
SENATE BILL NO. 236—SENATOR TITUS

MARCH 4, 2003

JOINT SPONSOR: ASSEMBLYWOMAN GIUNCHIGLIANI

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to location of halfway houses for recovering alcohol and drug abusers. (BDR 22-90)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 halfway houses for recovering alcohol and drug abusers; providing that halfway houses for recovering alcohol and drug abusers may not be located within 500 yards of a school, park or other location at which children normally congregate; providing that existing halfway houses for recovering alcohol and drug abusers need not be relocated or displaced; 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.** NRS 278.021 is hereby amended to read as follows:
2 278.021 1. In any ordinance adopted by a city or county, the
3 definition of “single-family residence” must include a:
4 (a) Residential facility for groups in which 10 or fewer unrelated
5 persons with disabilities reside with:
6 (1) House parents or guardians who need not be related to
7 any of the persons with disabilities; and
8 (2) If applicable, additional persons who are related to the
9 house parents or guardians within the third degree of consanguinity
10 or affinity.



1 (b) Home for individual residential care.
2 (c) Halfway house for recovering alcohol and drug abusers.
3 2. The provisions of subsection 1 do not prohibit a definition of
4 "single-family residence" which permits more persons to reside in a
5 residential facility for groups, nor does it prohibit regulation of
6 homes which are operated on a commercial basis. For the purposes
7 of this subsection, a residential facility for groups, a halfway house
8 for recovering alcohol and drug abusers or a home for individual
9 residential care shall not be deemed to be a home that is operated on
10 a commercial basis for any purposes relating to building codes or
11 zoning.
12 3. The Health Division of the Department of Human Resources
13 shall compile and maintain a registry of information relating to each
14 residential establishment that exists in this state and shall make
15 available for access on the Internet or its successor, if any, the
16 information contained in the registry. The registry must include with
17 respect to each residential establishment:
18 (a) The name of the owner of the establishment;
19 (b) The name of the administrator of the establishment;
20 (c) The address of the establishment; and
21 (d) The number of clients for which the establishment is
22 licensed.
23 Any department or agency of a county or city that becomes aware of
24 the existence of a residential establishment that is not included in the
25 registry shall transmit such information to the Health Division, as is
26 necessary, for inclusion in the registry within 30 days after obtaining
27 the information.
28 4. The governing body of a county whose population is
29 100,000 or more or the governing body of a city in such a county or
30 any department or agency of the city or county shall approve the
31 first application submitted on or after July 1, 2000, to operate a
32 residential establishment within a particular neighborhood in the
33 jurisdiction of the governing body. If a subsequent application is
34 submitted to operate an additional residential establishment at a
35 location that is within the minimum distance established by the
36 governing body pursuant to this subsection from an existing
37 residential establishment, the governing body shall review the
38 application based on applicable zoning ordinances. The
39 requirements of this subsection do not require the relocation or
40 displacement of any residential establishment which existed before
41 July 1, 2001, from its location on that date. The provisions of this
42 subsection do not create or impose a presumption that the location
43 of more than one residential establishment within the minimum
44 distance of each other established by the governing body pursuant to
45 this subsection is inappropriate under all circumstances with respect



1 to the enforcement of zoning ordinances and regulations. For
2 purposes of this subsection, each governing body shall establish by
3 ordinance a minimum distance between residential establishments
4 that is at least 660 feet but not more than 1,500 feet.

5 5. *The governing body of a county or city shall not approve*
6 *an application to operate a halfway house for recovering alcohol*
7 *and drug abusers at a location that is within 500 yards of:*

- 8 (a) *A school;*
9 (b) *A park; or*
10 (c) *Any other public place at which children normally*
11 *congregate.*

12 *The requirements of this subsection do not require the relocation*
13 *or displacement of any halfway house for recovering alcohol and*
14 *drug abusers which existed before October 1, 2003, from its*
15 *location on that date.*

16 6. The governing body of a county or city shall not refuse to
17 issue a special use permit to a residential establishment that meets
18 local public health and safety standards.

19 ~~6.7~~ 7. The provisions of this section must not be applied in any
20 manner which would result in a loss of money from the Federal
21 Government for programs relating to housing.

22 ~~6.7~~ 8. As used in this section:

23 (a) "Halfway house for recovering alcohol and drug abusers"
24 has the meaning ascribed to it in NRS 449.008.

25 (b) "Home for individual residential care" has the meaning
26 ascribed to it in NRS 449.0105.

- 27 (c) "Person with a disability" means a person:
28 (1) With a physical or mental impairment that substantially
29 limits one or more of the major life activities of the person;
30 (2) With a record of such an impairment; or
31 (3) Who is regarded as having such an impairment.

32 (d) "Residential establishment" means a home for individual
33 residential care in a county whose population is 100,000 or more, a
34 halfway house for recovering alcohol and drug abusers or a
35 residential facility for groups.

36 (e) "Residential facility for groups" has the meaning ascribed to
37 it in NRS 449.017.

