

CHAPTER.....

AN ACT relating to child care; prohibiting the unit-owners' association of certain common-interest communities from prohibiting the operation of certain licensed child care facilities; authorizing, with certain exceptions, a tenant to operate a certain licensed child care facility; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth certain requirements for the licensure and operation of child care facilities by the Division of Welfare and Supportive Services of the Department of Health and Human Services or the governing body of a county or an incorporated city. (NRS 432A.131-432A.220) Existing law authorizes the unit-owners' association of a common-interest community to adopt rules and regulations governing the common-interest community. (NRS 116.3102) **Section 1** of this bill prohibits, with certain exceptions, the executive board and governing documents of a unit-owners' association from prohibiting the operation of a licensed child care facility by a unit's owner or tenant provided that the licensed child care facility provides care for at least 5 but not more than 12 children. **Section 1** authorizes the executive board and governing documents to: (1) impose conditions or restrictions on a licensed child care facility that are consistent with the conditions and requirements to obtain a license for a child care facility; (2) limit the number of licensed child care facilities that may operate in the common-interest community; (3) require a unit's owner or tenant to file a notice of an application for licensure of a child care facility; or (4) require the licensed child care facility to add the unit-owners' association as an additional insured on the policy of insurance maintained by the child care facility. **Section 1** further provides that these provisions apply, with certain exceptions, to a common-interest community, including, without limitation, a master association and any common-interest community that is subject to a master association. Additionally, **section 1** provides that these provisions do not apply to a common-interest community that is housing for older persons or contains certain units that share an interior wall with another unit.

Existing law sets forth various requirements for rental agreements between a landlord and tenant for the use and occupancy of a dwelling unit or premises. (Chapter 118A of NRS) **Section 2** of this bill authorizes a tenant to operate a licensed child care facility that provides care for at least 5 but not more than 12 children unless otherwise prohibited by the terms of the rental agreement.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in this section, the executive board shall not and the governing documents must not prohibit a*



*unit's owner or tenant from operating a licensed child care facility within such physical portion of the common-interest community as that owner or tenant has a right to occupy and use exclusively.*

*2. The executive board and the governing documents may:*

*(a) Impose conditions or restrictions on a licensed child care facility that are consistent with the requirements to obtain a license for a child care facility pursuant to chapter 432A of NRS;*

*(b) Limit the number of licensed child care facilities in the common-interest community to one licensed child care facility or one licensed child care facility per 200 units, whichever is greater;*

*(c) Require a unit's owner or tenant to file a notice with the executive board or a designee of the executive board of an application for licensure of a child care facility; or*

*(d) Require the licensed child care facility to add the unit-owners' association as an additional insured in an insurance policy held by the licensed child care facility in an amount not to exceed the amount required by the licensing agency for the childcare facility.*

*3. Except as otherwise provided in subsection 4, the provisions of this section apply to a common-interest community, including, without limitation, a master association and any common-interest community that is subject to a master association.*

*4. The provisions of this section do not apply to a common-interest community that:*

*(a) Is housing for older persons; or*

*(b) Contains units that share an interior wall with another unit, including, without limitation, a condominium or townhouse.*

*5. Nothing in this section shall be construed to exempt a unit's owner or tenant from compliance with any provision in the governing documents that apply to each unit's owner or tenant, including, without limitation, any provisions governing nuisances, use of common-areas, parking, signage and traffic.*

*6. As used in this section:*

*(a) "Housing for older persons" has the meaning ascribed to it in 42 U.S.C. § 3607.*

*(b) "Licensed child care facility" means a child care facility licensed pursuant to chapter 432A of NRS that provides care for at least 5 but not more than 12 children.*



**Sec. 2.** Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Unless otherwise prohibited by the terms of the rental agreement, a tenant may operate a licensed child care facility in the dwelling unit of the tenant.*

*2. As used in this section, “licensed child care facility” means a child care facility licensed pursuant to chapter 432A of NRS that provides care for at least 5 but not more than 12 children.*

**Secs. 3-8.** (Deleted by amendment.)

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