, if the design standards are in place, the special use permit is not necessary.

MR. WILLIAMS MOVED THAT THE COMMITTEE SEND A VERY DIPLOMATIC LETTER TO THE CITY OF SPARKS STATING THAT THE COMMITTEE SUPPORTS AND ENCOURAGES ITS EFFORTS TO REPEAL, AMEND OR ADD TO THESE ORDINANCES. MOTION SECONDED BY SENATOR NEAL AND PASSED UNANIMOUSLY.

**COMMENTS BY LOCAL GOVERNMENT REPRESENTATIVES ABOUT  
ASSEMBLY BILL 444 (FIRST REPRINT) OF  
THE 1995 LEGISLATIVE SESSION**

The Chairwoman explained that the committee heard testimony at previous meetings from community advocates, local developers, and nonprofit organizations about the problems encountered in getting quality affordable housing projects approved at the zoning level. The committee approved a tentative draft of Assembly Bill 444 (Exhibit B) and voted to recommend its submission to the 1997 Session of the Nevada Legislature. To more fully understand this bill, local governments were requested to provide relevant testimony to the committee.

Steve Baxter, Planning and Zoning Division, City of North Las Vegas, Nevada, stated that aside from the concerns listed in Exhibit C, the City of North Las Vegas supports A.B. 444. Mr. Baxter discussed:

- The language and intent of Section 3.1(c).
- The language of Section 3, subsection 2, which puts the burden of proof on the city rather than on the plaintiff. He noted that, normally, the burden of proof in zoning actions is put on the plaintiff and suggested this subsection be rewritten or eliminated.
- The preference of the City of North Las Vegas is to retain its discretionary powers to have affordable housing in regard to land use and zoning. He also noted that the City of North Las Vegas will include housing affordability in its updated master plan.

Mr. Nielsen (previously identified on page 1 of these minutes) stated that if an affordable housing property complies with the applicable master plan and zoning development, he did not understand why such a development would not be supported.

**Stephanie Tyler**

Stephanie Tyler, representing the City of Sparks, Nevada, suggested as an alternative to A.B. 444 that state law prohibit special use permits for affordable housing. Each project that meets the master plan and zoning requirements would not be forced to proceed through the special use permit process which is designed to view a project differently. Public input would be allowed, but not necessarily on a specific project.



Kathryn Adele McClain

Kathryn Adele McClain, Management Analyst, Administrative Services, Clark County (Nevada) Manager's Office, explained that the Nevada Association of Counties (NACO) requested her office to comment on the First Reprint of Assembly Bill 444. Her written testimony is Exhibit D. Ms. McClain noted that:

- It is the position of Clark County that the best way to mitigate the "Not in My Backyard Syndrome" (NIMBY) is at the local level.
- The A.C.R. 38 Committee should instigate a research effort to identify the causes of NIMBY and recommend specific mitigation measures.
- The definition of "low or moderate level of income" (Section 2 of A.B. 444) should be changed to mean a household income that is less than 80 percent of the area median income.
- The language in Section 4, subsections 1 through 3 (lines 13 to 48 on page 2, and lines 1 to 9 on page 3) should be consistent with the desire of the Clark County Board of County Commissioners to retain autonomy over local planning and zoning decisions while at the same time promoting the development of more affordable housing. Replacement language is on page 2 of Exhibit C.

Mr. Nielsen stated that, when interviewing county commission candidates individually, they express their support of affordable housing. He commented that when these members are sitting as a government entity and have many people in the audience discussing the lowering of property values and other arguments, they have a tendency to weaken.

Mr. Horn's remarks covered the following issues:

- Builders do not need incentives to build affordable housing; they need permission.
- Home owners usually make up the majority of an audience at a public hearing concerning affordable housing. Their interests are directly adverse to the production of such developments and their objective is to increase property values.
- Local governments cannot withstand the political pressures that occur in public hearings against affordable housing. This legislation would give them the necessary backing to support these projects.

Responding to Mr. Phillips, Douglas Bell, Community Resources Manager, Las Vegas, Nevada, stated that the Clark County District Attorney's Office has determined that under *Nevada Revised Statutes* (NRS) 244.1505, "Expenditure of public money; grant of public money to private nonprofit organization," counties are only allowed to make grants to nonprofit agencies. Mr. Bell said his office is looking for expanded language that would

also allow counties to make grants to for-profit agencies which would include the whole host of federal funding sources (i.e., CDBG Program, HOME Program, and state Low-Income Housing Trust Fund).

Marvin Leavitt

Marvin Leavitt, representing the City of Las Vegas expressed concern that this legislation puts more restrictions on a local elected governing board to make certain decisions. Local governments should be allowed some flexibility in dealing with the individual situation that arises.

Pat Coward

Pat Coward, representing the City of Las Vegas, asked the committee to seriously consider the issue of public input in the local government decision making process.

Barbara McKenzie

Barbara McKenzie, representing the City of Reno, stated her organization will take a position on the committee's Bill Draft Requests (BDRs) after the 1996 General Election. She reviewed a few concerns regarding A.B. 444 (which are listed in detail in Exhibit E).

- The way the bill is drafted would promote more litigation.
- The language of Section 3, subsection 2, puts the burden of proof on the city rather than on the plaintiff.
- If this bill is passed, the city is concerned that it cannot require air conditioners for senior citizen affordable housing.

Tom Grady

Tom Grady, Executive Director, Nevada League of Cities, noted this legislation will affect 17 counties and 18 cities. In the rural areas, Lovelock and Mesquite (Nevada) cannot find anyone to finance the affordable housing developments they need.

Mr. Horsey commented that the Housing Division is providing a list of lenders to officials in Lovelock that would be willing to originate loans in that area.

Warren Hardy

Warren Hardy, representing the City of Mesquite, stated he is concerned with the burden of proof issue and that the master plans of the community remain intact.

### Marv Teixeira

Marv Teixeira, Mayor of Carson City, stated that Carson City supports Clark County's position. He testified that Carson City approved a 90-unit affordable housing project with rental fees that are comparable to others in Carson City. The only advantage to renting from this project is it does not require a first and last month rental deposit. For that affordable housing project, the City of Carson lost \$40,000 in ad valorem tax revenue. Not all lenders in the United States Department of Housing and Urban Development (HUD) marketplace or low-income housing are benefactors to all communities.

### Kathleen Jensen

Kathleen Jensen, Member of the Lyon County Board of Commissioners, addressed the financial impact of A.B. 444:

- Lyon County, Nevada, has five subsidized housing projects that are not tax exempt.
- Three more tax-exempt projects will be built in the county. This creates a problem and the committee should consider exempting the rural counties from giving these projects tax-exempt status.

### Nancy Dallas

Nancy Dallas, Chairman of the Lyon County Board of Commissioners, said housing should be treated equally and local officials should be responsible for making relevant decisions. She said the statement made earlier by Mr. Nielsen that local officials cannot handle the political pressure of such decisions is offensive to her as an elected official. She expressed concern about the tax exempt status of federally funded affordable housing. Her written testimony (Exhibit F) covers the following topics:

- Economic burdens have been put on Lyon County by what it considers to be inequities caused by current state law that provides for affordable housing.
- Lyon County has an almost equal number of personal property and real property dwellings (4,608 manufactured versus 5,075 stick-built). Real property residents carry 90 percent of the financial burden of financing the impacts caused by residential growth.
- Lyon County is of the opinion that personal property (manufactured home) owners should pay equally for services rendered.

Chairwoman Buckley requested representatives of the local governments to submit concerns and specific suggestions for changes to solve the problems related to A.B. 444 as soon as possible for consideration at the next hearing.

The Chairwoman directed staff to compile for the committee some possible amendments to A.B. 444 for consideration at the next hearing.

**Legislative Commission's Committee to Study Housing Programs in Nevada  
(A.C.R. 38)**

**WORK SESSION DOCUMENT  
Final Action Items**

June 4, 1996

*This document contains those items that did not receive final action at the committee's meeting on April 9, 1996, and reorganizes the recommendations to place similar topics together. (Earlier work session documents for this committee listed the suggestions in the chronological order within which they were made.) The final section of this document contains recommendations for which bill drafts were requested by a formal vote of the committee. The drafted measures resulting from those recommendations are attached for review and approval.*

*Each item in this document may be an action item for discussion, refinement, and vote.*

**I. RECOMMENDATIONS RELATING TO  
LOCAL GOVERNMENT INVOLVEMENT IN AFFORDABLE HOUSING**

- 1. Request a bill to prohibit local governments from adopting an ordinance that prohibits or restricts residential developments based on certain characteristics of the occupants.**

*The committee voted to resubmit the first reprint of Assembly Bill 444 of the 1995 Session for drafting with the expectation that additional discussion about, and refinement of, the bill's provisions would ensue. The committee also requested the inclusion of planning commissions in this redraft. See Attachment A (which is page 6 of Exhibit B).*

*The following amendments to the draft have been recommended:*

- a. *Add a requirement that a local governing body must zone its available land to allow for all types of housing. Prohibit the body from zoning all of its land for only one or two types of residential use.*
- b. *Add a definition of "affordable housing" that means owner-occupied housing that is affordable for a household with a total gross income less than 80 percent of the county's median gross income and renter-occupied housing that is affordable for a household with a total gross income less than 60 percent of the county's median gross income.*

Currently, the definition in Nevada Revised Statutes (NRS) 278.0105, which applies to this bill draft request (BDR), indicates 110 percent.

- c. *Include a section that places the burden on the applicant to prove that the units are affordable for the local jurisdiction. Such proof could include documentation that the units are receiving federal or state housing subsidies or that the developer is using deed restrictions to keep the units affordable.*
- d. *Eliminate paragraph (c) of subsection 1 of Section 3 (at the bottom of page 3).*
- e. *Eliminate subsection 2 of Section 3 (middle of page 4).*
- f. *Exempt rural areas from this BDR.*
- g. *Replace subsections 1 through 3 of Section 3 with the following language:*

*Sec. 3. 1. A governing body should encourage a diversity of housing, including affordable housing in the community.*

*2. A governing body shall adopt specific implementation measures to encourage affordable housing as part of the Housing Element of the Master Plan, including, but not limited to:*

*(a) Residential density bonuses;*

*(b) Land donations;*

*(c) Development fee waivers; and*

*(d) Expedited development review procedures.*

*3. NRS 375.070 is hereby amended to permit local governments to use their allocation of property transfer tax revenues for financial incentives for for-profit and nonprofit affordable housing developers, including, but not limited to, development fee rebates, affordable housing trust funds, down payment assistance, predevelopment expenses, and land acquisition.*

Mr. Horn stated this bill requests local governments to include affordability in the items they consider in the approval of the projects.

Chairwoman Buckley noted:

- There is not enough affordable housing for low-income families and senior citizens.
- This bill would prohibit local governments from discriminating against a proposed affordable housing project that meets the criteria of the master plan.
- She would work with the government agencies to keep their discretion, but wants to stop some of the arbitrary discrimination.

Senator Mathews expressed concern regarding the affordable housing problem that the rural areas in Nevada are experiencing.

It was Mr. Nielsen's opinion that the rural areas have the ability to protect themselves because they may turn down a project.

ASSEMBLYWOMAN TRIPPLE MOVED THAT ASSEMBLY BILL 444 BE INCLUDED IN THE COMMITTEE'S FINAL REPORT WITHOUT A RECOMMENDATION. MOTION SECONDED BY ASSEMBLYWOMAN BUCKLEY AND PASSED UNANIMOUSLY.

2. ***Request a bill to require that a proposed housing development be allowed to apply for building permits after the staff review process, if the development is in the proper zone and complies with the local government's approved master plan, including the community's design standards. A related BDR may require local governments to establish and publish minimum design standards that must be met by proposed building projects of any kind.***
3. ***Request a bill to prohibit a local requirement that an affordable housing development obtain a special use permit. This suggestion is similar to Recommendation No. 2 and was offered as an alternative to Recommendation No. 1.***

It was Mr. Regan's opinion that this request infringes on current county regulations. He stated that issuing permits after the staff review process may conflict with existing county laws.

Ms. Bennett explained this recommendation was proposed to provide that if a project meets the zoning requirements, it should go directly to the building rather than the special use permit process.

Mr. Nielsen urged the committee to adopt this recommendation and noted this procedure would only be available to projects that already meet all of the requirements that a county or city establish for a particular piece of property in a specific zone.

Pam Barrett, representing the City of Reno, Nevada, stated the City of Reno currently does not have a position on this issue.

Stephanie Tyler, representing the City of Sparks, Nevada, commented that Sparks is reviewing its special use permit process. The city will be eliminating the special use permit process in various areas which include affordable housing.

SENATOR RHOADS MOVED TO REJECT RECOMMENDATION  
NOS. 2 AND 3 ON THE WORK SESSION DOCUMENT.

THE MOTION DIED FOR LACK OF A SECOND.

The committee agreed to include Recommendation Nos. 2 and 3 (that might be used as alternatives to Assembly Bill 444) in the final report that will be presented to the 1997 Legislature for further consideration.




## APPENDIX J

Report entitled, "Account for Low-Income Housing  
Activity Report Summary, dated April 18, 1996,  
provided by Charles L. Horsey, III, Administrator,  
Housing Division, Department of Business and Industry



State of Nevada  
DEPARTMENT OF BUSINESS AND INDUSTRY  
Housing Division  
1802 North Carson Street, Suite 154  
Carson City NV 89710  
(702) 687-4258/(800) 227-4960  
Fax (702) 687-4040/687-6947

M E M O R A N D U M

DATE: April 18, 1996  
TO: Dana R. Bennett, Principal Research Analyst  
FROM: Charles L. Horsey, III, Administrator   
RE: ACR 38

\* \* \* \* \*

As promised, I have enclosed herewith the most recent report regarding funding from the Account For Low Income Housing. This information was requested at our last meeting.

NEVADA HOUSING DIVISION  
ACCOUNT FOR LOW-INCOME HOUSING ACTIVITY REPORT SUMMARY  
(Report Date: 04/18/96)

Fiscal Year 1993 Welfare Set-Aside

Area/Jurisdiction	Funds Allocated	Funds Committed	Remaining	%
NV Welfare Dept.	61,537.74	61,537.74	0.00	100.0
	-----	-----	-----	
FY1993 Totals -->	61,537.74	61,537.74	0.00	
	=====	=====	=====	

NEVADA HOUSING DIVISION  
ACCOUNT FOR LOW-INCOME HOUSING ACTIVITY REPORT SUMMARY  
(Report Date: 04/18/96)

Fiscal Year 1995 Projects

Area/Jurisdiction	Funds Allocated	Funds Committed	Remaining	%
City of Henderson	184,834.00	184,834.00	0.00	100.0
Clark County	1,565,910.00	1,562,045.42	3,864.58	99.8
Nevada Housing Division	302,907.00	164,389.00	138,518.00	54.3
Rural Area	445,728.00	182,434.42	263,293.58	40.9
Washoe County	529,694.00	529,694.00	0.00	100.0
FY1995 Totals -->	3,029,073.00	2,623,396.84	405,676.16	
	=====	=====	=====	

Fiscal Year 1995 Welfare Set-Aside

Area/Jurisdiction	Funds Allocated	Funds Committed	Remaining	%
Carson City	23,814.00	23,814.00	0.00	100.0
Churchill County	10,877.05	10,877.05	0.00	100.0
City of Henderson	36,242.00	0.00	36,242.00	0.0
Clark County	307,041.00	307,041.00	0.00	100.0
Douglas County	16,652.00	16,652.00	0.00	100.0
Elko County	21,419.00	21,419.00	0.00	100.0
Lander County	2,975.00	2,975.00	0.00	100.0
Nye County	11,260.00	11,260.00	0.00	100.0
Washoe County	103,862.00	103,000.00	862.00	99.2
FY1995 Totals -->	534,142.05	497,038.05	37,104.00	
	=====	=====	=====	

NEVADA HOUSING DIVISION  
ACCOUNT FOR LOW-INCOME HOUSING ACTIVITY REPORT SUMMARY  
(Report Date: 04/18/96)

Fiscal Year 1996 Projects

Area/Jurisdiction	Funds Allocated	Funds Committed	Remaining	%
City of Henderson	81,349.00	81,349.00	0.00	100.0
Clark County	665,699.00	56,616.00	609,083.00	8.5
Nevada Housing Division	127,590.00	0.00	127,590.00	0.0
Rural Area	183,971.00	0.00	183,971.00	0.0
Washoe County	217,292.00	217,292.00	0.00	100.0
	-----	-----	-----	
FY1996 Totals -->	1,275,901.00	355,257.00	920,644.00	
	=====	=====	=====	

Fiscal Year 1996 Welfare Set-Aside

Area/Jurisdiction	Funds Allocated	Funds Committed	Remaining	%
Carson City	8,800.00	0.00	8,800.00	0.0
Churchill County	4,020.00	0.00	4,020.00	0.0
City of Henderson	15,951.00	0.00	15,951.00	0.0
Clark County	130,529.00	130,529.00	0.00	100.0
Douglas County	6,154.00	0.00	6,154.00	0.0
Elko County	7,897.00	0.00	7,897.00	0.0
Lander County	1,100.00	1,100.00	0.00	100.0
Lyon County	4,340.00	4,340.00	0.00	100.0
Nye County	4,161.00	4,161.00	0.00	100.0
Washoe County	42,606.00	0.00	42,606.00	0.0
	-----	-----	-----	
FY1996 Totals -->	225,558.00	140,130.00	85,428.00	
	=====	=====	=====	

NEVADA HOUSING DIVISION  
ACCOUNT FOR LOW-INCOME HOUSING ACTIVITY REPORT DETAIL

Area/Jurisdiction	Project Funds Committed	Total Project Drawdown	Dollars Remaining in Project	Type of Project	# of Units	# of Fam Asst'd
Fiscal Year 1993						
NV Welfare Dept.	61,537.74	61,537.74	0.00	Welfare	-----	225
Total FY1993 ->					0	225
Fiscal Year 1995						
Carson City	102,500.00	0.00	102,500.00	New Constr	24	
Carson City	23,814.00	13,613.96	10,200.04	Welfare		26
Churchill County	10,877.05	4,517.31	6,359.74	Welfare		44
City of Henderson	184,834.00	184,834.00	0.00	New Constr	6	
Clark County	150,000.00	150,000.00	0.00	New Constr	60	
Clark County	62,512.00	62,512.00	0.00	New Constr	24	
Clark County	428,994.00	0.00	428,994.00	Acq only	100	
Clark County	42,490.50	42,490.50	0.00	Acq only	1	
Clark County	14,440.15	14,440.15	0.00	Mod Rehab		
Clark County	20,270.00	20,270.00	0.00	Mod Rehab	1	
Clark County	8,749.22	8,749.22	0.00	Mod Rehab	1	
Clark County	4,700.00	4,689.60	10.40	Mod Rehab	1	
Clark County	11,400.00	11,400.00	0.00	Mod Rehab	1	
Clark County	19,027.00	14,372.00	4,655.00	Mod Rehab	1	
Clark County	12,400.00	6,040.00	6,360.00	Mod Rehab	1	
Clark County	100,000.00	0.00	100,000.00	Acq only	75	
Clark County	2,300.00	295.00	2,005.00	Mod Rehab	1	
Clark County	30,000.00	30,000.00	0.00	Acq only	1	
Clark County	15,000.00	4,425.00	10,575.00	New Constr		
Clark County	24,800.00	24,288.58	511.42	Mod Rehab	1	
Clark County	21,036.55	21,036.55	0.00	Mod Rehab	1	
Clark County	10,696.00	10,175.00	521.00	Mod Rehab	1	
Clark County	0.00	0.00	0.00	Mod Rehab		
Clark County	5,300.00	4,706.01	593.99	Mod Rehab	1	
Clark County	53,500.00	53,500.00	0.00	Mod Rehab	1	
Clark County	310,000.00	310,000.00	0.00	Mod Rehab	58	
Clark County	89,000.00	84,527.65	4,472.35	Mod Rehab	1	
Clark County	62,839.00	52,149.52	10,689.48	Mod Rehab	1	
Clark County	62,591.00	59,206.50	3,384.50	Mod Rehab	1	
Clark County	307,041.00	307,041.00	0.00	Welfare		1,074
Clark County-NHD	63,000.00	60,617.55	2,382.45	Acq only	1	
Douglas County	16,652.00	2,365.00	14,287.00	Welfare		8
Elko County	9,008.00	9,008.00	0.00	Mod Rehab	1	
Elko County	435.00	435.00	0.00	Mod Rehab	1	
Elko County	950.00	950.00	0.00	Mod Rehab	1	
Elko County	6,781.50	6,781.50	0.00	Mod Rehab	1	
Elko County	4,175.00	4,175.00	0.00	Mod Rehab	1	
Elko County	21,419.00	21,003.12	415.88	Welfare		30
Lander County	2,975.00	2,975.00	0.00	Welfare		14
Mineral County	3,234.38	3,234.38	0.00	Mod Rehab	1	
Mineral County	1,754.00	1,754.00	0.00	Mod Rehab	1	
Mineral County	1,542.00	1,542.00	0.00	Mod Rehab	1	

NEVADA HOUSING DIVISION  
ACCOUNT FOR LOW-INCOME HOUSING ACTIVITY REPORT DETAIL

Area/Jurisdiction	Project Funds Committed	Total Project Drawdown	Dollars Remaining in Project	Type of Project	# of Units	# of Fam Asst'd
Mineral County	3,125.00	3,125.00	0.00	Mod Rehab	1	
Mineral County	2,900.00	2,900.00	0.00	Mod Rehab	1	
Nye County	2,700.00	2,700.00	0.00	Mod Rehab	1	
Nye County	4,130.00	4,130.00	0.00	Mod Rehab	1	
Nye County	5,680.00	5,680.00	0.00	Mod Rehab	1	
Nye County	11,260.00	11,260.00	0.00	Welfare		36
Washoe County	100,000.00	100,000.00	0.00	Acq only	14	
Washoe County	162,893.00	162,893.00	0.00	New Constr	7	
Washoe County	25,107.00	24,855.93	251.07	New Constr	21	
Washoe County	91,694.00	0.00	91,694.00	New Constr	7	
Washoe County	150,000.00	0.00	150,000.00	New Constr	14	
Washoe County	103,000.00	15,000.00	88,000.00	Welfare		
Washoe County-NHD	58,306.00	0.00	58,306.00	New Constr		
Washoe County-NHD	43,083.00	43,082.00	1.00	Mod Rehab	5	
White Pine County	2,300.00	2,300.00	0.00	Mod Rehab	1	
White Pine County	3,560.00	3,560.00	0.00	Mod Rehab	1	
White Pine County	7,350.00	7,350.00	0.00	Mod Rehab	1	
White Pine County	5,710.00	5,710.00	0.00	Mod Rehab	1	
White Pine County	4,015.00	4,015.00	0.00	Mod Rehab	1	
White Pine County	3,850.00	3,850.00	0.00	Mod Rehab	1	
White Pine County	2,734.54	2,734.54	0.00	Mod Rehab	1	
White Pine County	4,000.00	4,000.00	0.00	Mod Rehab	1	
Total FY1995 ->					454	1,232

Fiscal Year 1996

City of Henderson	81,349.00	81,349.00	0.00	New Constr		
Clark County	11,424.00	469.00	10,955.00	Rent As't	1	57
Clark County	9,744.00	406.00	9,338.00	Rent As't	1	
Clark County	8,856.00	369.00	8,487.00	Rent As't	1	
Clark County	13,008.00	0.00	13,008.00	Rent As't	1	
Clark County	13,584.00	0.00	13,584.00	Rent As't	1	
Clark County	130,529.00	130,529.00	0.00	Welfare		761
Lander County	1,100.00	1,100.00	0.00	Welfare		
Lyon County	4,340.00	4,273.19	66.81	Welfare		3
Nye County	4,161.00	2,868.48	1,292.52	Welfare		
Washoe County	217,292.00	0.00	217,292.00	New Constr		
Total FY1996 ->					5	821



## APPENDIX K

A memorandum, from Ad Hoc State Housing  
Programs Consolidation Committee, to members  
of the Committee to Study Housing Programs  
(A.C.R. 38) dated May 31, 1996



# Memorandum

**To:** ACR-38 Committee members

**From:** ad hoc state housing programs consolidation committee

**Date:** May 31, 1996

**Re:** Recommend move weatherization program to the Housing Division; plan for block grant "commission"; and increase working relationships between programs.

## I. Introduction

During the most recent ACR-38 committee hearing, committee members suggested that interested persons meet with Chas Horsey of the Housing Division and personnel from other state housing related programs to determine the feasibility and the appropriateness of combining various state housing related programs. Under scrutiny were the Community Development Block Grant program, three housing division programs, the U S Department of Energy's weatherization program and the state's federally funded Energy office activities.

Several meetings were held. Though personnel from the weatherization program and the Energy office were aware of the meetings, they did not attend. The CDBG and Housing programs personnel attended, primarily Audrey Allen and Chas Horsey respectively. In addition, ACR-38 Committee member, Cloyd Phillips attended all meetings while ACR-38 committee member Bob Nielsen attended one meeting. In addition Mike McMahan , Ann Harrington, both members of the Housing Division's Advisory Committee, and Ernest Nielsen attended the meetings.

The mission of the group was two fold:

1. determine if combining the programs led to administrative efficiencies, and
2. determine whether such combining of programs would produce synergies between the programs; i.e. that various program dollars could be combined to achieve greater leveraging of private dollars or produce more impact than the effect of such programs today.

## II. Findings

- None of the programs scrutinized used state general fund dollars ( HOME, tax credit, CDBG, Weatherization LIHTF, Energy office). In fact many of these programs generated income. The CDBG program generated funds from the operation of a revolving fund to fund a contract staff to operate such revolving fund. The tax credit program generated fees. The most significant income was generated by the state's Housing Bond program. Although not considered for consolidation, it's involvement in subsidizing the other three housing division programs dominated the discussion. It's revenue was generated from the \$500 fee for each \$1,000,000 of Bond cap reserved. However the amount of such funds was dependent on the amount of bond cap allocated to the Housing Division.

- Because of the subsidies as well as the technical support provided the three Housing Division programs by the bond program, it was pretty clear that those three programs could not be ripped away from the Housing Division and placed within the Economic Development Commission.
- Because the discussion was constrained by the ACR-38 time frame, there was insufficient time to completely involve all players in detailed discussion. Thus the group could not respond to the initial view of the EDC, which was that Community Development was a broader concept than housing and thus CDBG should not be placed within a housing context. The response would have been that the new administrative structure could have been the division of Economic, Housing and Community Development, a much broader concept.
- 22 of 42 states examined placed their HOME program funds in the same administrative structure with their CDBG programs, but only 4 states (of the 42) placed their tax credit program with their CDBG program (all four were also with the HOME program)
- 12 of the 22 state HOME programs examined included the DOE weatherization program with HOME. We did not have the data to determine how many HOME programs that were not combined with the CDBG programs were administered with the weatherization program
- Myla Florence, administrator for the Welfare Division where the DOE weatherization program is now administered, supports the concept that the weatherization program belongs somewhere else.
- Some members of the committee believe, but did not investigate, that the states which had combined their HOME and CDBG programs enjoyed synergy from that consolidation and believed such synergy would be developed from increased staff interaction. More research should be done.
- Some members of the committee believe that if this state does not have a plan in case HUD does combine HOME and CDBG into one block grant by October 1st 1996, that we will be at a disadvantage; bad decision making could occur leading to less effective or interrupted delivery of those dollars to the community. Thus section four is provided for the committees consideration
- Section III, IV and V are the ad hoc committee's recommendations.

### **III. Recommendations with respect to informal changes**

The ACR-38 Committee should recommend that the Governor and the Directors of the Economic Development Commission and the Department of Business and Industry to require more informal and formal interactions between the CDBG, HOME, LIHTF and tax credit program staff, perhaps including the Housing bond programs. These could include

- Monthly meeting to explore new "products" and new markets; to be more creative.
- The CDBG allocation system at the state level is rural. The Housing Division, by default must focus much of its energy on rural allocation as well as delivery systems (the urban consortiums can handle much of these functions). Some combining of at least the best from each delivery system could occur without program relocation. The agencies must take care, in combining parts of delivery systems, that no one function is jeopardized.
- The delivery system of each, though not the same style, could be enhanced and be made more flexible via involvement by the other resource(s). In addition, one program's products might become more useful to the community through another program's delivery system.

- The Division of Housing staff and the CDBG staff could visit urban and rural communities together. Such structured visits would encourage communities to use the resources from both groups, possibly in a combined and creative way. Such communities (customers) could create unique and more comprehensive products designed just for that community's needs. Combined use of the resources may simplify the delivery system from the customer's perspective.
- The CDBG program and the Rural Economic and Community Development program (formerly FmHA) on an informal basis discuss their community projects with each other. This Process could be formalized, include the Housing Division and be further developed.

#### **IV. Recommendations regarding potential Federal changes**

Much speculation has occurred whether Congress will combine the CDBG and HOME program into one block grant. If that happens it is likely that the resultant block grant will be smaller than the combined total of HOME and CDBG today. If the state does not ready itself, such block grant could lead to fights over allocations for money and certainly an interruption in the delivery of these programs. Rather than focus on an ultimate solution for a moving target, the ad hoc committee's focus is on process.

Issues include: What should be the criteria by which to allocate between the current functions ; There may be an end to distinctions between local entitlement areas and allocations to states This would generate delivery issues including posing local (county or city) delivery mechanism against state delivery mechanisms. Clearly opportunities exist.

The ad-hoc committee suggests that the ACR-38 Committee recommend to the governor the establishment of a "commission" which would come into existence if and when Congress legislates that HOME and CDBG programs or any other combination of federal funding sources involving housing are combined into a block grant. The Commission should be peopled by the current program administrators, local government representatives, low income persons and/or representatives, and persons involved in housing, economic and community development throughout the state. The number of commission members should be small but should represent the broadest range of users. The Commission should be allowed travel and other moneys to defray costs, but should receive no salary or other reimbursement, and program staff from all affected programs should staff the "Commission"

Policy should be developed concerning allocation between functions, including criteria to be used for such purpose (e.g. AB 506 plans, Master Plans, Consolidated Plans etc.), where and when local delivery mechanisms are preferable to state delivery mechanisms and vice versa, and when and under what circumstances, existing programs should be combined. At all times the Commission should ensure easy, flexible and direct delivery mechanisms, which are responsive to local community needs, and to the extent feasible involve local communities in program development and delivery. To extent possible allocation criteria should reflect need.

The ad hoc committee leaves it to the ACR-38 Committee to determine if statutory authority needs to be developed to allow this recommendation to be implemented.

## **V. Recommendation re Weatherization program**

The committee recommends that the ACR-38 committee, recommend to the Governor to move the U.S. Department of Energy's Weatherization Assistance Program from the Division of Welfare to the Housing Division.

- Buy in by all parties
  - A. Myla Florence
  - B. Chas Horsey
  - C. Claudia Comier
  - D. Charlotte Crawford
  - E. Ann Andrinni and Katherine Cortez have been informed
- The weatherization program operates pursuant to 42 U.S.C 6863 et. seq. and 10 CFR 440.
- It is better to move weatherization to Housing Division than the Energy programs ( also in B and I) because the division's programs (like weatherization) are operating programs ( with allocation of dollars and oversight) rather than the technical assistance programs comprising the bulk of the Energy program budgets.
- It is better to site the weatherization program with the Housing Division. than the CDBG program as it is now operated because
  - A. Though CDBG has several set assides for special use, CDBG would have to develop new skills and the program would be placed in a more narrow context.
  - B. The Housing Division could integrate the weatherization delivery system into its existing delivery systems
  - C. The weatherization program is applied to residential structures, the sole focus of the housing division.
  - D. The weatherization program could enhance the products available to the Housing Division's customers.
  - E. The Housing Division has statutory authority to address weatherization needs
- It is better to move the weatherization program out of the Welfare Division because;
  - A. the program is unlike any other function operated by the division
  - B. The DOE funding is getting so small that the program can not properly be run without an infusion of general fund dollars, whereas if it were integrated into an already existing delivery system, the administrative cost for that delivery system would be shared with other funding sources.

## APPENDIX L

### Suggested Legislation

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BDR 41-229 Create a tax credit program to encourage gaming licensees to provide affordable housing . . . . .	117
BDR 20-223 Provides exemption for obligors from submission of Operating history before issuance of certain bonds. . . . .	119
BDR 22-225 Authorizes counties and cities to adopt ordinances that exempt certain land developers from limits on residential density applicable to land . . . . .	125
BDR 32-227 Authorizes counties and cities to use proceeds from real property transfer tax for development of affordable housing . . . . .	127
BDR 22-226 Revises provisions governing zoning restrictions on manufactured homes. . . . .	131
BDR 20-228 Authorizes counties and cities to convey certain property to nonprofit organizations for development of affordable housing . . . . .	135
BDR R-222 Expresses Legislature's support for affordable housing and urges local governments to review and revise zoning ordinances in manner that will promote development of affordable housing . . . . .	151
BDR R-224 Urge Congress to amend Recreation and Public Purposes Act or to enact other legislation to facilitate use of federal land for affordable housing . . . . .	155





**BILL DRAFT REQUEST (BDR)**  
**41-229**

**WAS NOT AVAILABLE  
AT TIME OF PRINTING.**

**Please contact committee staff  
for BDR status.**



SUMMARY—Provides exemption for obligors from submission of operating history before issuance of certain bonds. (BDR 20-223)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to public improvements; providing an exemption for obligors from the submission of an operating history before the issuance of bonds for affordable housing or residential housing for a corporation for public benefit; and providing other matters properly relating thereto.

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

**Section 1.** NRS 244A.711 is hereby amended to read as follows:

244A.711 1. Except as otherwise provided in NRS 244A.703, after holding the [required] public hearing [,] *required by NRS 244A.707*, the board of county commissioners shall proceed no further [unless or] until it:

(a) Except as otherwise provided in subsection 2, determines by resolution the total amount of money necessary to be provided by the county for the acquisition, improvement and equipment of the project;

(b) [Receives] *If the project is a project other than one that is described in NRS 244A.6975, receives a 5-year operating history from the contemplated lessee, purchaser , [or] other obligor [, or from a parent] or other enterprise which guarantees principal and interest payments on any bonds issued;*

(c) Receives evidence that the contemplated lessee, purchaser, other obligor or other enterprise which guarantees principal and interest payments, has received within the 12 months preceding the date of the public hearing, or then has in effect, a rating within one of the top four rating categories of either Moody's Investor Service, Inc. , or Standard and Poor's Corporation, except that a municipal or other public supplier of electricity in this state, a public utility regulated by the public service commission of Nevada, the obligor with respect to a project described in NRS 244A.6975, the owner of a historic structure, a health and care facility or a supplemental facility for a health and care facility is not required to furnish that evidence;

(d) Determines by resolution that the contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement; and

(e) If the project is for the generation and transmission of electricity, determines by resolution that the project will serve one or more of the purposes set forth in NRS 244A.695 and specifies in the resolution its findings supporting that determination.

2. If the project is for the generation and transmission of electricity, the board may estimate the total amount of money necessary for its completion, and the total amount of money which may be provided by the county in connection with the project may exceed the estimate, without the requirement for any further public hearings to be held in connection therewith, to the extent that the excess is required to complete the project or to finance any improvements to or replacements in the project and the county has previously determined to finance the remaining costs of acquiring, improving and equipping the project.

3. The board may refuse to adopt such a resolution with respect to any project even if all the criteria of subsection 1 are satisfied. If the board desires to adopt such a resolution with respect to any project where any criterion of subsection 1 is not satisfied, it may do so only with the approval of the state board of finance. In requesting this approval, the board of county commissioners shall transmit to the state board of finance all evidence received pursuant to subsection 1.

4. If any part of the project or improvements is to be constructed by a lessee or his designee, a purchaser or his designee or an obligor or his designee, the board shall provide, or determine that there are provided, sufficient safeguards to assure that all money provided by the county will be expended solely for the purposes of the project.

**Sec. 2.** NRS 268.530 is hereby amended to read as follows:

268.530 1. After holding [a] *the* public hearing [as provided in] *required by* NRS 268.528, the governing body shall proceed no further until it:

(a) Determines by resolution the total amount of money necessary to be provided by the city for the acquisition, improvement and equipment of the project;

(b) [Receives] *If the project is a project other than one that is described in NRS 268.5385, receives* a 5-year operating history from the contemplated lessee, purchaser , [or] other obligor [, or from a parent] or other enterprise which guarantees principal and interest payments on any bonds issued;

(c) Receives evidence that the contemplated lessee, purchaser, other obligor or other enterprise which guarantees principal and interest payments, has received within the 12 months preceding the date of the public hearing a rating within one of the top four rating categories of either Moody's Investor Service, Inc., or Standard and Poor's Corporation, except that a public utility regulated by the public service commission of Nevada, the obligor with respect to a project described in NRS 268.5385, a health and care facility or a supplemental facility for a health and care facility is not required to furnish that evidence;

(d) Determines by resolution that the contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement; and

(e) Finds by resolution that the project:

(1) Will provide a public benefit;

(2) Would be compatible with existing facilities in the area adjacent to the location of the project;

- (3) Will encourage the creation of jobs for the residents of this state;
  - (4) Is compatible with the general plan of the city adopted pursuant to chapter 278 of NRS; and
  - (5) If not exempt from the provisions of subsection 2 of NRS 268.527, will not compete substantially with an enterprise or organization already established in the city or the county within which the city is located.
2. The governing body may refuse to proceed with any project even if all the criteria of subsection 1 are satisfied. If the governing body desires to proceed with any project where any criterion of subsection 1 is not satisfied, it may do so only with the approval of the state board of finance. In requesting the approval, the governing body shall transmit to the state board of finance all evidence received pursuant to subsection 1.
3. If any part of the project or improvements is to be constructed by a lessee or his designee, a purchaser or his designee or an obligor or his designee, the governing body shall provide, or determine that there are provided, sufficient safeguards to assure that all money provided by the city will be expended solely for the purposes of the project.





SUMMARY—Authorizes counties and cities to adopt ordinances that exempt certain land developers from limits on residential density applicable to land.  
(BDR 22-225)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to land use; authorizing the governing body of a county or city to adopt an ordinance that allows a land developer to apply for an exemption from limits on residential density applicable to the land if the developer includes affordable housing in his development; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

*A governing body may adopt an ordinance that sets forth a procedure by which a person who wishes to develop land may apply to the governing body for an exemption from the*

*limits on residential density applicable to that land if the development of the land includes affordable housing.*

**Sec. 2.** NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

SUMMARY—Authorizes counties and cities to use proceeds from real property transfer tax for development of affordable housing. (BDR 32-227)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to taxation; authorizing the use of proceeds from the real property transfer tax for the development of affordable housing; and providing other matters properly relating thereto.

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

**Section 1.** NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the real property transfer tax at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each \$500 of value or fraction thereof must be transmitted to the state treasurer who shall deposit that amount in the account for low-income housing created pursuant to NRS 319.500.

(b) The remaining proceeds must be transmitted to the county treasurer, who shall in Carson City, and in any county where there are no incorporated cities, deposit them all in the general fund, and in other counties deposit 25 percent of them in the general fund and apportion the remainder as follows:

(1) If there is one incorporated city in the county, between that city and the county general fund in proportion to the respective populations of the city and the unincorporated area of the county.

(2) If there are two or more cities in the county, among the cities in proportion to their respective populations.

2. If there is any incorporated city in a county, the county recorder shall charge each city a fee equal to 2 percent of the real property transfer tax which is transferred to that city.

3. *In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of affordable housing for families whose income does not exceed 80 percent of the median income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development. The eligible expenses include, but are not limited to:*

*(a) The costs to acquire land and developmental rights;*

*(b) Related predevelopment expenses;*

*(c) The costs to develop the land, including the payment of related rebates;*

*(d) Contributions toward down payments made for the purchase of affordable housing;*  
*and*

*(e) The creation of related trust funds.*



SUMMARY—Revises provisions governing zoning restrictions on manufactured homes.

(BDR 22-226)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to land use; requiring zoning ordinances to include a manufactured home within the definition of “single-family residence”; requiring a governing body to adopt the same standards for development for a manufactured home as would apply to a single-family residence developed on the same lot; authorizing additional standards for a manufactured home under certain circumstances; revising the conditions under which a governing body may prohibit the installation of a manufactured home; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 278.0209 is hereby amended to read as follows:

278.0209 1. In any ordinance relating to the zoning of land adopted or amended by a governing body, the definition of “single-family residence” must include [factory-built

housing that has been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials.

2. An ordinance of the governing body may require factory-built housing to comply with standards for safety which exceed the standards prescribed in subsection 1 if a single-family residential dwelling on the same lot is also required to comply with those standards.

3. The] *a manufactured home*.

2. *Except as otherwise provided in subsection 3, a governing body shall adopt the same standards for development for [the factory-built housing] a manufactured home and the lot on which it is placed as those to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to:*

(a) Requirements for the setback of buildings.

(b) [Side] *Requirements for the side and rear yard* . [requirements.]

(c) Standards for enclosures, access and the parking of vehicles.

(d) [Aesthetic requirements.] *Requirements relating to aesthetics*.

(e) Requirements for minimum square footage.

[(f) Requirements for design, style and structure.

4. The]

3. *A governing body may impose additional architectural requirements on a manufactured home that would not be imposed on a conventional single-family residential*



*dwelling constructed on the same lot as the manufactured home if the requirements relate to the roof overhang, roofing material or siding material of the manufactured home.*

4. A governing body may prohibit the installation of [factory-built housing] *a manufactured home* in a specified area if:

(a) More than [5] 10 years have elapsed between the date of manufacture of [factory-built housing] *the manufactured home* and the date of the application for the issuance of a permit to install [factory-built housing] *the manufactured home* in the affected area; or

(b) The area contains a building, structure or other object having a special character or special historical interest or value [.] *and the area, building, structure or other object is listed on the National Register of Historic Places.*

5. As used in this section, [“factory-built housing”] “*manufactured home*” has the meaning ascribed to it in NRS [461.080.] 489.113.

6. The provisions of this section do not abrogate a recorded restrictive covenant.



SUMMARY—Authorizes counties and cities to convey certain property to nonprofit organizations for development of affordable housing. (BDR 20-228)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to local governments; authorizing the board of county commissioners of a county or the governing body of a city to convey certain property to nonprofit organizations for the development of affordable housing; providing for the reversion of that property under certain circumstances; and providing other matters properly relating thereto.

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. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:*

*(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.*

*(b) Purchased by the county pursuant to NRS 244.275.*

*(c) Donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public landing, agricultural fairground, automobile parking ground or facility for the accommodation of the traveling public, if the property cannot be reconveyed pursuant to NRS 244.290.*

*2. If a county that receives an application for conveyance pursuant to subsection 1 has a planning commission, the board of county commissioners shall refer the application to the planning commission. The planning commission shall consider the application and submit its recommendation to the board.*

*3. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:*

*(a) Published at least once in a newspaper of general circulation in the county.*

*(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.*

*(c) Posted in a conspicuous place on the property that is proposed for conveyance.*

*flush The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.*

*4. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization will use the property to develop affordable housing for families whose income does not exceed 80 percent of the median income for families residing in the same*

county, as that percentage is defined by the United States Department of Housing and Urban Development.

5. *If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.*

6. *A board of county commissioners that has conveyed property pursuant to subsection 5 shall:*

*(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and*

*(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.*

7. *If, 5 years after the date of a conveyance pursuant to subsection 5, a nonprofit organization has not commenced construction of affordable housing, or entered into such contracts as are necessary to commence the construction of affordable housing, the property that was conveyed automatically reverts to the county.*

8. *As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).*

**Sec. 2.** NRS 244.290 is hereby amended to read as follows:

244.290 1. Except as otherwise provided in NRS 278.480 for the vacation of streets and easements, the board of county commissioners of any county may reconvey all the right, title and interest of the county in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public square, public landing, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling public, or land held in trust for the public for any other public use , [or uses,] or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the board; or

(b) From whom the land was acquired in accordance with the provisions of chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, for an amount equal to the appraised value of the land at the time of the reconveyance.

flush The reconveyance may be made whether the land is held by the county solely or as tenant in common with any municipality or other political subdivision of this state under the dedication.

2. If the county has a planning commission, the board shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the board.

3. [The] *Before the board makes a determination on such a proposal for reconveyance,* it shall hold at least one public hearing [upon] *on the proposal . [for reconveyance.]* Notice of the time , [and] place *and specific purpose* of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county. [;]

(b) Mailed to all owners of record of real property *which is located [within] not more than 300 feet [of] from the land that is* proposed for reconveyance . [; and]

(c) Posted in a conspicuous place on the property . [and, in this case, must set forth additionally the extent of the proposal for reconveyance.]

*flush* The hearing must be held not [less] *fewer* than 10 days [nor] *but not* more than 40 days after the notice is [so] published, mailed and posted [.] *in accordance with this subsection.*

4. If the board, after the hearing, determines that maintenance of the property by the county solely or with a co-owner is unnecessarily burdensome or that reconveyance would be otherwise advantageous to the county and its citizens, the board shall formally adopt a resolution stating that determination. Upon the adoption of the resolution, the chairman of the board shall execute a deed of reconveyance on behalf of the county and the county clerk shall attest the deed under the seal of the county.

5. The board may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:

(a) The person from whom the land was received or acquired or his successor in interest refuses to accept the reconveyance or [states in writing] *provides a written statement* that he is unable to accept the reconveyance; or

(b) The land has been combined with other land *that is* owned by the county and *has been* improved in [such manner as would reasonably preclude the division of the land, together with the land with which it has been combined,] *a manner which reasonably precludes the combined land from being divided* into separate parcels.

6. *The board may convey, without consideration, land that has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public purpose described in subsection 1 to a nonprofit organization pursuant to section 1 of this act if:*

(a) *The person from whom the land was so obtained or his successor in interest refuses to accept the reconveyance or provides a written statement that he is unable to accept the reconveyance; or*

(b) *The land has been combined with other land that is owned by the county and has been improved in a manner which reasonably precludes the combined land from being divided into separate parcels.*

Sec. 3. NRS 244A.739 is hereby amended to read as follows:

244A.739 1. [No] *Except as otherwise provided in this section, a county shall [have the power to] not pay out of its general fund or otherwise contribute any part of the costs of acquiring, improving and equipping a project . [and]*



2. A county shall not [have the power to] use land already owned by the county, or in which the county has an equity [(unless) *interest for the construction of a project unless:*

(a) *The land was specifically acquired for [uses of the character herein described or unless the land is determined by the board] the purpose of a project;*

(b) *The board determines that the land is no longer [to be] necessary for other purposes of the county [purposes], for the construction thereon of a project or any part thereof.*

2.] ; or

(c) *The land is conveyed to a nonprofit organization pursuant to section 1 of this act.*

3. The entire cost of acquiring, improving and equipping any project must be paid out of the proceeds from the sale of the bonds, but this provision [shall not be construed to] *does not* prevent a county from accepting donations of property to be used as a part of any project or money to be used for defraying any part of the cost of any project, including the completion of the project by the lessee, purchaser or obligor without any cost or liability to the county.

**Sec. 4.** Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was:*

(a) *Purchased or received by the city pursuant to NRS 268.008.*

(b) *Donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public park, public landing,*

*agricultural fairground, automobile parking ground or facility for the accommodation of the traveling public, if the property cannot be reconveyed pursuant to NRS 268.050.*

*2. If a city that receives an application for conveyance pursuant to subsection 1 has a planning commission, the governing body shall refer the application to the planning commission. The planning commission shall consider the application and submit its recommendation to the governing body.*

*3. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:*

*(a) Published at least once in a newspaper of general circulation in the city.*

*(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.*

*(c) Posted in a conspicuous place on the property that is proposed for conveyance.*

*flush The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.*

*4. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization will use the property to develop affordable housing for families whose income does not exceed 80 percent of the median income for families residing in the same city, as that percentage is defined by the United States Department of Housing and Urban Development.*

5. *If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.*

6. *A governing body that has conveyed property pursuant to subsection 5 shall:*

*(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and*

*(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.*

7. *If, 5 years after the date of a conveyance pursuant to subsection 5, a nonprofit organization has not commenced construction of affordable housing, or entered into such contracts as are necessary to commence the construction of affordable housing, the property that was conveyed automatically reverts to the city.*

8. *As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).*

**Sec. 5.** NRS 268.050 is hereby amended to read as follows:

268.050 1. The governing body of any incorporated city in this state may reconvey all the right, title and interest of the city in and to any land donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public park, public square, public landing, agricultural fairground, aviation field, automobile parking ground or facility for the accommodation of the traveling

public, or land held in trust for the public for any other public use , [or uses,] or any part thereof, to the person:

(a) By whom the land was donated or dedicated or to his heirs, assigns or successors, upon such terms as may be prescribed by a resolution of the governing body; or

(b) From whom the land was acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, or to his heirs, assigns or successors, for an amount equal to the appraised value of the land at the time of the reconveyance.

*flush* The reconveyance may be made whether the land is held by the city solely or as tenant in common with any other municipality or other political subdivision of this state under the dedication.

2. If the city has a planning commission, the governing body shall refer the proposal for reconveyance to the planning commission which shall consider the proposal and submit its recommendation to the governing body.

3. [The] *Before the* governing body *makes a determination on such a proposal for reconveyance, it* shall hold at least one public hearing [upon] *on* the proposal . [for reconveyance.] Notice of the time , [and] place *and specific purpose* of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city or county .

[;]

(b) Mailed to all owners of record of real property *which is* located [within] *not more than* 300 feet [of] *from* the land *that is* proposed for reconveyance . [; and]

(c) Posted in a conspicuous place on the property . [and, in this case, must set forth additionally the extent of the proposal for reconveyance.]

flush The hearing must be held not [less] *fewer* than 10 days [nor] *but not* more than 40 days after the notice is [so] published, mailed and posted [.] *in accordance with this subsection.*

4. If the governing body, after the hearing, determines that maintenance of the property by the city solely or with a co-owner is unnecessarily burdensome or that reconveyance would be otherwise advantageous to the city and its citizens, the governing body shall formally adopt a resolution stating that determination. Upon the adoption of the resolution, the presiding officer of the governing body shall execute a deed of reconveyance on behalf of the city and the city clerk shall attest the deed under the seal of the city.

5. The governing body may sell land which has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding, for a public purpose described in subsection 1, or may exchange that land for other land of equal value, if:

(a) The person from whom the land was received or acquired or his successor in interest refuses to accept the reconveyance or [states in writing] *provides a written statement* that he is unable to accept the reconveyance; or

(b) The land has been combined with other land *that is* owned by the city and *has been* improved in [such] a manner [as would reasonably preclude the division of the land, together with the land with which it has been combined,] *which reasonably precludes the combined land from being divided* into separate parcels.

6. *The governing body may convey, without consideration, land that has been donated, dedicated, acquired in accordance with chapter 37 of NRS, or purchased under the threat of an eminent domain proceeding for a public purpose described in subsection 1 to a nonprofit organization pursuant to section 4 of this act if:*

*(a) The person from whom the land was so obtained or his successor in interest refuses to accept the reconveyance or provides a written statement that he is unable to accept the reconveyance; or*

*(b) The land has been combined with other land that is owned by the city and has been improved in a manner which reasonably precludes the combined land from being divided into separate parcels.*

**Sec. 6.** NRS 268.558 is hereby amended to read as follows:

268.558 1. [No] *Except as otherwise provided in this section, a city shall [have the power to] not pay out of its general fund or otherwise contribute any part of the cost of acquiring, improving and equipping a project . [and]*

2. *A city shall not [have the power to] use land already owned by the city, or in which the city has an equity [(unless] interest for the construction of a project unless:*

*(a) The land was specifically acquired by the city for [uses of the character herein described or unless the land is determined by] the purpose of a project;*

*(b) The governing body determines that the land is no longer [to be] necessary for other [municipal purposes), for the construction thereon of a project or any part thereof.*

*2.] purposes of the city; or*

(c) *The land is conveyed to a nonprofit organization pursuant to section 4 of this act.*

3. The entire cost of acquiring, improving and equipping any project must be paid out of the proceeds from the sale of the bonds, but this provision [shall not be construed to] *does not* prevent a city from accepting donations of property to be used as a part of any project or money to be used for defraying any part of the cost of any project, including the completion of the project by the lessee, purchaser or obligor without any cost or liability to the city.

Sec. 7. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its:

(a) Funds;

(b) Account groups; and

(c) Separate accounts established pursuant to NRS 354.603.

A local government may provide for more frequent audits as it deems necessary. Except as *otherwise* provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection 5 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the department of taxation to any local government [which makes] *that submits an* application for an extension *[.] to the department*. If the local government fails to provide for an audit in accordance with the provisions of this section, the department of taxation shall cause the audit to be made at the expense of the local government. All audits must be [made] *conducted* by a public accountant *who is* certified or

registered or by a partnership or professional corporation *that is* registered [under] *pursuant* to the provisions of chapter 628 of NRS.

2. The annual audit of a school district must be concluded and the report submitted to the board of trustees as provided in subsection 5 not later than 4 months after the close of the fiscal year for which the audit is conducted.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards, including comment on compliance with statutes and regulations, recommendations for improvements and any other comments deemed pertinent by the auditor, including his expression of opinion on the financial statements. The *department of taxation shall prescribe the* form of the financial statements , [must be prescribed by the department of taxation,] and the chart of accounts must be as nearly as possible the same as *the chart that is* used in the preparation and publication of the annual budget. The report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989;

(b) A comparison of *the* operations of the local government with the approved budget [and] , *including* a statement from the auditor that [previously noted] *indicates whether the*



*governing body has taken action by adoption as recommended, by adoption with modifications or by rejection on any deficiencies in operations and [previously made] recommendations for improvements [contained] which were noted or made in previous reports ; [have been acted upon by adoption as recommended, adoption with modifications or rejection; and]*

(c) A statement from the auditor [indicating] *that indicates* whether each of the following funds established by the local government is being used expressly for the purposes for which it was created, in the form required by NRS 354.6241:

- (1) An enterprise fund.
- (2) An internal service fund.
- (3) A trust and agency fund.
- (4) A self-insurance fund.
- (5) A fund whose balance is required by law to be:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in NRS 288.028; or

(II) Carried forward to the succeeding fiscal year in any designated amount [.] ;

*and*

(d) *A list and description of any property conveyed to a nonprofit organization pursuant to section 1 or 4 of this act.*

5. The recommendations and the summary of the narrative comments contained in the report of the audit must be read in full at a meeting of the governing body held not more

than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with any related letter to the governing body required by generally accepted auditing standards or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

- (a) The clerk or secretary of the governing body;
- (b) The county clerk;
- (c) The department of taxation; and
- (d) In the case of a school district, the department of education.

6. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.

SUMMARY—Expresses Legislature’s support for affordable housing and urges local governments to review and revise zoning ordinances in manner that will promote development of affordable housing. (BDR R-222)

\_\_\_\_\_ CONCURRENT RESOLUTION—Expressing the Legislature’s support for affordable housing for families of low income; urging local governing bodies to review and revise any zoning ordinances that may impede the development of affordable housing; urging local governing bodies to produce a regulatory environment that promotes and supports the development of affordable housing.

WHEREAS, The shortage of safe, decent, sanitary and affordable housing for families of low income continues to be a significant problem in this state; and

WHEREAS, When the cost of even minimal housing is placed out of the financial reach of a significant portion of our population, several negative impacts are felt by our society, including increased social welfare and related governmental costs arising from the impairment of the security of the family structure; and

WHEREAS, It is critical that the development of affordable housing in this state be facilitated by Nevada’s local governments; and

WHEREAS, Some local zoning ordinances have the effect of impeding the development of affordable housing in this state, even projects for affordable housing that are a part of the community’s master plan; and

WHEREAS, It is important for each local governing body to review its ordinances and practices to identify any such impediments; now, therefore, be it

RESOLVED BY THE \_\_\_\_\_ OF THE STATE OF NEVADA, THE \_\_\_\_\_ CONCURRING,  
That the Legislature of the State of Nevada hereby acknowledges that the development of affordable housing for low-income households is of critical importance to the continued economic and social well-being of this state; and be it further

RESOLVED, That the Legislature hereby expresses its support for the continued development of affordable housing; and be it further

RESOLVED, That the Legislature hereby urges local governing bodies to review their respective zoning ordinances and analyze the effect of those ordinances on the development of affordable housing; and be it further

RESOLVED, That the Legislature hereby urges local governing bodies to repeal those zoning ordinances that prohibit, restrict, obstruct or in any way discourage the local governing body from approving a project for affordable housing that complies with the community's master plan; and be it further

RESOLVED, That the Legislature hereby urges local governing bodies to take such action regarding their zoning ordinances as are necessary to produce a regulatory environment that results in the promotion of and support for the development of affordable housing for low-income residents in this state; and be it further

RESOLVED, That the \_\_\_\_\_ of the \_\_\_\_\_ prepare and transmit a copy of this resolution to each board of county commissioners in this state and to each city council in this state.



SUMMARY—Urges Congress to amend Recreation and Public Purposes Act or to enact other legislation to facilitate use of federal land for affordable housing.

(BDR R-224)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

ASSEMBLY JOINT RESOLUTION—Urging Congress to amend the Recreation and Public Purposes Act or to enact other legislation to facilitate the use of federal land for affordable housing.

WHEREAS, Approximately 87 percent of the land in Nevada is owned by the Federal Government; and

WHEREAS, Nevada has experienced a dramatic increase in its population during the last two decades; and

WHEREAS, The rate of increase in the population of Nevada is one of the highest in the nation; and

WHEREAS, As of the last census, Nevada has approximately 95,000 families of low income who are in need of affordable housing; and

WHEREAS, The shortage of affordable housing has forced some families of low income with children to occupy motels that have few or no facilities for the preparation and storage of food and that serve as an inadequate substitution for providing housing for children; and

WHEREAS, Several thousand senior citizens in Nevada are also unable to find affordable housing that is safe and sanitary; and

WHEREAS, The current shortage of affordable housing in Nevada is directly related to the high cost of available land in the state; and

WHEREAS, Congress controls a considerable amount of federal land in Nevada that may be used to provide affordable housing for persons of low income; and

WHEREAS, During the 104th session of Congress, United States Senator Richard Bryan proposed an amendment to the Recreation and Public Purposes Act (43 U.S.C. §§ 869 et seq.) which, if it had been enacted, would have included affordable housing as a public purpose for which public lands may be disposed of in any manner to governmental bodies and to nonprofit corporations; and

WHEREAS, During the 104th session of Congress, Representative John Ensign joined Senator Bryan in introducing the Southern Nevada Public Land Management Act of 1996, which, if it had been enacted, might have provided additional opportunities for the acquisition of land in the Las Vegas Valley to be used to provide additional sites for affordable housing; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature supports the efforts of Senator Bryan and Representative Ensign in this



regard and urges the Nevada Congressional Delegation to continue to bring this issue before Congress; and be it further

RESOLVED, That the Congress of the United States is hereby urged to adopt an amendment to the Recreation and Public Purposes Act which would include affordable housing as a public purpose for which public lands may be disposed of in any manner to governmental bodies and to nonprofit corporations; and be it further

RESOLVED, That if Congress does not adopt such an amendment to the Recreation and Public Purposes Act, that Congress is hereby urged to enact legislation that would allow the sale of public lands to local governments and to nonprofit corporations at a price that is less than the fair market value of the land so that affordable housing projects may be developed; and be it further

RESOLVED, That the chief clerk of the assembly prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.