

Amendment No. 807

Senate Amendment to Senate Bill No. 450	(BDR S-794)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 450 (§ 9).

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date					
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BJF



Date: 6/1/2023

S.B. No. 450—Establishes a program for the relocation of persons residing in the Windsor Park neighborhood of the City of North Las Vegas.
(BDR S-794)



SENATE BILL NO. 450—SENATORS NEAL, FLORES AND DONATE

APRIL 17, 2023

Referred to Committee on Revenue and Economic Development

SUMMARY—Establishes a program for the relocation of persons residing in the Windsor Park neighborhood of the City of North Las Vegas. (BDR S-794)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Contains Appropriation not included in Executive Budget.

CONTAINS UNFUNDED MANDATE (§ 9) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to housing; establishing a program for the relocation of persons residing in single-family residences in the Windsor Park neighborhood of the City of North Las Vegas; making an appropriation; requiring quarterly reports to the Interim Finance Committee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill enacts the Windsor Park Environmental Justice Act, which establishes a program for the relocation of persons residing in the Windsor Park neighborhood of the City of North Las Vegas whose residences have been damaged by the sinking of the ground beneath the residences. **Section 2** of this bill sets forth a legislative declaration that is necessary to enact a law of local and special application to provide the residents of Windsor Park a solution to the unique problems of the neighborhood. **Sections 3-8** of this bill define relevant terms for the Act. **Section 8** defines the area that constitutes the Windsor Park neighborhood.

Section 9 of this bill requires the Housing Division of the Department of Business and Industry to establish and administer a program by which the owner of a single-family residence in the Windsor Park neighborhood who owns the residence on July 1, 2023, may exchange the residence in the Windsor Park neighborhood for a new residence constructed in accordance with provisions of **section 9**. Under **section 9**, the Housing Division is required to select a governmental entity, a nonprofit corporation or any other entity engaged in the development of affordable housing to develop single-family residences on vacant land adjacent to the Windsor Park neighborhood. The entity selected by the Housing Division is required to contract with qualified professionals for a study of vacant land adjacent to the Windsor Park neighborhood that could be acquired to determine whether such land will subside, acquire vacant land adjacent to the Windsor Park neighborhood if the study finds such land will not subside and enter into contracts for the development and construction of single-family residences on that land. The contracts for such development and construction must include a preference for businesses owned by a person who resides or formerly resided in the Windsor Park neighborhood. **Section 9** further requires the entity selected by the

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Housing Division, the City of North Las Vegas and the Housing Division to enter into an agreement for the financing of the acquisition of land and the development and construction of the residences ~~of which must include certain contributions from the City of North Las Vegas and appropriations from the State General Fund to the Housing Division made by section 11 of this bill.~~ Upon the issuance of certificates of occupancy for these residences, **section 9** authorizes the owner of a single-family residence in the Windsor Park neighborhood who owns such a residence on July 1, 2023, to exchange that residence for a residence with at least an equal amount of square footage that is constructed pursuant to this bill. Finally, **section 9**: (1) authorizes the exchange of a residence encumbered by a mortgage or deed of trust if the mortgage or deed of trust is paid off and requires the Housing Division to provide assistance in arranging for financing to pay off such a mortgage or deed of trust; and (2) requires a lease of an exchanged residence to transfer to the acquired residence. Section 9.3 of this bill requires the Housing Division to establish a program to pay: (1) moving expenses for persons who move from the Windsor Park neighborhood to a single-family residence acquired pursuant to section 9; (2) restitution for certain residents of the Windsor Park neighborhood; and (3) the cost of rehabilitating certain single-family residences. Section 9.7 of this bill makes it unlawful, with certain exceptions, to sell or list for sale a residence in the Windsor Park neighborhood.

Section 10.5 of this bill requires the Chief of the Budget Division of the Office of Finance in the Office of the Governor to disburse \$25,000,000 from the money received from the Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada to the Housing Division for the purposes set forth in this bill. Section 11 of this bill appropriates \$12,000,000 from the State General Fund to the Housing Division for the purposes set forth in this bill, and section 11.5 of this bill requires the State Treasurer to withhold certain monthly tax distributions from the City of North Las Vegas until such withheld amounts equal \$12,000,000.

Section 11.7 of this bill requires the Housing Division to submit a quarterly report to the Interim Finance Committee concerning the progress of the Housing Division in carrying out the provisions of this bill.

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

Section 1. This act may be cited as the Windsor Park Environmental Justice Act.

Sec. 2. The Legislature hereby finds and declares:

1. Windsor Park is a single-family residential development in North Las Vegas built between 1964 and 1966 for Black families, to allow them to own their own homes and build wealth that could be passed to future generations.

2. Windsor Park was built over geological faults, and the withdrawal of groundwater from the aquifer beneath Windsor Park, in combination with the faults, caused the ground beneath Windsor Park to sink.

3. This sinking, or subsidence, damaged homes, roads, water and gas lines, and many homes in Windsor Park became uninhabitable and had to be demolished.

4. Beginning in the late 1980's and early 1990's, the Federal Government, the State of Nevada and the City of North Las Vegas provided approximately \$14 million to help residents of Windsor Park, which was used by the City to:

(a) Move and rehabilitate four homes;

(b) Build and relocate residents to 45 new homes; and

(c) Offer grants of \$50,000 or \$100,000 to residents to move to another home in North Las Vegas.

5. Under the above programs, 90 Windsor Park residents were unable to find another suitable home or move to a suitable, rehabilitated home.

1 6. The Windsor Park residents who could not move remain residents of
2 Windsor Park in homes that have experienced significant damage because of
3 ground subsidence, and these residents need a new solution to obtain new homes.

4 7. Because of the ground subsidence and damage unique to the Windsor Park
5 neighborhood, it is necessary to enact a law of local and special application to
6 provide the residents of Windsor Park a solution to this unique problem, which is
7 found nowhere else in this State.

8 8. Given that a law of local and special application is necessary to accomplish
9 the purposes of this act and given that such a law is necessary to benefit the
10 residents of that local and special area known as Windsor Park, a general law
11 cannot be made applicable to the purposes, objects, powers, rights, privileges,
12 immunities, liabilities, duties and disabilities set forth in this act.

13 **Sec. 3.** As used in sections 1 to ~~9.7~~ **9.7**, inclusive, of this act, unless the
14 context otherwise requires, the words and terms defined in sections 4 to 8,
15 inclusive, of this act have the meanings ascribed to them in those sections.

16 **Sec. 4.** “City” means the City of North Las Vegas.

17 **Sec. 5.** ~~“City Council” means the City Council of the City of North Las~~
18 ~~Vegas.” (Deleted by amendment.)~~

19 **Sec. 6.** “Housing Division” means the Housing Division of the Department
20 of Business and Industry.

21 **Sec. 7.** “Single-family residence” means a parcel or other unit of real
22 property or unit of personal property which is ~~intended~~ :

23 **1. Intended** or designed to be occupied by one family with facilities for
24 living, sleeping, cooking and eating ~~;~~ **and**

25 **2. Occupied by the owner of the parcel or other unit of real property or,**
26 **if the parcel or other unit of real property is owned by a trust, occupied by the**
27 **trustee or a member of his or her immediate family.**

28 **Sec. 8.** “Windsor Park neighborhood” means the area of the City lying north
29 of West Cartier Street, west of Clayton Street, east of Chamberlain Lane, and south
30 of West Evans Avenue.

31 **Sec. 9.** 1. The Housing Division shall establish and administer a program
32 pursuant to which the owner of a single-family residence in the Windsor Park
33 neighborhood who owns that residence on July 1, 2023, may exchange that single-
34 family residence for another single-family residence constructed in accordance with
35 this section.

36 2. The Housing Division **shall apply for any available grants of money**
37 **from the Federal Government to carry out the provisions of sections 1 to 9.7,**
38 **inclusive, of this act and** shall select a governmental agency, nonprofit corporation
39 or other entity engaged in the development of affordable housing to develop single-
40 family residences on vacant land adjacent to the Windsor Park neighborhood. The
41 governmental agency, nonprofit corporation or other entity selected by the Housing
42 Division pursuant to this subsection shall, in accordance with a financing agreement
43 entered into pursuant to subsection ~~4.5~~ **5**, contract with qualified professionals for a
44 study of vacant land adjacent to the Windsor Park neighborhood that could be
45 acquired to ensure that such land will not subside, acquire vacant land adjacent to
46 the Windsor Park neighborhood if the study finds that such land will not subside
47 and enter into contracts to develop and construct single-family residences on that
48 land. In awarding such contracts, a preference with a relative weight of 5 percent
49 must be assigned to an applicant that is a business in which at least 50 percent of
50 the interest is owned by a resident or former resident of the Windsor Park
51 neighborhood. **Any restriction on the price which the Housing Division may pay**
52 **to acquire a parcel of real property does not apply to an acquisition pursuant**
53 **to this section.**

1 3. The number of single-family residences constructed pursuant to this section
2 must be sufficient in number to enable each household residing in a single-family
3 residence in the Windsor Park neighborhood on July 1, 2023, to obtain such a
4 single-family residence, and the single-family residences constructed pursuant to
5 this section must enable a household residing in a single-family residence in the
6 Windsor Park neighborhood on July 1, 2023, to obtain a single-family residence
7 with the same amount of square footage as the residence in the Windsor Park
8 neighborhood.

9 4. The City shall grant the employees and representatives of the
10 governmental entity, nonprofit corporation or other entity selected by the
11 Housing Division, and the Housing Division, access to any right-of-way owned
12 or controlled by the City and access to any lots owned by the City within the
13 Windsor Park neighborhood when such access is necessary to carry out the
14 provisions of this section, and the City shall not unreasonably withhold such
15 access.

16 5. The governmental entity, nonprofit corporation or other entity selected by
17 the Housing Division pursuant to subsection 2, the City and the Housing Division
18 shall enter into an agreement to finance the development and construction of single-
19 family residences pursuant to this section. The agreement must require:

20 (a) ~~{The City of North Las Vegas to contribute at least \$20 million toward the~~
21 ~~costs of acquiring land and developing and constructing single family residences~~
22 ~~pursuant this section, which may consist of the issuance of general obligations of~~
23 ~~the City in an amount not to exceed \$20 million. If the City issues general~~
24 ~~obligations of the City pursuant to this paragraph the obligations:~~

25 ~~— (1) May be issued without complying with the requirements of NRS~~
26 ~~350.011 to 350.0165, inclusive, and 350.020, pursuant to an ordinance of the City~~
27 ~~Council, as provided in the Local Government Securities Law, and no other~~
28 ~~approval by a governmental entity or otherwise is required for the issuance of the~~
29 ~~bonds under the laws of this State.~~

30 ~~— (2) Are exempt from the limitation on indebtedness applicable to the City,~~
31 ~~and must not be included in the calculation of the indebtedness of the City for the~~
32 ~~purpose of any debt limitation applicable to the City, but the City shall not become~~
33 ~~indebted by the issuance of general obligation indebtedness for the purposes set~~
34 ~~forth in this section in an amount exceeding \$20 million.~~

35 ~~— (3) Must be treated as if the finding described in subparagraph (1) of~~
36 ~~paragraph (b) of subsection 3 of NRS 361.4727 had been made by the Board of~~
37 ~~County Commissioners and approved by the debt management commission of the~~
38 ~~County under subparagraph (2) of paragraph (b) of subsection 3 of NRS 361.4727.~~

39 ~~— (b) The contribution by the City of an amount of money equal to an amount of~~
40 ~~money allocated for the rehabilitation of single family residences in the Windsor~~
41 ~~Park neighborhood, for the relocation of residents of the Windsor Park~~
42 ~~neighborhood or for other assistance to the residents of the Windsor Park~~
43 ~~neighborhood, but that has not been expended for those purposes.~~

44 ~~— (c) The use of money appropriated or authorized by the Legislature to the~~
45 ~~Housing Division for the purposes set forth in this section.~~

46 ~~{(d)}~~ (b) Any other money from any public or private source, including,
47 without limitation, any gift, grant, appropriation or contribution, available to be
48 used for the purposes set forth in this section.

49 ~~{5}~~ 6. Upon the issuance of a certificate of occupancy for each single-family
50 residence constructed pursuant to this section, the owner of a single-family
51 residence in the Windsor Park neighborhood who owns that residence on July 1,
52 2023, may exchange that single-family residence for a single-family residence
53 which was constructed pursuant to this section and which has at least the same

1 amount of square footage as the residence being exchanged. If the single-family
2 residence being exchanged is:

3 (a) Encumbered by a mortgage or deed of trust, the single-family residence
4 may not be exchanged unless the existing mortgage or deed of trust is paid in full.
5 The Housing Division shall provide assistance to arrange any financing necessary
6 to pay off the existing mortgage or deed of trust, including, without limitation, any
7 down payment assistance available under any program administered by the Housing
8 Division.

9 (b) Leased to a tenant occupying the single-family residence under a lease
10 agreement, the lease agreement remains in effect with the same terms and
11 conditions.

12 ➤ Any single-family residence acquired pursuant to this subsection may not be
13 sold for a period of 5 years after the single-family residence is acquired, except
14 that such a single-family residence may be transferred in a transaction that is
15 exempt from the taxes imposed by chapter 375 of NRS pursuant to NRS
16 375.090.

17 ~~6~~ 7. The power, sewer and other connection fees imposed by the City on a
18 single-family residence in the Windsor Park neighborhood must be transferred to a
19 single-family residence acquired pursuant to this section as the power, sewer and
20 the connections fees to be imposed on that single-family residence.

21 ~~7~~ 8. Any property in the Windsor Park neighborhood that is exchanged
22 pursuant to this section must be used only for the purposes of a public park ~~to~~
23 memorialize the past and present residents of the Windsor Park
24 neighborhood.

25 Sec. 9.3. 1. The Housing Division shall establish a program to pay:

26 (a) The moving expenses of and restitution to the owners of single-family
27 residences in the Windsor Park neighborhood in the manner set forth in this
28 section.

29 (b) The cost of the rehabilitation of the homes constructed with money
30 received by the City from Community Development Block Grants for the
31 purpose of rehabilitating homes in the Windsor Park neighborhood.

32 2. The City shall transfer to the Housing Division:

33 (a) Any remaining proceeds of general obligation bonds issued by the City
34 and purchased by the Federal National Mortgage Association for the purpose
35 of relocating residents of the Windsor Park neighborhood.

36 (b) Any money remaining from Community Development Block Grants
37 awarded to the City for the purpose of relocating residents in the Windsor
38 Park neighborhood.

39 (c) Any money remaining from Community Development Block Grants
40 awarded to the City for the purpose of constructing residences for the
41 residents of the Windsor Park neighborhood.

42 ➤ Any money received pursuant to this subsection must be accounted for
43 separately and may be used only to carry out the provisions of this section.

44 3. From amounts transferred to the Housing Division pursuant to
45 paragraphs (a) and (b) of subsection 2, the Housing Division shall:

46 (a) Pay restitution in the amount of \$50,000 to the owner of a single-family
47 residence in the Windsor Park neighborhood who resides in the neighborhood
48 on July 1, 2023, and who was the initial occupant of that single-family
49 residence, or to the descendants of that owner who inherited the single-family
50 residence from the initial occupant and who reside in the single-family
51 residence on July 1, 2023.

52 (b) Pay restitution in the amount of \$10,000 to the person who was the
53 initial occupant of a single-family residence in the Windsor Park

1 neighborhood, or to the descendants of that person who inherited the single-
2 family residence from the initial occupant.

3 (c) Pay the actual moving expenses of a person who acquires a single-
4 family residence pursuant to section 9 of this act and who moves from the
5 Windsor Park neighborhood to that acquired single-family residence.

6 4. From the amount transferred to the Housing Division pursuant to
7 paragraph (c) of subsection 2, the Housing Division shall pay, in an amount
8 not to exceed \$10,000 per single-family residence, the cost of rehabilitating a
9 single-family residence constructed for a resident of the Windsor Park
10 neighborhood using money received by the City from a Community
11 Development Block Grant. The governmental entity, nonprofit corporation or
12 other entity selected by the Housing Division pursuant to subsection 2 of
13 section 9 of this act shall inspect the single-family residence to determine
14 whether or not the rehabilitation has been satisfactorily completed.

15 5. To the extent that money transferred to the Housing Division pursuant
16 to subsection 2 is insufficient to make the entire amount of the payments
17 required by subsection 3 or 4, the Housing Division shall reduce such
18 payments on a pro rata basis.

19 Sec. 9.7. It is unlawful to sell or list for sale any real property intended
20 for occupancy as a residence within the Windsor Park neighborhood.

21 Sec. 10. The provisions of NRS 354.599 do not apply to any additional
22 expenses of a local government that are related to the provisions of this act.

23 Sec. 10.5. The Chief of the Budget Division of the Office of Finance
24 created by NRS 223.400 shall disburse from the money received from the
25 Coronavirus State and Local Fiscal Recovery Funds by the State of Nevada the
26 amount of \$25,000,000 to the Housing Division of the Department of Business
27 and Industry for the purposes set forth in sections 1 to 9.7, inclusive, of this
28 act.

29 Sec. 11. 1. There is hereby appropriated from the State General Fund to the
30 Housing Division of the Department of Business and Industry the sum of
31 ~~[\$10,000,000]~~ \$12,000,000 for the purposes set forth in sections 1 to ~~[9.]~~ 9.7,
32 inclusive, of this act.

33 2. Any remaining balance of the appropriation made by subsection 1 must not
34 be committed for expenditure after June 30, 2025, by the entity to which the
35 appropriation is made or any entity to which money from the appropriation is
36 granted or otherwise transferred in any manner, and any portion of the appropriated
37 money remaining must not be spent for any purpose after September 19, 2025, by
38 either the entity to which the money was appropriated or the entity to which the
39 money was subsequently granted or transferred, and must be reverted to the State
40 General Fund on or before September 19, 2025.

41 Sec. 11.5. The State Treasurer shall withhold the amount of \$250,000 per
42 month on the payment made to the City from the Local Government Tax
43 Distribution Account pursuant to NRS 360.690 for each month beginning on
44 July 1, 2023, and ending in the month that the total amount withheld from the
45 City pursuant to this section equals \$12,000,000. The money withheld pursuant
46 to this section must be transferred to the State General Fund.

47 Sec. 11.7. The Housing Division of the Department of Business and
48 Industry shall, on a quarterly basis, submit a report to the Interim Finance
49 Committee concerning the progress of the Housing Division in carrying out the
50 provisions of this act.

51 Sec. 12. 1. This section and section 9.7 of this act become effective upon
52 passage and approval.

1 2. Sections 1 to 9.3, inclusive, and 10 to 11.7, inclusive, of this act
2 ~~becomes~~ become effective on July 1, 2023.