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FIRST REPRINT

S.B. 104

SENATE BILL NO. 104—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE COMMITTEE TO STUDY
ISSUES REGARDING AFFORDABLE HOUSING)

PREFILED JANUARY 28, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning the statewide low-income housing database maintained by the Housing Division of the Department of Business and Industry. (BDR 25-378)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; requiring the inclusion of certain reports as sources of information for the statewide low-income housing database maintained by the Housing Division of the Department of Business and Industry; requiring owners of certain multifamily residential housing to report certain information quarterly to the Housing Division; requiring certain local governments to cooperate with the Housing Division in providing certain information related to affordable housing; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Housing Division of the Department of Business and
2 Industry to create and maintain a statewide low-income housing database. This
3 database must include certain information related to affordable housing, including
4 the compilations and analysis of demographic, economic and housing data from a
5 variety of sources. (NRS 319.143) Existing law also requires that the governing
6 bodies of certain local governments submit to the Housing Division annual reports
7 with information related to affordable housing. (NRS 278.235) **Section 1** of this bill
8 requires the inclusion of such reports as one of the sources of information for the
9 low-income housing database. **Section 2** of this bill requires the governing bodies
10 of local governments that are required to submit such reports to cooperate with the
11 Housing Division to ensure that the information is appropriate for inclusion in the
12 database and can be added to the database effectively.



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13 Existing law requires certain owners of residential housing that is affordable
14 housing or accessible to persons with disabilities to report certain information
15 relating to the housing quarterly to the Aging and Disability Services Division of
16 the Department of Health and Human Services. (NRS 319.267) **Section 2.5** of this
17 bill repeals this requirement. **Section 1** imposes a similar requirement on certain
18 owners of multifamily residential housing. **Section 1** requires certain owners of
19 multifamily residential housing that is affordable housing and accessible to persons
20 with disabilities to report certain information relating to the housing quarterly to the
21 Housing Division.

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

1 **Section 1.** NRS 319.143 is hereby amended to read as follows:
2 319.143 1. The Division shall create and maintain a statewide
3 low-income housing database.
4 2. The database must include, without limitation, the
5 compilation and analysis of demographic, economic and housing
6 data from a variety of sources , *including, without limitation,*
7 *reports submitted pursuant to NRS 278.235,* that:
8 (a) Provides for an annual assessment of the affordable housing
9 market at the city and county level, including data relating to
10 housing units, age of housing, rental rates and rental vacancy rates,
11 new home sales and resale of homes, new construction permits,
12 mobile homes, lots available for mobile homes and conversions of
13 multifamily condominiums;
14 (b) Addresses the housing needs of various population groups in
15 Nevada, such as households that rent, homeowners, elderly
16 households, veterans, persons with disabilities or special needs,
17 homeless persons, recovering drug abusers, persons suffering from
18 mental health ailments and victims of domestic violence, with each
19 group distinguished to show the percentage of the population group
20 at different income levels, and a determination of the number of
21 households within each special-needs group experiencing housing
22 costs greater than 50 percent of their income, overcrowding or
23 substandard housing;
24 (c) Contains an estimate of the number and condition of
25 subsidized and other low-income housing units at the county level
26 and the identification of any subsidized units that are forecast to
27 convert to market-rate units within a 2-year planning period;
28 (d) Provides a demographic and economic overview by local
29 and county jurisdiction, if feasible, for the population of Nevada,
30 including age, race and ethnicity, household size, migration, current
31 and forecast employment, household income and a summary
32 relating to the effects of demographics and economic factors on
33 housing demand;



1 (e) Provides the number of housing units available to a victim of
2 domestic violence from any housing authority, as defined in
3 NRS 315.021, and from participation in the program of housing
4 assistance pursuant to section 8 of the United States Housing Act of
5 1937, 42 U.S.C. § 1437f; and

6 (f) Provides the number of terminations of victims of domestic
7 violence in this State from the program of housing assistance
8 pursuant to section 8 of the United States Housing Act of 1937, 42
9 U.S.C. § 1437f.

10 3. The costs of creating and maintaining the database:

11 (a) Must be paid from the Account for Low-Income Housing
12 created by NRS 319.500; and

13 (b) May not exceed \$175,000 per year.

14 **4. *If an owner of multifamily residential housing that is***
15 ***offered for rent or lease in this State and is:***

16 ***(a) Accessible to persons with disabilities; and***

17 ***(b) Affordable housing, as defined in NRS 278.0105,***

18 ***↪ has received any loan, grant or contribution for the multifamily***
19 ***residential housing from the Federal Government or the State, the***
20 ***owner shall, not less than quarterly, report to the Division***
21 ***information concerning each unit of the multifamily residential***
22 ***housing that is available and suitable for use by a person with a***
23 ***disability.***

24 **5. *The Division shall adopt regulations to carry out the***
25 ***provisions of subsection 4.***

26 **Sec. 2.** NRS 278.235 is hereby amended to read as follows:

27 278.235 1. If the governing body of a city or county is
28 required to include the housing element in its master plan pursuant
29 to NRS 278.150, the governing body, in carrying out the plan for
30 maintaining and developing affordable housing to meet the housing
31 needs of the community, which is required to be included in the
32 housing element pursuant to subparagraph (8) of paragraph (c) of
33 subsection 1 of NRS 278.160, shall adopt at least six of the
34 following measures:

35 (a) At the expense of the city or county, as applicable,
36 subsidizing in whole or in part impact fees and fees for the issuance
37 of building permits collected pursuant to NRS 278.580.

38 (b) Selling land owned by the city or county, as applicable, to
39 developers exclusively for the development of affordable housing at
40 not more than 10 percent of the appraised value of the land, and
41 requiring that any such savings, subsidy or reduction in price be
42 passed on to the purchaser of housing in such a development.
43 Nothing in this paragraph authorizes a city or county to obtain land
44 pursuant to the power of eminent domain for the purposes set forth
45 in this paragraph.



1 (c) Donating land owned by the city or county to a nonprofit
2 organization to be used for affordable housing.

3 (d) Leasing land by the city or county to be used for affordable
4 housing.

5 (e) Requesting to purchase land owned by the Federal
6 Government at a discounted price for the creation of affordable
7 housing pursuant to the provisions of section 7(b) of the
8 Southern Nevada Public Land Management Act of 1998, Public
9 Law 105-263.

10 (f) Establishing a trust fund for affordable housing that must be
11 used for the acquisition, construction or rehabilitation of affordable
12 housing.

13 (g) Establishing a process that expedites the approval of plans
14 and specifications relating to maintaining and developing affordable
15 housing.

16 (h) Providing money, support or density bonuses for affordable
17 housing developments that are financed, wholly or in part, with low-
18 income housing tax credits, private activity bonds or money from a
19 governmental entity for affordable housing, including, without
20 limitation, money received pursuant to 12 U.S.C. § 1701q and 42
21 U.S.C. § 8013.

22 (i) Providing financial incentives or density bonuses to promote
23 appropriate transit-oriented housing developments that would
24 include an affordable housing component.

25 (j) Offering density bonuses or other incentives to encourage the
26 development of affordable housing.

27 (k) Providing direct financial assistance to qualified applicants
28 for the purchase or rental of affordable housing.

29 (l) Providing money for supportive services necessary to enable
30 persons with supportive housing needs to reside in affordable
31 housing in accordance with a need for supportive housing identified
32 in the 5-year consolidated plan adopted by the United States
33 Department of Housing and Urban Development for the city or
34 county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R.
35 Part 91.

36 2. On or before January 15 of each year, the governing body
37 shall submit to the Housing Division of the Department of Business
38 and Industry a report, in the form prescribed by the *Housing*
39 *Division*, of how the measures adopted pursuant to subsection 1
40 assisted the city or county in maintaining and developing affordable
41 housing to meet the needs of the community for the preceding year.
42 The report must include an analysis of the need for affordable
43 housing within the city or county that exists at the end of the
44 reporting period. *The governing body shall cooperate with*
45 *the Housing Division to ensure that the information contained in*



1 *the report is appropriate for inclusion in, and can be effectively*
2 *incorporated into, the statewide low-income housing database*
3 *created pursuant to NRS 319.143.*

4 3. On or before February 15 of each year, the Housing Division
5 shall compile the reports submitted pursuant to subsection 2 and
6 post the compilation on the Internet website of the Housing
7 Division.

8 **Sec. 2.5.** NRS 319.267 is hereby repealed.

9 **Sec. 3.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

319.267 Duty of certain owners of residential housing to submit quarterly report to Aging and Disability Services Division of Department of Health and Human Services.

1. If an owner of residential housing that is offered for rent or lease in this State and is:

- (a) Accessible to persons with disabilities; or
- (b) Affordable housing,

↳ has received any loan, grant or contribution for the residential housing from the Federal Government, the State or any public body, the owner shall, not less than quarterly, report to the Aging and Disability Services Division of the Department of Health and Human Services information concerning each unit of the residential housing that is available and suitable for use by a person with a disability.

2. The Department of Health and Human Services shall adopt regulations to carry out the provisions of this section.

3. As used in this section, “affordable housing” has the meaning ascribed to it in NRS 278.0105.

