

ASSEMBLY BILL NO. 241—ASSEMBLYMEMBER JAUREGUI

FEBRUARY 17, 2025

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to housing. (BDR 22-65)

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 each county and city to adopt an ordinance to authorize a person to apply for a permit to construct a multifamily housing development or mixed-use development on property zoned for commercial use; declaring void certain county or city ordinances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill requires each governing body of a county or city to adopt
2 an ordinance that authorizes a person to apply for a permit to construct a
3 multifamily housing development or mixed-use development on property zoned for
4 commercial use. **Section 1** further requires such an ordinance to set forth an
5 expedited process for the approval of the application and any appeal of the denial of
6 such an application. **Section 5** of this bill declares void any ordinance, regulation or
7 rule of a county or city which conflicts with the provisions of this bill.

8 Existing law authorizes the governing body of a county or city to divide the
9 county, city or region into zoning districts of such number, shape and area as are
10 best suited to carry out certain purposes. Within a zoning district, the governing
11 body may regulate and restrict the erection, construction, reconstruction, alteration,
12 repair or use of buildings, structures or land. (NRS 278.250) **Section 4** of this bill
13 creates an exception to account for the requirement that the governing body of a
14 county or city adopt an ordinance to authorize a person to apply for a permit to
15 construct a multifamily housing development or mixed-use development on
16 property zoned for commercial use pursuant to **section 1**.

17 Existing law requires that an action or proceeding seeking judicial relief or
18 review from or with respect to any final action, decision or order of any governing
19 body of a county or city be commenced within 25 days after the date of filing of
20 notice of the final action, decision or order with the clerk or secretary of the



21 governing body. (NRS 278.0235) **Section 3** of this bill applies these provisions to
22 **section 1.**

23 **Section 2** of this bill makes a conforming change to apply the definitions of
24 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. Not later than October 1, 2026, each governing body shall*
4 *adopt an ordinance that authorizes a person to construct a*
5 *multifamily housing development or mixed-use development on*
6 *property zoned for commercial use.*

7 *2. The ordinance adopted pursuant to subsection 1 must set*
8 *forth an expedited process for:*

9 *(a) The appropriate staff of the planning department of the*
10 *county to process and determine whether to approve an*
11 *application for a permit to construct a multifamily housing*
12 *development or mixed-use development on property zoned for*
13 *commercial use; and*

14 *(b) An applicant to appeal to the board of county*
15 *commissioners any denial of an application for a permit to*
16 *construct a multifamily housing development or mixed-use*
17 *development on property zoned for commercial use.*

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

19 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
20 *section 1 of this act*, unless the context otherwise requires, the
21 words and terms defined in NRS 278.0103 to 278.0195, inclusive,
22 have the meanings ascribed to them in those sections.

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

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

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

35 3. The respondent or cross-petitioners shall serve and file a
36 reply memorandum of points and authorities within 30 days after the
37 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.** On and after October 1, 2026, any ordinance,
2 regulation or rule of a county or city which conflicts with the
3 provisions of this act is void and unenforceable.

4 **Sec. 6.** The provisions of NRS 354.599 do not apply to any
5 additional expenses of a local government that are related to the
6 provisions of this act.



