

**PROPOSED REGULATION OF THE
COMMISSION ON ECONOMIC DEVELOPMENT**

LCB File No. R220-05

April 20, 2006

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

AUTHORITY: §§1-10, NRS 361.0775.

A REGULATION relating to real property taxes; providing for the partial abatement of real property taxes on property with buildings or other structures that meet or exceed certain standards of the Leadership in Energy and Environmental Design Green Building Rating System; and providing other matters properly relating thereto.

Section 1. Chapter 361 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Commission” means the Commission on Economic Development.*

Sec. 4. *“LEED” means Leadership in Energy and Environmental Design.*

Sec. 5. *“LEED accredited professional” means a person who holds a LEED Accredited Professional Certificate issued by the U. S. Green Building Council.*

Sec. 6. *“LEED Green Building Rating System” means those portions of the Leadership in Energy and Environmental Design Green Building Rating System developed by the U. S. Green Building Council and adopted for use in this State by the Director of the Office of Energy pursuant to NRS 701.217 that are designated:*

1. *“LEED-EB” which is the LEED Green Building Rating System for Existing Buildings, Upgrades, Operations and Maintenance; and*

2. *“LEED-NC” which is the LEED Green Building Rating System for New Construction & Major Renovations.*

↪ *A copy of the LEED Green Building Rating System may be obtained at no cost from the U. S. Green Building Council, 1015 18th Street, NW, Suite 508, Washington, D.C. 20036, or on the Internet at <http://www.usgbc.org/>.*

Sec. 7. 1. *A person may apply to the Commission for a partial abatement of taxes imposed on real property by chapter 361 of NRS for property which has a building or other structure that:*

(a) Is not a public building or structure;

(b) Is not a single-family house, multi-family structure with three stories or fewer above grade, or a mobile or manufactured home; and

(c) Is certified at the silver level or higher of the applicable LEED Green Building Rating System by a LEED accredited professional.

2. *The application must be made on a form prescribed by the Executive Director of the Commission.*

3. *The application must include a letter of verification from the Director of the Office of Energy which states that the real property for which the abatement is sought has a building or other structure that meets or exceeds the certification requirements for the abatement as set forth in section 9 of this regulation and which sets forth the number of LEED points earned.*

Sec. 8. *The Commission will consider an application for the partial abatement of property taxes:*

1. *At the next regularly scheduled meeting of the Commission following receipt of the application if the application is received by the Commission at least 15 working days before the meeting; or*

2. *At the next regularly scheduled meeting of the Commission following the meeting described in subsection 1 in all other cases.*

Sec. 9. 1. *If the Commission determines that the application satisfies the requirements of section 7 of this regulation, the Commission will grant a partial abatement of real property taxes in accordance with the following table:*

<i>LEED Level</i>	<i>LEED-NC Points</i>	<i>LEED-EB Points</i>	<i>Term of Abatement</i>	<i>Amount of Abatement</i>
<i>Silver</i>	<i>33</i>	<i>40</i>	<i>5 years</i>	<i>50 percent</i>
	<i>34</i>	<i>41</i>	<i>5 years</i>	<i>50 percent</i>
		<i>42</i>	<i>5 years</i>	<i>50 percent</i>
	<i>35</i>	<i>43</i>	<i>6 years</i>	<i>50 percent</i>
	<i>36</i>	<i>44</i>	<i>6 years</i>	<i>50 percent</i>
		<i>45</i>	<i>6 years</i>	<i>50 percent</i>
	<i>37</i>	<i>46</i>	<i>7 years</i>	<i>50 percent</i>
	<i>38</i>	<i>47</i>	<i>7 years</i>	<i>50 percent</i>
<i>Gold</i>	<i>39</i>	<i>48</i>	<i>8 years</i>	<i>50 percent</i>
	<i>40</i>	<i>49</i>	<i>8 years</i>	<i>50 percent</i>
		<i>50</i>	<i>8 years</i>	<i>50 percent</i>
	<i>41</i>	<i>51</i>	<i>9 years</i>	<i>50 percent</i>

	<i>42</i>	<i>52</i>	<i>9 years</i>	<i>50 percent</i>
		<i>53</i>	<i>9 years</i>	<i>50 percent</i>
	<i>43 or more</i>	<i>54 or more</i>	<i>10 years</i>	<i>50 percent</i>

2. A partial abatement of real property taxes granted pursuant to this section will not exceed the amount or duration set forth in this section. Additional incremental abatements may be granted by the Commission for the same property if the building or other structure on that property is certified at a higher LEED level in a succeeding fiscal year, except that the combined duration of all abatements granted for a property will not exceed 10 years.

3. If the Commission grants a partial abatement of real property taxes, the abatement applies beginning July 1 of the next following fiscal year, unless the applicant and the governing body of the local government whose tax revenue will be affected by the abatement agree upon a different date and the governing body provides written authorization for the different date.

4. Upon granting a partial abatement of real property taxes, the Commission will issue a certificate of eligibility for the abatement that sets forth all parcel numbers of the affected property and the percentage of the real property tax and duration for which the abatement is granted.

Sec. 10. NAC 361.004 is hereby amended to read as follows:

361.004 ~~[As]~~ *Except as otherwise provided in sections 2 to 9, inclusive, of this regulation, as used in this chapter, unless the context otherwise requires:*

1. “Commission” means the Nevada Tax Commission.
2. “Department” means the Department of Taxation.

3. “Executive Director” means the Executive Director of the Department of Taxation.
4. “Fiscal year” means that period of time from July 1 of one year to and including June 30 of the following year.