
SENATE BILL No. 99—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
FOR THE REVIEW AND OVERSIGHT OF THE
TAHOE REGIONAL PLANNING AGENCY AND
THE MARLETTE LAKE WATER SYSTEM)

PREFILED JANUARY 16, 2025

Referred to Committee on Government Affairs

SUMMARY—Authorizes, under certain circumstances, certain governing bodies of a city or county to impose linkage fees on certain developers. (BDR 22-373)

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 housing; authorizing the governing body of a city or county in certain regions to impose, under certain circumstances, a linkage fee on certain developers to pay for certain expenses related to the development of affordable housing; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the governing body of a city or county to regulate and
2 restrict the improvement of land, taking into account the availability of and need for
3 affordable housing in the community. (NRS 278.020) Existing law further requires
4 the governing bodies of certain cities and counties to: (1) ensure an adequate supply
5 of affordable housing when implementing a master plan; (2) adopt certain measures
6 to maintain and develop affordable housing to carry out the housing plan required
7 in the master plan; and (3) report certain information relating to affordable housing
8 to certain entities. (NRS 278.230, 278.235, 278.237) Existing law also authorizes
9 the governing body of a city or county to adopt zoning regulations that, in relevant
10 part, ensure the development of an adequate supply of affordable housing in the
11 community. In exercising such power, the governing body of the city or county is
12 authorized to use any controls relating to land use or principles of zoning that the
13 governing body determines to be appropriate, including, without limitation, density
14 bonuses, inclusionary zoning and minimum density zoning. (NRS 278.250)
15 Existing law creates the Tahoe Regional Planning Agency as part of the Tahoe
16 Regional Planning Compact and sets forth certain provisions regarding the



17 governance of the Lake Tahoe region by the Agency, including provisions relating
18 to the creation, review and amendment of a regional plan. (NRS 277.200)
19 **Section 1** of this bill authorizes, under certain circumstances, the governing
20 body of a city or county which is located within any region governed by a regional
21 planning agency created by interstate compact (currently the Lake Tahoe region) to
22 impose a linkage fee on the development of residential units in the city or county
23 which are 1,000 square feet or more if the regional plan adopted by such a regional
24 planning agency: (1) calls for the development of affordable housing in the region;
25 and (2) identifies the use of linkage fees and deed restrictions as tools for the
26 development of affordable housing. **Section 1** further: (1) requires such fees to be
27 used for the purpose of paying certain fees to assist in the development of
28 affordable housing units of a certain size which must be not more than 1,000 square
29 feet per unit and subject to a deed restriction that requires the units to be sold or
30 rented as affordable housing; and (2) prohibits such fees from being imposed on the
31 development of residential units for affordable housing. **Section 2** of this bill
32 applies the definitions in existing law relating to planning and zoning, including the
33 definition for "affordable housing," to the provisions of **section 1**. **Section 4** of this
34 bill provides that the powers granted by **section 1** are subordinate to the powers of a
35 regional planning agency created by interstate compact. **Section 3** of this bill
36 applies certain provisions relating to judicial relief from or review of any final
37 action, decisions or order of a governing body to an action or proceeding which
38 arises from the provisions of **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. Except as otherwise provided in subsection 3, if, in any*
4 *region of this State for which there has been created by interstate*
5 *compact a regional planning agency, the regional plan adopted by*
6 *the regional planning agency calls for the development of*
7 *affordable housing in the region and identifies the use of linkage*
8 *fees and deed restrictions as tools for the development of such*
9 *affordable housing, the governing body of a city or county located*
10 *within the region that is governed by the regional planning agency*
11 *may impose a linkage fee on the development of any residential*
12 *units in the city or county which are 1,000 square feet or more to*
13 *assist in the development of affordable housing that the governing*
14 *body determines will be necessary as a result of the development of*
15 *the residential units. The determination of the governing body*
16 *must be based on a finding that there is an essential nexus*
17 *between the new development of residential units and the need for*
18 *affordable housing.*

19 *2. The linkage fee imposed pursuant to subsection 1 must be:*
20 *(a) Roughly proportional in nature and extent to the impact of*
21 *the proposed new development of residential units;*



1 (b) Used to assist in the development of affordable housing
2 which must be:

3 (1) Not more than 1,000 square feet per unit of affordable
4 housing; and

5 (2) Subject to a deed restriction that requires that the
6 affordable housing be sold or rented as affordable housing; and

7 (c) Used to offset any:

8 (1) Costs for utility hookups; and

9 (2) Impact or mitigation fees imposed by the governing
10 body on new construction projects.

11 3. A governing body may not impose a linkage fee pursuant
12 to subsection 1 on the development of residential units for
13 affordable housing.

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

15 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
16 *section 1 of this act*, unless the context otherwise requires, the
17 words and terms defined in NRS 278.0103 to 278.0195, inclusive,
18 have the meanings ascribed to them in those sections.

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

20 278.0235 1. No action or proceeding may be commenced for
21 the purpose of seeking judicial relief or review from or with respect
22 to any final action, decision or order of any governing body,
23 commission or board authorized by NRS 278.010 to 278.630,
24 inclusive, *and section 1 of this act*, unless the action or proceeding
25 is commenced within 25 days after the date of filing of notice of the
26 final action, decision or order with the clerk or secretary of the
27 governing body, commission or board.

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

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

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

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

41 6. All memoranda of points and authorities filed in proceedings
42 involving petitions for judicial review must be in the form provided
43 for appellate briefs in Rule 28 of the Nevada Rules of Appellate
44 Procedure.



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

3 **Sec. 4.** NRS 278.025 is hereby amended to read as follows:

4 278.025 1. In any region of this State for which there has
5 been created by interstate compact a regional planning agency, the
6 powers conferred by NRS 278.010 to 278.630, inclusive, *and*
7 *section 1 of this act*, are subordinate to the powers of such regional
8 planning agency, and may be exercised only to the extent that their
9 exercise does not conflict with any ordinance or plan adopted by
10 such regional planning agency. The powers conferred by NRS
11 278.010 to 278.630, inclusive, *and section 1 of this act*, shall be
12 exercised whenever appropriate in furtherance of a plan adopted by
13 the regional planning agency.

14 2. Upon the adoption by a regional planning agency created by
15 interstate compact of any regional plan or interim plan, any plan
16 adopted pursuant to NRS 278.010 to 278.630, inclusive, *and section*
17 *1 of this act*, shall cease to be effective as to the territory embraced
18 in such regional or interim plan. Each planning commission and
19 governing body whose previously adopted plan is so affected shall,
20 within 90 days after the effective date of the regional or interim
21 plan, initiate any necessary procedure to revise its plan and any
22 related zoning ordinances which affect adjacent territory.

