

Department of Business License

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February 22, 2012

NOTIFICATION OF PROPOSED AMENDMENT TO CLARK COUNTY CODE, TITLE 6, CHAPTER 6.12, SECTION 6.12090, APARTMENT HOUSES

Dear Licensees and Community Partners:

Please be notified, pursuant to NRS 237.080, of proposed amendments to Clark County Code, Title 6, Chapter 6.12, Section 6.12.092, Apartment Houses, for the addition of new definitions and requirements for obtaining and maintaining an Apartment House license. We anticipate that the Clark County Board of Commissioners may introduce the amendments on March 6, 2012 and schedule a public hearing for April 3, 2012. The amendments are available for your review online at www.clarkcountynv.gov/depts/business_license.

Specifically, the proposed amendments will require apartment house licensees to take the following actions:

- Designate an on-site manager who has primary responsibility for the day-to-day operations of an apartment house, including such activities as negotiating lease and rental terms, managing lease and rental transactions, maintaining accounting records, and overseeing building and grounds maintenance.
- In the event the designated on-site manager is a property management company permitted by the Nevada Department of Business and Industry Real Estate Division to operate as a property manager, the property management company shall designate an employee or employees with the primary responsibilities of an on-site manager.
- All designated on-site managers or designated employees shall complete the Landlord Training Program offered by the Las Vegas Metropolitan Police Department in connection with its Las Vegas Crime Free Multi-Housing Program at no cost.
- A file shall be maintained at each apartment house location containing proof that the designated on-site manager or designated employee (or the designated employee's supervisor or manager) has completed the Landlord Training Program.
- Apartment house licensees shall have 180 days from the effective date of the ordinance to comply with the requirements. In the event the Landlord Training Program cannot accommodate all applicants for the program, the amendment allows for an extension of time up to an additional 180 days.
- An apartment house licensee or property management company that has obtained a background investigative report on any designated on-site manager or designated employee shall make the investigative report available upon request to the department or LVMPD within 10 business days.
- For the purposes of the Landlord Training Program requirement, a group of apartment houses owned by the same person and contiguous to each other shall be considered by the Department to be one apartment house.

In accordance with NRS 237.080, business owners and interested parties may submit data and arguments to the Clark County Board of Commissioners, in care of the Department of Business License as to whether the proposed amendments will:

1. Impose a direct and significant economic burden upon a business; or
2. Directly restrict the formation, operation or expansion of business

Please direct your comments, data and arguments in writing to Allison Gigante, Assistant Operations Manager or by email at allisong@clarkcountynv.gov by 5:00 p.m. on March 21, 2012.

Sincerely,


Jacqueline R. Holloway
Director

BOARD OF COUNTY COMMISSIONERS
LAWRENCE WEEKLY Chair • CHRIS GIUNCHIGLIANI Vice Chair
SUSAN BRAGER • LARRY BROWN • TOM COLLINS • MARY BETH SCOW • STEVE SISOLAK
DONALD J. BURNETTE, County Manager

Material being deleted is [~~bracketed and struck out~~];
Material being added is underscored.

BILL NO. _____

SUMMARY – A business license ordinance to amend Title 6, Chapter 6.12, Section 6.12.090, Apartment houses by adding new definitions; adding a licensing requirement requiring licensees to designate an on-site manager, or if the on-site manager is a property management company, the property management company shall designate an employee or employees with primary responsibility as on-site manager, and require that on-site managers and designated employees, or the designated employee’s manager or supervisor, complete a Landlord Training Program offered by the Las Vegas Metropolitan Police Department in connection with its Las Vegas Crime Free Multi-Housing Program; and providing for other matters properly relating thereto.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 6.12, SECTION 6.12.090, BY ADDING NEW DEFINITIONS; ADDING A LICENSING REQUIREMENT THAT LICENSEES DESIGNATE AN ON-SITE MANAGER OF APARTMENT HOUSES, AND THAT ON-SITE MANAGERS COMPLETE A LANDLORD TRAINING PROGRAM OFFERED BY THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT; OR IF THE ON-SITE MANAGER IS A PROPERTY MANAGEMENT COMPANY, THE PROPERTY MANAGEMENT COMPANY SHALL DESIGNATE AN EMPLOYEE OR EMPLOYEES WITH THE PRIMARY RESPONSIBILITIES OF AN ONSITE MANAGER AND DESIGNATED EMPLOYEES OR THE DESIGNATED EMPLOYEE’S MANAGER OR SUPERVISOR MUST COMPLETE A LANDLORD TRAINING PROGRAM OFFERED BY THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT; ADDING A PROVISION THAT, FOR PURPOSES OF THE TRAINING REQUIREMENT, A CONTIGUOUS GROUP OF APARTMENT HOUSES OWNED BY THE SAME LICENSEE SHALL BE CONSIDERED A SINGLE APARTMENT HOUSE; ADDING A PROVISION THAT REQUIRES NEWLY HIRED ON-SITE MANAGERS TO COMPLETE A LANDLORD TRAINING PROGRAM WITHIN ONE-HUNDRED EIGHTY (180) DAYS OF THE DATE OF HIRE; ADDING A PROVISION THAT THE TIME FOR COMPLIANCE CAN BE EXTENDED AN ADDITIONAL ONE-HUNDRED EIGHTY DAYS (180) IF THE NUMBER OF TRAINING COURSES OFFERED CANNOT MEET THE DEMAND; ADDING A PROVISION THAT REQUIRES PROOF OF TRAINING COMPLIANCE BE MAINTAINED IN A FILE ON PREMISES OF AN APARTMENT HOUSE; ESTABLISHING THE EFFECTIVE DATE FOR COMPLIANCE WITH THE TRAINING REQUIREMENT BY EXISTING LICENSEES AND APPLICANTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 6, Chapter 6.12, Section 6.12.090 is hereby amended to read as follows:

6.12.090 Apartment Houses.

(a) For the purpose of this section of the code, the following definitions shall apply:

(1) “Apartment house” is defined as a building divided into rooms or suites of rooms designed for residential purposes and is occupied by multiple households.

(2) “On-site manager” is defined as a licensee, an employee of a licensee, a property manager, or an employee of a property manager who has primary responsibility for the day to day operations of an apartment house, including such activities as negotiating lease and rental terms, managing lease and rental transactions, maintaining accounting records, and overseeing building and grounds maintenance.

(3) “Landlord training program” is defined as a program offered by the Las Vegas Metropolitan Police Department in connection with its Las Vegas Crime Free Multi-Housing Program.

(4) “Property manager” is defined as an individual or a property management company that is permitted by the Nevada Department of Business and Industry Real Estate Division to operate as a property manager.

(b) Every person engaged in the operation of~~[business of keeping or conducting]~~ an apartment house in the county shall pay for and obtain a semiannual license to carry on such business as ~~[schedule as]~~ follows:

(1) Those having~~[who have]~~ from five (5) to eight (8) apartments shall pay the sum of thirty-five dollars (\$35) semiannually;

(2) Those having~~[who have]~~ from nine (9) to eighteen (18) apartments[;] shall pay the sum of fifty dollars (\$50) semiannually;

(3) Those having~~[who have]~~ from nineteen (19) to thirty-eight (38) apartments[;] shall pay the sum of one hundred dollars (\$100) semiannually;

(4) Those having~~[who have]~~ from thirty-nine (39) to seventy-eight (78) apartments[;] shall pay the sum of two hundred dollars (\$200) semiannually;

(5) Those having~~[who have]~~ from seventy-nine (79) to one hundred fifty-eight (158) apartments[;] shall pay the sum of four hundred dollars (\$400) semiannually;

(6) Those having~~[who have]~~ from one hundred fifty-nine (159) to three hundred eighteen (318) apartments[;] shall pay the sum of eight hundred dollars (\$800) semiannually;

(7) Those having more than~~[who have above]~~ three hundred eighteen (318) apartments[;] shall pay the sum of eight hundred dollars (\$800) plus two dollars and fifty cents (\$2.50) semiannually for each apartment.

(c[b]) In addition to the above semiannual fees, if an apartment is renting to transient guests, as that term is defined in Chapter 4.08 of this code, then transient lodging taxes must also be charged according to the rates set forth in Chapter[s] 4.08~~[, 4.09, and 4.10]~~.

(d) In order to obtain and maintain a business license for the operation of an apartment house, the applicant or licensee must designate a person who will act as an on-site manager and provide proof to the Department that the on-site manager of the apartment house has completed a landlord-training program. In the event the on-site manager is a partnership, corporation, or

other legal business entity, this requirement may be satisfied by providing proof to the Department that one or more of the principal owners or officers of the business entity have completed a landlord-training program. In the event the on-site manager is a property management company, the property management company shall designate an employee or employees primarily responsible for the day to day operations of an apartment house, including such activities as negotiating lease and rental terms, managing lease and rental transactions, maintaining accounting records, and overseeing building and grounds maintenance to attend the landlord-training program. The property management company shall provide proof that the designated employee, or the designated employee's supervisor or manager has completed the landlord-training program.

(e) For purposes of the training requirement, a group of apartment houses that are owned by the same person and contiguous to each other shall be considered by the Department to be one apartment house.

(f) Newly hired on-site managers who have not previously completed the required landlord training program, and are required pursuant to subsection (d) to complete the training, shall be required to complete such program within one-hundred eighty (180) days of the date of hire.

(g) A file shall be maintained on the premises of each apartment house containing proof that the current on-site manager, designated employee, or the designated employee's manager or supervisor, as applicable, has completed a landlord-training program or evidence that the current on-site manager has been employed in that capacity for fewer than one-hundred eighty (180) days. Said file shall be available for inspection at any time by the Department, the Las Vegas Metropolitan Police Department, and/or other federal, state, or local law enforcement agency. A licensee or property management company that has obtained a background investigative report

for any employee employed as an on-site manager shall make the investigative report available upon request to the Department or the Las Vegas Metropolitan Police Department within 10 business days.

(h) All apartment house licensees and applicants as of the effective date of this Ordinance shall have one-hundred eighty (180) days from the effective date of this Ordinance to provide proof to the Department that they are in compliance with the landlord training program requirement. The Department may extend the one-hundred eighty (180) day compliance period up to an additional one-hundred eighty (180) days, upon notification from the Las Vegas Metropolitan Police Department that the available landlord training programs offered could not accommodate the number of on-site managers requiring certification within the one-hundred eighty (180) day time period for compliance.

SECTION 2. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining portions of this ordinance. It is the intent of the county commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2012.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____, 2012.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____
SUSAN BRAGER, Chair

ATTEST:

DIANA ALBA, County Clerk

APPROVED AS TO FORM:

JEFFREY TRULL
Deputy District Attorney