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Office of the Governor

June 16, 2023

The Honorable Francisco Aguilar
Nevada Secretary of State
101 North Carson Street
Carson City, Nevada 89701

Re: Senate Bill 371 of the 82nd Legislative Session

Dear Secretary of State Aguilar:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill 371 ("SB 371"), which is titled as follows:

AN ACT relating to local governments; authorizing a board of county commissioners and the governing body of an incorporated city to, with certain exceptions, enact an ordinance or measure relating to affordable housing; and providing other matters properly relating thereto.

SB 371, as introduced, empowered a county or city to "enact any ordinance or measure relating to affordable housing, including, without limitation, rent control." After amendment, it became even broader, empowering a county or city to "enact any ordinance or measure related to affordable housing."

Nevada is a Dillon's Rule state. This means the power of a local government is limited to powers expressly granted to the local government by the Nevada Constitution or the Nevada Legislature, the powers necessarily or fairly implied in or incident to the expressly granted powers, and other powers proper to address matters of local—but not statewide—concern. NRS 244.146; NRS 268.0035. Clarity in a grant of legislative power is important, as vague or broad claims of authority by a local government have been rejected by the Nevada Supreme Court. See *Endo Health v. City of Reno*, 137 Nev. Adv. Op. 39 (July 29, 2021) (holding that the City of Reno did not have an express or implied grant of authority to file suit against drug companies for the opioid epidemic).

Since this bill's excessive broadness creates the exact uncertainty the Nevada Supreme Court has determined conflicts with Dillon's rule, inevitably leaving it exposed to constant legal challenges, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,



JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel Bureau, Director (without enclosure)
Bryan Fernley, Esq., Legislative Counsel (without enclosure)