

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 by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use; declaring void certain county or city ordinances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires each governing body of a county or city to adopt an ordinance that authorizes by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use. **Section 1** further provides that property zoned for commercial use does not include property zoned for industrial use. **Section 5** of this bill declares void any ordinance, regulation or rule of a county or city which conflicts with the provisions of this bill.

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

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



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

Section 2 of this bill makes a conforming change to apply the definitions of 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:

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

1. Not later than October 1, 2026, each governing body shall adopt an ordinance that authorizes by-right a multifamily housing development or mixed-use development that includes a residential use on property zoned for commercial use.

2. As used in this section, "property zoned for commercial use" does not include property zoned for industrial use.

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

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

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

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

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

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

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

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

6. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided



1 for appellate briefs in Rule 28 of the Nevada Rules of Appellate
2 Procedure.

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

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

6 278.250 1. For the purposes of NRS 278.010 to 278.630,
7 inclusive, *and section 1 of this act*, the governing body may divide
8 the city, county or region into zoning districts of such number, shape
9 and area as are best suited to carry out the purposes of NRS 278.010
10 to 278.630, inclusive ~~[- Within]~~, *and section 1 of this act. Except*
11 *as otherwise provided in section 1 of this act, within* the zoning
12 district, it may regulate and restrict the erection, construction,
13 reconstruction, alteration, repair or use of buildings, structures or
14 land.

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

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

18 (b) To promote the conservation of open space and the
19 protection of other natural and scenic resources from unreasonable
20 impairment.

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

24 (d) To reduce the consumption of energy by encouraging the use
25 of products and materials which maximize energy efficiency in the
26 construction of buildings.

27 (e) To provide for recreational needs.

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

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

32 (h) To develop a timely, orderly and efficient arrangement of
33 transportation and public facilities and services, including public
34 access and sidewalks for pedestrians, and facilities and services for
35 bicycles.

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

38 (j) To take into account the immediate and long-range financial
39 impact of the application of particular land to particular kinds of
40 development, and the relative suitability of the land for
41 development.

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

43 (l) To ensure the development of an adequate supply of housing
44 for the community, including the development of affordable
45 housing.



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

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

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

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

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

5. As used in this section:

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

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

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

Sec. 5. On and after October 1, 2026, any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

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

