

ASSEMBLY BILL NO. 185—ASSEMBLYMEMBER ANDERSON

PREFILED FEBRUARY 3, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to child care. (BDR 10-187)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 child care; prohibiting the unit-owners' association of a common-interest community from prohibiting the operation of a licensed child care facility; authorizing, with certain exceptions, a tenant to operate a licensed child care facility; requiring the governing body of a county or incorporated city to authorize the operation of child care facilities in certain zoning districts; setting forth certain requirements for licensing standards for child care facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law sets forth certain requirements for the licensure and operation of
2 child care facilities by the Division of Welfare and Supportive Services of the
3 Department of Health and Human Services or the governing body of a county or an
4 incorporated city. (NRS 432A.131-432A.220) Existing law authorizes the unit-
5 owners' association of a common-interest community to adopt rules and regulations
6 governing the common-interest community. (NRS 116.3102) **Section 1** of this bill
7 prohibits, with certain exceptions, the executive board and governing documents of
8 a unit-owners' association from prohibiting the operation of a licensed child care
9 facility by a unit's owner. **Section 1** authorizes the executive board and governing
10 documents to impose conditions or restrictions on a licensed child care facility that
11 are consistent with the conditions and requirements to obtain a license for a child
12 care facility. Additionally, **section 1** provides that these provisions do not apply to a
13 common-interest community that imposes certain age restrictions.

14 Existing law sets forth various requirements for rental agreements between a
15 landlord and tenant for the use and occupancy of a dwelling unit or premises.
16 (Chapter 118A of NRS) **Section 2** of this bill authorizes a tenant to operate a
17 licensed child care facility unless otherwise prohibited by the terms of the rental
18 agreement.



19 Existing law authorizes a governing body to divide the city, county or region
20 into zoning districts of such number, shape and area as are best suited to carry out
21 certain purposes. Within a zoning district, the governing body may regulate and
22 restrict the erection, construction, reconstruction, alteration, repair or use of
23 buildings, structures or land. (NRS 278.250) **Section 3** of this bill requires the
24 governing body to adopt an ordinance that authorizes a licensed child care facility
25 to operate in any zoning district that is zoned for residential use. **Section 3** prohibits
26 such an ordinance from: (1) imposing restrictions on a child care facility that are
27 more restrictive than the restrictions imposed on dwelling units in the zoning
28 district; or (2) requiring a licensed child care facility to obtain any additional
29 permits relating to the zoning or use of the dwelling unit as a licensed child care
30 facility. **Section 6** of this bill includes **section 3** in the purposes that a governing
31 body is required to carry out when the governing body establishes zoning districts.

32 **Section 4** of this bill applies the definitions in existing law governing planning
33 and zoning to the provisions of **section 3**.

34 **Section 5** of this bill applies the provisions governing actions and proceedings
35 for judicial relief or review from any final action, decision or order of any
36 governing body, commission or board to the provisions of **section 3**.

37 Existing law requires the State Board of Health to adopt licensing standards for
38 child care facilities. (NRS 432A.077) Existing law authorizes the governing body
39 of a county or incorporated city to establish an agency for the licensing of child
40 care facilities that do not need to be licensed by the Division. Such a licensing
41 agency is required to adopt standards and regulations that must: (1) not be less
42 restrictive than the standards and regulations adopted by the Board; and (2) be
43 approved by the Division. (NRS 432A.131) **Sections 7 and 8** of this bill prohibit
44 the standards adopted by the Board and the standards and regulations adopted by
45 the licensing agency from prohibiting the licensure of a child care facility that does
46 not have an outdoor play space that is located: (1) in a multi-family dwelling or an
47 apartment or condominium building; and (2) within 1 mile of an accessible park,
48 school or space that is open to the public for outdoor recreation.

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

1 **Section 1.** Chapter 116 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in this section, the executive
4 board shall not and the governing documents must not prohibit a
5 unit's owner from operating a licensed child care facility within
6 such physical portion of the common-interest community as that
7 owner has a right to occupy and use exclusively.*

8 *2. The executive board and the governing documents may
9 impose conditions or restrictions on a licensed child care facility
10 that are consistent with the requirements to obtain a license for a
11 child care facility pursuant to chapter 432A of NRS.*

12 *3. The provisions of this section do not apply to a common-
13 interest community that imposes age restrictions to require that a
14 certain amount of unit owners or residents are 50 years of age or
15 older.*



1 **4. As used in this section, “licensed child care facility” means**
2 **a child care facility licensed pursuant to chapter 432A of NRS.**

3 **Sec. 2.** Chapter 118A of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 **1. Unless otherwise prohibited by the terms of the rental**
6 **agreement, a tenant may operate a licensed child care facility in**
7 **the dwelling unit of the tenant.**

8 **2. As used in this section, “licensed child care facility” means**
9 **a child care facility licensed pursuant to chapter 432A of NRS.**

10 **Sec. 3.** Chapter 278 of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 **1. The governing body shall adopt an ordinance that**
13 **authorizes a licensed child care facility to operate in any zoning**
14 **district that is zoned for residential use.**

15 **2. An ordinance adopted pursuant to this section shall not:**

16 **(a) Impose conditions or restrictions on a child care facility**
17 **that are more restrictive than the restrictions imposed on dwelling**
18 **units in the zoning district; or**

19 **(b) Require a licensed child care facility to obtain any**
20 **additional permits relating to zoning or use of the dwelling unit as**
21 **a licensed child care facility.**

22 **3. As used in this section, “licensed child care facility” means**
23 **a child care facility licensed pursuant to chapter 432A of NRS.**

24 **Sec. 4.** 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 3 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. 5.** 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 3 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. 6.** 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 3 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 ~~H~~, *and section 3 of this act*. Within the
20 zoning district, it may regulate and restrict the erection,
21 construction, reconstruction, alteration, repair or use of buildings,
22 structures or land.

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

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

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

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

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

35 (e) To provide for recreational needs.

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

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

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

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



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

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

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

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

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

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

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

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

28 5. As used in this section:

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

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

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

43 **Sec. 7.** NRS 432A.077 is hereby amended to read as follows:
44 432A.077 1. The Board shall adopt:

45 (a) Licensing standards for child care facilities.



1 (b) In consultation with the State Fire Marshal, plans and
2 requirements to ensure that each child care facility and its staff is
3 prepared to respond to emergencies, including, without limitation:

4 (1) The conducting of fire drills on a monthly basis;

5 (2) The adoption of plans to respond to natural disasters and
6 emergencies other than those involving fire; and

7 (3) The adoption of plans to provide for evacuation of child
8 care facilities in an emergency.

9 (c) Any regulations necessary to carry out the provisions of NRS
10 432A.1756 or to ensure the safe operation of small child care
11 establishments.

12 (d) Such other regulations as it deems necessary or convenient
13 to carry out the provisions of this chapter.

14 2. *The licensing standards adopted by the Board pursuant to*
15 *subsection 1, must not prohibit the licensure of a child care facility*
16 *that does not have an outdoor play space that is located:*

17 (a) *In a multi-family dwelling or an apartment or*
18 *condominium building; and*

19 (b) *Within 1 mile of an accessible park, school or space that is*
20 *open to the public for outdoor recreation.*

21 3. The Board shall require that the practices and policies of
22 each child care facility provide adequately for the protection of the
23 health and safety and the physical, moral and mental well-being of
24 each child accommodated in the facility.

25 ~~3-4~~ 4. If the Board finds that the practices and policies of a
26 child care facility are substantially equivalent to those required by
27 the Board in its regulations, it may waive compliance with a
28 particular standard or other regulation by that facility.

29 **Sec. 8.** NRS 432A.131 is hereby amended to read as follows:

30 432A.131 1. Child care facilities, other than child care
31 institutions, in any county or incorporated city where the governing
32 body has established an agency for the licensing of child care
33 facilities and enacted an ordinance requiring that child care facilities
34 be licensed by the county or city need not be licensed by the
35 Division. The licensing agency shall adopt such standards and other
36 regulations as may be necessary for the licensing of child care
37 facilities, and the standards and regulations:

38 (a) Must be not less restrictive than those adopted by the Board .

39 ~~and~~

40 (b) *Must not prohibit the licensure of a child care facility that*
41 *does not have an outdoor play space that is located:*

42 (1) *In a multi-family dwelling or an apartment or*
43 *condominium building; and*

44 (2) *Within 1 mile of an accessible park, school or space that*
45 *is open to the public for outdoor recreation.*



- 1 (c) Take effect only upon their approval by the Division.
2 2. An agency for the licensing of child care facilities
3 established by a city or county may waive compliance with a
4 particular standard or other regulation by a child care facility if:
5 (a) The agency finds that the practices and policies of that
6 facility are substantially equivalent to those required by the agency
7 in its standards and other regulations; and
8 (b) The waiver does not allow a practice which violates a
9 regulation adopted by the Board.
10 3. A governing body may adopt such standards and other
11 regulations as may be necessary for the regulation of facilities which
12 provide care for fewer than five children. If the standards so adopted
13 are less restrictive than the standards for the licensure of child care
14 facilities which have been adopted by the Board, the governing body
15 shall not issue a license to the smaller facilities, but may register
16 them in accordance with the standards which are less restrictive.
17 4. If a governing body intends to amend or repeal an ordinance
18 providing for the licensing of child care facilities and the effect of
19 that action will be the discontinuance of the governing body's
20 licensure of child care facilities, the governing body shall notify the
21 Division of its intention to do so at least 12 months before the
22 amendment or repeal becomes effective.
23 5. A child care institution must be licensed by the Division.



