



DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT: RECOMMENDING COMMITTEE: ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2010-22 ABYSSANCE ITEM: Updates the City's zoning and licensing regulations that apply to community residences (commonly referred to as group homes) and similar uses.

Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City's zoning and licensing regulations that apply to community residences (commonly referred to as group homes) and similar uses. The bill is based on a Clark County ordinance, adopted in 2008 to settle fair housing litigation invalidating certain provisions of State law on the subject. This bill represents the culmination of the work of a task force over an extended period of time and is intended to address the various competing interests in a comprehensive fashion that is consistent with Federal statutes and regulations, as well as applicable case law. This item was held in abeyance at the June 16, 2010 City Council Meeting.

RECOMMENDATION:

This bill has been referred to the Full Council for review, hearing and final action at the June 16, 2010 City Council meeting.

First Reading 5/19/2010; First Publication 6/4/2010

BACKUP DOCUMENTATION:

1. Bill No. 2010-22
2. Business Impact Statement
3. Report on Proposed Amendments to Title 30 by Deputy City Attorney Jim Lewis
4. Verbatim Transcript from June 16, 2010 City Council Meeting
5. Submitted at Meeting PowerPoint Presentation by Staff and Documentation from Carl Anderson by Councilman Ross

Motion made by RICKI Y. BARLOW to Approve as a First Amendment

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

CITY COUNCIL MEETING OF: JULY 21, 2010

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-OSCAR B. GOODMAN); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

Second Reading and bill adopted as a First Amendment as Ordinance No. 6098.

CHIEF URBAN REDEVELOPMENT OFFICER SCOTT ALAMS explained that at the 6/16/2010 Council meeting, the Council members expressed issue with the definitions, approvals and enforcement. This matter is being brought back, recognizing the legal and financial consequences of not going forward, but at the same time trying to put in place new regulations to strengthen enforcement and to remain in compliance.

DEPUTY CITY ATTORNEY JIM LEWIS and LISA MORRIS HIBLER, Deputy Director of Neighborhood Services, shared in providing a detailed PowerPoint Presentation to update the Council on this matter. DEPUTY CITY ATTORNEY LEWIS narrated slides 1-21, conceding that there are shady operators, but there are also operators that are about providing treatment that do not want to attract attention. MS. MORRIS HIBLER narrated slides 22-29, noting that the application consists of 17 pages requiring substantial information.

COUNCILMAN ROSS stated that he is satisfied with the current bill, but he is confident that the changes will protect the citizens of Las Vegas. He appreciated staff efforts in this matter, and emphasized that key components to him are the fees involved, the application process and allowing the state to impose a fine for non-compliance. He also believes the law will be strengthened even more in the upcoming legislative session, and he likes that enforcement has been streamlined to be handled by Neighborhood Response. He submitted a packet for the backup.

JUANITA CLARK, Charleston Neighborhood Preservation, referred to a report by DANIEL LAUBER of Clark County, Nevada, and asked if these types of businesses will be allowed to operate if found to not have a business license and while in the process of obtaining one. DEPUTY CITY ATTORNEY LEWIS indicated that operation will only be allowed of current businesses that meet the legal requirements. Those unlicensed will not be allowed to continue operating.

LINDA DRESSEL, Fawn Residence, stated that she operates a licensed non-profit organization and wondered if her organization would be governed under these new regulations. She opined that operators of community residences should be required to register every year and pay a nominal fee. COUNCILMAN ROSS interjected that legitimate businesses are not the City's concern. The Councilman suggested the PowerPoint Presentation be made available online for those wanting more information on these regulations.

COUNCILMAN BARLOW asked DEPUTY CITY ATTORNEY LEWIS if these types of businesses could possibly be rated, such as it is done with restaurants, and to require the

CITY COUNCIL MEETING OF: JULY 21, 2010

operators to post the state license in a visible area. DEPUTY CITY ATTORNEY LEWIS replied that he would have to do research.

COUNCILWOMAN TARKANIAN agreed with COUNCILMAN ROSS that the ordinance might need refinement in the future. She also expressed concern about alcoholics and sex offenders, to which DEPUTY CITY ATTORNEY LEWIS responded that compliance with the conditions will be ensured, perhaps blood tests will have to be required.

MAYOR GOODMAN agreed that strengthening the ordinance is necessary, but indicated that he could not support it because he does not agree with the judge that resided over the case. Having encroachment into neighborhoods without knowledge is inconceivable to him.

See Item 34 for related backup.

