BILL NO. 2-3-09-2

SUMMARY – An ordinance to section 6.12.090 of the Clark County Code concerning Apartment House business licenses by adding definitions; adding a requirement that certain owners and certain property managers of apartment houses and certain of their employees complete a Landlord Training Program offered by the Las Vegas Metropolitan Police Department in connection with its Las Vegas Crime Free Multi-Housing Program; adding a provision that certain employees of apartment house owners and property managers submit to a criminal history background investigation to be conducted by the Las Vegas Metropolitan Police Department; adding a provision that a contiguous group of apartments owned by one person shall be considered one apartment house for purposes of this section; adding penalties for violations of licensing provisions; and providing for other matters properly relating thereto.

ORDINANCE NO. ____________________________
(of Clark County, Nevada)

AN ORDINANCE TO SECTION 6.12.090 OF THE CLARK COUNTY CODE CONCERNING APARTMENT HOUSE BUSINESS LICENSES BY ADDING DEFINITIONS; ADDING A REQUIREMENT THAT CERTAIN OWNERS AND CERTAIN PROPERTY MANAGERS OF APARTMENT HOUSES AND CERTAIN OF THEIR EMPLOYEES COMPLETE A LANDLORD TRAINING PROGRAM OFFERED BY THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT IN CONNECTION WITH ITS LAS VEGAS CRIME FREE MULTI-HOUSING PROGRAM; ADDING A PROVISION THAT CERTAIN EMPLOYEES OF APARTMENT HOUSE OWNERS AND PROPERTY MANAGERS SUBMIT TO A CRIMINAL HISTORY BACKGROUND INVESTIGATION TO BE CONDUCTED BY THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT; ADDING A PROVISION THAT A CONTIGUOUS GROUP OF APARTMENTS OWNED BY ONE PERSON SHALL BE CONSIDERED ONE APARTMENT HOUSE FOR PURPOSES OF THIS SECTION; ADDING PENALTIES FOR VIOLATIONS OF LICENSING PROVISIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.
THE BOARD OF COUNTY COMMISIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 6, Chapter 6.12, Section 6.12.090 of the Clark County Code is hereby amended to read as follows:

6.12.090 Apartment houses.

(a) “Apartment house” is defined as a building divided into rooms or suites of rooms designed for residential purposes and is occupied by multiple households. For purposes of this definition, a group of apartment houses that are owned by the same person and contiguous to each other shall be treated as one apartment house.

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

(1) Those who have from five to eight apartments shall pay the sum of thirty-five dollars semiannually;

(2) Those who have from nine to eighteen apartments [,] shall pay the sum of fifty dollars semiannually;

(3) Those who have from nineteen to thirty-eight apartments [,] shall pay the sum of one hundred dollars semiannually;

(4) Those who have from thirty-nine to seventy-eight apartments [,] shall pay the sum of two hundred dollars semiannually;

(5) Those who have from seventy-nine to one hundred fifty-eight apartments [,] shall pay the sum of four hundred dollars semiannually;
(6) Those who have from one hundred fifty-nine to three hundred eighteen apartments [,] shall pay the sum of eight hundred dollars semiannually; and

(7) Those who have above three hundred eighteen apartments [,] shall pay the sum of eight hundred dollars plus two dollars and fifty cents semiannually for each apartment.

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

(d) "Covered employee" means:

(1) Any person who is employed by an apartment house business licensee and who regularly has access to the confidential financial records relating to the rental of the individual dwelling units;

(2) Any person who is employed by a property manager for the licensee and who regularly has access to the confidential financial records relating to the rental of the individual dwelling units;

(3) Any person who is employed by a property manager for the licensee and who oversees multiple properties for said property manager.

(e) “Landlord training program” means a landlord training program offered by the Las Vegas Metropolitan Police Department in connection with its Las Vegas Crime Free Multi-Housing Program.

(f) “Property manager” means an individual or a property management company that is licensed and permitted by the Nevada Real Estate Division to operate as a property manager.

(g) In order to obtain or maintain an apartment house business license to operate an apartment house, the license applicant must provide proof to the department that he has completed a
landlord training program. This requirement does not apply to a license applicant if the apartment house will be managed by a property manager, an employee of a property manager, or an employee of the licensee and the license applicant provides proof to the department that such onsite manager has complied with the requirements of subsection (h). The department shall not issue an apartment house business license to operate an apartment house without proof of compliance with the requirements of this subsection. For purposes of this subsection, a partnership, corporation or other entity in the business of operating an apartment house satisfies the landlord training program requirement if one or more of its principals have fulfilled that requirement.

(h) (1) A property manager who acts as an onsite manager of an apartment house must complete a landlord training program.

(2) An employee of the licensee or an employee of a property manager for the licensee, who acts as an onsite manager of an apartment house, and every covered employee must:

(A) Complete a landlord training program; and

(B) Submit an application for a criminal history background investigation to be conducted by the Las Vegas Metropolitan Police Department (LVMPD) including a signed and notarized waiver of the applicant’s right to privacy for the sole purpose of allowing LVMPD to report the results of the criminal history background investigation to the licensee. The LVMPD shall fingerprint each applicant and investigate the applicant’s criminal history and forward one set of fingerprints of each applicant to the Central Repository for Nevada Records of Criminal History. The Central Repository for Nevada Records of Criminal History is authorized to submit the fingerprints to the Federal Bureau of Investigation for its report and to exchange fingerprint data with the Federal Bureau of Investigation. The
LVMPD shall report the results of the criminal history background investigation to the applicant’s employer or principal within sixty days of receipt by LVMPD of a complete application and issue the applicant a certificate of completion of the criminal background investigation. Each applicant for whom a separate criminal history background investigation is required shall pay the entire cost incurred to complete such investigation. An investigative fee shall be paid directly to LVMPD in the amount of $100.00.

(i) The criminal history background investigation requirement of subsection (h) (2) (B) does not apply to an employee of the licensee or an employee of a property manager or any covered employee if the licensee or property manager certifies to the department that all such employees have undergone a criminal background investigation through a Nevada State Law Enforcement Agency initiated by the licensee or property manager.

(j) The following persons must be on a master list of covered employees provided to the department that indicates they are in compliance with the landlord training program requirement of this section or are exempt from such requirement within 270 days after the effective date of this Ordinance in order to continue to function in their respective capacities, and said list shall be available on site at all times for the inspection by licensing officials and officers of the LVMPD:

(1) A person licensed to operate one or more apartment houses on the effective date of this Ordinance who has not completed the landlord training program and who does not qualify for an exemption under subsection (g).

(2) A property manager, an employee of a property manager, or an employee of a person licensed to operate one or more apartment houses, who acts as the onsite manager of an apartment house on the effective date of this Ordinance, who has not completed the landlord training program under subsection (h).
(3) Any covered employee on the effective date of this Ordinance who has not completed the landlord training program under subsection (h).

(k) An employee of a property manager or an employee of a person licensed to operate one or more apartment houses on the effective date of this Ordinance, who acts as the onsite manager of an apartment house, and any covered employee on the effective date of this Ordinance must be on the master list of covered employees provided to the department that indicates they are in compliance with the criminal history background investigation requirement of this section or are exempt from such requirement under subsection (i) within 270 days after the effective date of this Ordinance in order to continue to function in their respective capacities. Said list shall be available on site at all times for the inspection by licensing officials and officers of the LVMPD.

(l) It is unlawful for a person to continue to act as a licensee of an apartment house, to act as the onsite manager of an apartment house, or to act as a covered employee in violation of subsection (g) or (h), and such person is subject to disciplinary action under this Title for a violation of subsection (g) or (h).

(m) A person licensed to operate an apartment house shall notify the Director of a change in management of the apartment house within 10 working days after the change takes place. A new onsite manager of an apartment house or a new covered employee who has not complied with the provisions of subsection (h) shall have 90 days from the date of hire to comply with said provisions or provide proof that such person qualifies for an exemption under subsection (i). Upon written request of a new onsite manager or a new covered employee, the department may extend this 90-day period, for a time not to exceed 60 days, if the department finds good cause for granting the extension.
SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

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 3rd day of February, 2009.

PROPOSED BY: Commissioner Rory Reid

PASSED on the ___ day of __________________ 2009.

AYES: ______________________________________

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NAYS: ______________________________________

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ABSTAINING: ______________________________________
ABSENT:


BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____________________________________________
    Rory Reid, Chairman

ATTEST:

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SHIRLEY B. PARRAGUIRRE, County Clerk