

ASSEMBLY BILL NO. 131—ASSEMBLYMEMBER JACKSON

PREFILED JANUARY 28, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to housing. (BDR 22-694)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1) (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; requiring the governing body of certain counties and cities to adopt an ordinance to authorize the owner of certain historic residential properties to add an accessory dwelling unit to the property; setting forth certain requirements for the ordinance; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Section 1 of this bill requires the governing body of a county whose population
2 is 100,000 or more (currently Clark and Washoe Counties) or the governing body
3 of a city whose population is 60,000 or more (currently the Cities of Las Vegas,
4 Henderson, North Las Vegas, Reno and Sparks) to adopt an ordinance that
5 authorizes the owner of any historic residential property to apply to add an
6 accessory dwelling unit to the historic residential property. Section 1 further
7 requires such ordinance to: (1) set forth an expedited process for the approval of the
8 application and any appeal of the denial of such an application; (2) require that an
9 accessory dwelling unit that is added to a historic residential property meet all
10 applicable building codes, housing codes and any other codes regulating the health
11 or safety of occupants of real property; (3) require that the owner of an accessory
12 dwelling unit that is added to a historic residential property pursuant to the
13 ordinance use the accessory dwelling unit for family members or long-term rental
14 housing; and (4) prohibit the owner of the accessory dwelling unit from renting the
15 accessory dwelling unit as transient lodging or any other short-term housing or
16 from accepting for the payment of rent for the unit any financial assistance received
17 under the Housing Choice Voucher Program, commonly known as “section 8
18 vouchers.” For purposes of section 1, a “historic residential property” means a
19 property: (1) that is located in an area of the county or city, as applicable, zoned for



20 single-family residential use; (2) that is not located within a common-interest
21 community; and (3) on which there is an existing single-family residential unit that
22 is at least 50 years old.

23 Existing law authorizes the governing body of a county or city to divide the
24 county, city or region into zoning districts of such number, shape and area as are
25 best suited to carry out certain purposes. Within a zoning district, the governing
26 body may regulate and restrict the erection, construction, reconstruction, alteration,
27 repair or use of buildings, structures or land. (NRS 278.250) **Section 4** of this bill
28 creates an exception to account for the requirement that the governing body of
29 certain counties and cities adopt an ordinance to allow the addition of an accessory
30 dwelling unit to a historic residential property pursuant to **section 1**.

31 Existing law requires that an action or proceeding seeking judicial relief or
32 review from or with respect to any final action, decision or order of any governing
33 body of a county or city be commenced within 25 days after the date of filing of
34 notice of the final action, decision or order with the clerk or secretary of the
35 governing body. (NRS 278.0235) **Section 3** of this bill applies these provisions to
36 **section 1**.

37 **Section 2** of this bill makes a conforming change to apply the definitions of
38 certain terms relating to planning and zoning to **section 1**.

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

1 **Section 1.** Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The governing body of a county whose population is*
4 *100,000 or more or the governing body of a city whose population*
5 *is 60,000 or more shall adopt an ordinance that authorizes the*
6 *owner of any historic residential property to apply to add an*
7 *accessory dwelling unit to the historic residential property.*

8 *2. The ordinance adopted pursuant to subsection 1 must:*

9 *(a) Set forth an expedited process for:*

10 *(1) The appropriate staff of the planning department of the*
11 *county or city to process and determine whether to approve an*
12 *application from an owner of any historic residential property to*
13 *add an accessory dwelling unit to the historic residential property;*
14 *and*

15 *(2) An owner of any historic residential property to appeal*
16 *to the governing body any denial of an application to add an*
17 *accessory dwelling unit to the historic residential property;*

18 *(b) Require that any accessory dwelling unit that is added to a*
19 *historic residential property pursuant to the expedited process set*
20 *forth in paragraph (a) meet all applicable building codes, housing*
21 *codes and any other codes regulating the health or safety of*
22 *occupants of real property;*

23 *(c) Require that the owner of an accessory dwelling unit that is*
24 *added to a historic residential property pursuant to the expedited*



1 *process set forth in paragraph (a) use the accessory dwelling unit*
2 *for family members or long-term rental housing; and*

3 *(d) Prohibit the owner of an accessory dwelling unit that is*
4 *added to a historic residential property pursuant to the expedited*
5 *process set forth in paragraph (a) from:*

6 *(1) Renting the accessory dwelling unit as transient lodging*
7 *or any other short-term housing; or*

8 *(2) Accepting for the payment of rent for the accessory*
9 *dwelling unit any financial assistance that a person receives under*
10 *the Housing Choice Voucher Program pursuant to section 8 of the*
11 *United States Housing Act of 1937, 42 U.S.C. § 1437f.*

12 *3. Any zoning regulation adopted by the governing body*
13 *pursuant to NRS 278.250 must allow the addition of an accessory*
14 *dwelling unit to a historic residential property pursuant to the*
15 *provisions of an ordinance adopted pursuant to this section.*

16 *4. As used in this section, "historic residential property"*
17 *means a property:*

18 *(a) That is located in an area of the county or city, as*
19 *applicable, zoned for single-family residential use;*

20 *(b) That is not located within a common-interest community;*
21 *and*

22 *(c) On which there is an existing single-family residential unit*
23 *that is at least 50 years old.*

24 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

25 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
26 *section 1 of this act*, unless the context otherwise requires, the
27 words and terms defined in NRS 278.0103 to 278.0195, inclusive,
28 have the meanings ascribed to them in those sections.

29 **Sec. 3.** NRS 278.0235 is hereby amended to read as follows:

30 278.0235 1. No action or proceeding may be commenced for
31 the purpose of seeking judicial relief or review from or with respect
32 to any final action, decision or order of any governing body,
33 commission or board authorized by NRS 278.010 to 278.630,
34 inclusive, *and section 1 of this act*, unless the action or proceeding
35 is commenced within 25 days after the date of filing of notice of the
36 final action, decision or order with the clerk or secretary of the
37 governing body, commission or board.

38 2. A petitioner or cross-petitioner who is seeking judicial
39 review must serve and file a memorandum of points and authorities
40 within 40 days after an action is commenced.

41 3. The respondent or cross-petitioners shall serve and file a
42 reply memorandum of points and authorities within 30 days after the
43 service of the memorandum of points and authorities.



1 4. The petition or cross-petitioner may serve and file a reply
2 memorandum of points and authorities within 30 days after service
3 of the reply memorandum.

4 5. Within 7 days after the expiration of the time within which
5 the petitioner is required to reply, any party may request a hearing.
6 Unless a request for hearing has been filed, the matter shall be
7 deemed submitted.

8 6. All memoranda of points and authorities filed in proceedings
9 involving petitions for judicial review must be in the form provided
10 for appellate briefs in Rule 28 of the Nevada Rules of Appellate
11 Procedure.

12 7. The court, for good cause, may extend the times allowed in
13 this section for filing memoranda.

14 **Sec. 4.** NRS 278.250 is hereby amended to read as follows:

15 278.250 1. For the purposes of NRS 278.010 to 278.630,
16 inclusive, *and section 1 of this act*, the governing body may divide
17 the city, county or region into zoning districts of such number, shape
18 and area as are best suited to carry out the purposes of NRS 278.010
19 to 278.630, inclusive [~~Within~~], *and section 1 of this act. Except*
20 *as otherwise provided in section 1 of this act, within* the zoning
21 district, it may regulate and restrict the erection, construction,
22 reconstruction, alteration, repair or use of buildings, structures or
23 land.

24 2. The zoning regulations must be adopted in accordance with
25 the master plan for land use and be designed:

26 (a) To preserve the quality of air and water resources.

27 (b) To promote the conservation of open space and the
28 protection of other natural and scenic resources from unreasonable
29 impairment.

30 (c) To consider existing views and access to solar resources by
31 studying the height of new buildings which will cast shadows on
32 surrounding residential and commercial developments.

33 (d) To reduce the consumption of energy by encouraging the use
34 of products and materials which maximize energy efficiency in the
35 construction of buildings.

36 (e) To provide for recreational needs.

37 (f) To protect life and property in areas subject to floods,
38 landslides and other natural disasters.

39 (g) To conform to the adopted population plan, if required by
40 NRS 278.170.

41 (h) To develop a timely, orderly and efficient arrangement of
42 transportation and public facilities and services, including public
43 access and sidewalks for pedestrians, and facilities and services for
44 bicycles.



1 (i) To ensure that the development on land is commensurate
2 with the character and the physical limitations of the land.

3 (j) To take into account the immediate and long-range financial
4 impact of the application of particular land to particular kinds of
5 development, and the relative suitability of the land for
6 development.

7 (k) To promote health and the general welfare.

8 (l) To ensure the development of an adequate supply of housing
9 for the community, including the development of affordable
10 housing.

11 (m) To ensure the protection of existing neighborhoods and
12 communities, including the protection of rural preservation
13 neighborhoods and, in counties whose population is 700,000 or
14 more, the protection of historic neighborhoods.

15 (n) To promote systems which use solar or wind energy.

16 (o) To foster the coordination and compatibility of land uses
17 with any military installation in the city, county or region, taking
18 into account the location, purpose and stated mission of the military
19 installation.

20 3. The zoning regulations must be adopted with reasonable
21 consideration, among other things, to the character of the area and
22 its peculiar suitability for particular uses, and with a view to
23 conserving the value of buildings and encouraging the most
24 appropriate use of land throughout the city, county or region.

25 4. In exercising the powers granted in this section, the
26 governing body may use any controls relating to land use or
27 principles of zoning that the governing body determines to be
28 appropriate, including, without limitation, density bonuses,
29 inclusionary zoning and minimum density zoning.

30 5. As used in this section:

31 (a) "Density bonus" means an incentive granted by a governing
32 body to a developer of real property that authorizes the developer to
33 build at a greater density than would otherwise be allowed under the
34 master plan, in exchange for an agreement by the developer to
35 perform certain functions that the governing body determines to be
36 socially desirable, including, without limitation, developing an area
37 to include a certain proportion of affordable housing.

38 (b) "Inclusionary zoning" means a type of zoning pursuant to
39 which a governing body requires or provides incentives to a
40 developer who builds residential dwellings to build a certain
41 percentage of those dwellings as affordable housing.

42 (c) "Minimum density zoning" means a type of zoning pursuant
43 to which development must be carried out at or above a certain
44 density to maintain conformance with the master plan.



1 **Sec. 5.** The provisions of NRS 354.599 do not apply to any
2 additional expenses of a local government that are related to the
3 provisions of this act.

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