

09 SESSION REVIEW FOR REALTORS®

OTHER ISSUES

Bill	Effective Date	Description
<p>Contractual Issues AB 470 – Noncompete Agreements NVAR monitored this bill</p>	<p>Failed to pass out of Senate committee by the deadline and will not become law.</p>	<p>This bill would have amended existing law that allows a contract to prohibit an employee from pursuing a similar vocation in competition with or becoming employed by a competitor to allow such contracts only with employees who are not employed at-will and with physicians, homeopathic physicians and osteopathic physicians.</p> <p>Such contracts would not have been valid or enforceable if entered into with an at-will employee who is not a physician, homeopathic physician or osteopathic physician.</p>
<p>Land Use AB 142 – Affordable Housing Districts in Clark County NVAR monitored this bill</p>	<p>Failed to pass out of Assembly committee by the deadline and will not become law.</p>	<p>This bill would have authorized the governing body of a county whose population is 400,000 or more (currently Clark County) or the governing body of a city located within such a county to create an affordable housing district to promote and protect affordable housing in that county or city.</p> <p>This bill also would have authorized the governing body of a county or city that has created an affordable housing district to condition the approval of any change in zoning or development of land that would decrease the amount of affordable housing available in the district upon:</p> <ol style="list-style-type: none"> (1) the replacement of the affordable housing that is affected by the change in zoning or development of land with other affordable housing located within 3 miles of the affected affordable housing; or, (2) the payment by the applicant for the change in zoning or development of land of a financial contribution to an affordable housing fund created by the governing body, if any.
<p>Land Use AB 304 – Preservation of Historic Neighborhoods NVAR monitored this bill</p>	<p>Effective June 2, 2009, for the reopening of F Street provisions. Effective October 1, 2009, for the preservation of historic neighborhoods provisions.</p>	<p>Reopening of Las Vegas' F Street This bill requires the City of Las Vegas and the Nevada Department of Transportation to cooperate in funding and bringing about the approval, design and construction of the project to reopen F Street in Las Vegas.</p> <p>Preservation of Historic Neighborhoods This bill requires certain local governmental entities to address the preservation of historic neighborhoods in certain plans and zoning regulations.</p>

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<p>Land Use AB 506 – Community Land Trusts NVAR monitored this bill</p>	<p>Failed to pass out of Assembly committee by the deadline and will not become law.</p>	<p>This bill would have authorized the creation of community land trusts for the acquisition of land to be held in perpetuity for the primary purpose of providing affordable homeownership. This bill would have authorized the creation of community land trusts as nonprofit corporations or entities created by a housing authority or a local government.</p> <p>This bill would have authorized a community land trust to acquire and develop real property and to transfer ownership by deed of structures on the real property to certain qualified households if ownership is subject to a long-term ground lease on the real property, and the trust retains a preemptive right to repurchase the land at a price determined by a formula set forth in the lease.</p>
<p>Construction Defects SB 337 – Reduction of Timeframes to Bring Forward Construction Defects Litigation NVAR monitored this bill</p>	<p>Failed to pass out of Assembly committee by the deadline and will not become law.</p>	<p>This bill would have reduced the length of time during which an individual can elect to pursue action for damages for injury to property or wrongful death:</p> <ul style="list-style-type: none"> • For a known defect in construction of improvement to real property, this bill would have prohibited an action from being commenced more than 3 years after substantial completion of the improvement (currently 10 years). • For a latent defect, a defect that is not apparent by reasonable inspection, in construction improvements to real property, this bill would have prohibited an action from being commenced more than 4 years after substantial completion of the improvement (currently 8 years). • For a patent defect, a defect that is apparent by reasonable inspection, in construction of improvement to real property, this bill would have prohibited an action from being commenced more than 3 years after substantial completion (currently 6 years). <p>This bill would also have eliminated the provisions that authorized an action for damages for injury to property or wrongful death caused by a defect in construction of improvements to real property to be commenced within 2 years after the date of such an injury which occurs:</p> <ul style="list-style-type: none"> • in the 10th year for a known defect, • in the 8th year for a latent defect, and • in the 6th year for a patent defect. <p>This bill would have provided that some of those decreased periods may apply retroactively under certain circumstances.</p>

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<p>Constructional Defects SB 349 – No Attorney’s Fees in Construction Defect Litigation NVAR monitored this bill</p>	<p>Failed to pass out of Assembly committee by the deadline and will not become law.</p>	<p>This bill would have removed the provision that allows a claimant to recover reasonable attorney’s fees for a claim for a constructional defect.</p> <p>This bill would also have amended the definition of constructional defect to provide that it is a defect:</p> <ul style="list-style-type: none"> • which presents an unreasonable risk of injury to a person or property, or • which violates the law, unless workmanship exceeds the standards set forth in any applicable codes and ordinances, which causes physical damages and which is not completed in a good and workmanlike manner.

