

Chapter 361 of NAC

PROPOSED TEMPORARY REGULATION OF THE COMMISSION ON ECONOMIC DEVELOPMENT

LCB File No.T027-07

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 1 through 5, inclusive, of this regulation.

Sec. 2. NAC 361.617 is hereby amended by adding thereto the following language:

NAC 361.617 Definitions. (NRS 361.0775) As used in NAC 361.617 to 361.620, inclusive, unless the context otherwise requires, the words and terms defined in NAC 361.6175, 361.618 and 361.6185 have the meanings ascribed to them in those sections.

(Added to NAC by Comm'n on Econ. Development by R220-05, eff. 9-18-2006)

NAC 361.6175 "Commission" defined. (NRS 361.0775) "Commission" means the Commission on Economic Development.

(Added to NAC by Comm'n on Econ. Development by R220-05, eff. 9-18-2006)

NAC 361.618 "LEED" defined. (NRS 361.0775) "LEED" means Leadership in Energy and Environmental Design.

(Added to NAC by Comm'n on Econ. Development by R220-05, eff. 9-18-2006)

"Redevelopment Agency" defined. "Redevelopment Agency" has the meaning ascribed to it in NRS 279.386.

NAC 361.6185 "LEED Green Building Rating System" defined; availability of copies. (NRS 361.0775)

1. "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 that are adopted by the Director of the Office of Energy or otherwise deemed to be appropriate for use in this State pursuant to NRS 701.217 and the regulations adopted pursuant thereto.

2. 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, N.W., Suite 508, Washington, D.C. 20036, or on the Internet at <http://www.usgbc.org/>.

(Added to NAC by Comm'n on Econ. Development by R220-05, eff. 9-18-2006)

Sec. 3. NAC 361.619 is hereby amended by adding thereto the following language:

NAC 361.619 **Application** to Commission; ineligible structures. (NRS 361.0775)

1. A person may apply to the Commission for a partial abatement of the taxes on real property payable each year pursuant to chapter 361 of NRS for property which has a building or other structure that:

(a) Is not a public building or structure; and

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

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

3. The application:

(a) 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 NRS 361.0775 and NAC 361.620 and which sets forth the number of LEED points earned;

(b) ***Must list each parcel affected by the LEED points earned and to be included in the abatement by the assessor's parcel number (APN);***

~~(b)~~ (c) Must specify the desired term and amount of the abatement in accordance with the table set forth in NAC 361.620; and

~~(e)~~ (d) If the real property for which the abatement is sought is located in a redevelopment area created pursuant to chapter 279 of NRS, must include proof that the application has been submitted to the redevelopment agency or legislative body with jurisdiction over the redevelopment area.

(Added to NAC by Comm'n on Econ. Development by R220-05, eff. 9-18-2006)

Sec. 4. NAC 361.6195 is hereby amended by adding thereto the following language:

NAC 361.6195 Consideration of application at meeting of Commission; notice of meeting. (NRS 361.0775)

1. The Commission will consider an application for the partial abatement of property taxes:

(a) 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

(c) At the next regularly scheduled meeting of the Commission following the meeting described in paragraph (a) in all other cases.

2. The Commission will, not less than 10 working days before a meeting at which it will consider an application for the partial abatement of property taxes, provide written notice of the date, time and location of the meeting to each ~~local government~~ ***county commission, school district, city***, and redevelopment agency, as applicable, within whose jurisdiction the real property that is the subject of the application is located.

(Added to NAC by Comm'n on Econ. Development by R220-05, eff. 9-18-2006)

Sec. 5. NAC 361.620 is hereby amended by adding thereto the following language:

NAC 361.620 Grant of abatement by Commission. (NRS 361.0775)

1. Except as otherwise provided in subsection 2, if the Commission determines that the application satisfies all requirements of NAC 361.617 to 361.620, inclusive, the Commission will grant a partial abatement of the taxes on real property payable each year pursuant to chapter 361 of NRS in accordance with the following table:

LEED Level	LEED-NC Points	LEED-EB Points	<i>LEED-CS Points</i>	Term of Abatement	Amount of Abatement
Silver	33 to 36	40 to 45	<i>28-31</i>	10 years	35 to 42 percent
				5 to 7 years	50 percent
	37 or 38	46 or 47	<i>32 or 33</i>	10 years	43 to 48 percent
				8 or 9 years	50 percent
Gold	39 or more	48 or more	<i>34 or more</i>	10 years	49 or 50 percent

2. The Commission will reduce the partial abatement of real property taxes authorized by subsection 1 to the extent necessary to ensure that:

(a) If the real property for which the partial abatement is sought is located in a redevelopment area created pursuant to chapter 279 of NRS, the partial abatement authorized by subsection 1 together with any partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 does not exceed 82 percent of the assessed value of the property; and

(b) The partial abatement authorized by subsection 1 does not result in the inability of a local government to pay debt service on any obligation or of a redevelopment agency created pursuant to chapter 279 of NRS to pay any outstanding indebtedness.

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 taxes on real property payable each year pursuant to chapter 361 of NRS and duration for which the abatement is granted.

5. As used in this section, unless the context otherwise requires:

(a) “LEED-EB” means the LEED Green Building Rating System for Existing Buildings, Upgrades, Operations and Maintenance; and

(b) “LEED-NC” means the LEED Green Building Rating System for New Construction & Major Renovations~~[-];~~ and

(c) “LEED-CS” means the LEED Green Building Rating System for Core and Shell Development.