

Chapter 414 of NAC

LCB File No. E001-06

**ADOPTED EMERGENCY REGULATION OF THE DIVISION  
OF EMERGENCY MANAGEMENT OF THE  
DEPARTMENT OF PUBLIC SAFETY**

(Effective for 120 days after February 14, 2006)

**NOTE: THESE EMERGENCY REGULATIONS SUPERCEDE THOSE  
POSTED FEBRUARY 13, 2006, WHICH WERE EFFECTIVE 2/10/2006**

**AUTHORITY:** See Chapter 432, Statutes of Nevada 2005, at pp. 1931-33 (A.B. 572).

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***GENERAL PROVISIONS***

***Definitions. As used for purposes of these regulations, inclusive, unless the context otherwise requires, the words and terms defined in these regulations, inclusive, have the meanings ascribed to them.***

“Disaster” defined. *“Disaster” has the meaning ascribed to it in NRS 414.0335.*

“Division” defined. *“Division” means the Division of Emergency Management of the Department of Public Safety.*

“Grant” defined. *“Grant” means an allocation of funds, from the revolving account established in Section 5 of AB572, to an eligible applicant for the purposes set forth under the provisions of this program herein.*

“Home” defined. *“Home” means the primary, owned and occupied dwelling of a single family that must be:*

- 1. A house on a foundation; or*
- 2. A mobile home either on a foundation or set on owned/rented land.*

“Recovery or Repair Project” defined. *“Recovery or Repair Project” means any effort to provide a satisfactory remedy to the destruction or damage of an owned and occupied home as the result of a natural, technological, or man-made disaster.*

### **HOMEOWNER DISASTER ASSISTANCE PROGRAM**

#### Use and distribution of money in account.

- 1. Pursuant to Section 5 of A.B. 572, effective upon passage and approval, the Division of Emergency Management has created an account for the receipt of residual funding, not to exceed \$5,000,000, from the tax rebate enacted by the 2005 Legislature for the purpose of grants to persons who own and occupy homes that have been damaged in a disaster until such time as the account becomes exhausted.*
- 2. Money in the account will be used for:*
  - (a) Actual expenses incurred by a homeowner for the recovery or repair of a home; and*
  - (b) Expenses incurred by the Division in making the grants.*
- 3. Money in this account may only be used when a local declaration of emergency or disaster exists and shall not be used in lieu of other available disaster assistance programs, when applicable.*
- 4. Money in this account will be managed in accordance with the pre-established criteria as prescribed under the Federal Emergency Management Agency, Individuals and Households Program (IHIP) within the Individual assistance (IA) Program.*
- 5. Upon a homeowner’s receipt of a grant through the Homeowner’s Disaster Assistance Program, the homeowner will be required to obtain and maintain a policy of insurance which will provide coverage for any future disasters of a similar or like nature in order to be eligible for any future assistance from this program.*

#### Application for assistance: General requirements.

- 1. Except as otherwise provided in subsections 4 and 5, a person may submit an application for assistance to the Division for the recovery of or repair of damages to their home.*

2. *A person's application or written notice of intent to apply must be received by the Division within 60 days following the beginning of a locally declared disaster or within 60 days following the State's receipt of a federal disaster declaration, when applicable. Applications may only be submitted for those costs not able to be covered by personal assets, other programs or homeowners insurance policies, but can include a request for reimbursement of insurance deductible expense.*
3. *The application must include, at a minimum, the following:*
  - (a) *Date(s) damages or loss occurred;*
  - (b) *A professional estimate of costs for recovery or repair;*
  - (c) *Certification of homeowner's insurance benefits by insurance carrier, if home is currently covered under a homeowner's insurance policy;*
  - (d) *Certification that all other available funding sources have been exhausted;*
  - (e) *Proof of ownership of the home;*
  - (f) *Two forms of personal identification of the homeowner, which must include at least one form of picture identification.*
4. *Funds in this account are intended only for the repair of the primary dwelling and shall not be used for costs associated with the recovery or repair of:*
  - (a) *Outbuildings;*
  - (b) *Pools, Jacuzzis, Spas or Saunas;*
  - (c) *Decks;*
  - (d) *Landscaping;*
  - (e) *Furnishings or Appliances; or*
  - (f) *Personal effects (i.e., Clothing, Jewelry, Collectibles, etc.).*
5. *Funds in this account are further intended only for use in restoring a home to its pre-disaster condition. Any home improvements, upgrades or enhancements are strictly prohibited and are not eligible.*

*Application for assistance: Duties of Division.*

*Upon the receipt of an application(s) for assistance from this account, the Division will:*

1. *Confirm the local(s) declaration(s) of emergency or disaster.*
2. *Verify that the application meets all provisions as provided for under Application for assistance: General requirements.*
3. *Provide for the contracting of adjusters for site inspection and verification of cost estimates submitted within an application.*
4. *Provide for the review and verification of an applicant's homeowner's insurance policy benefits, under contract if necessary.*
5. *Issue a notice of grant award and the program requirements for an approved application to the homeowner or issue a letter of denial to the homeowner of a rejected application delineating the cause for rejection and inform the applicant of their right to an appeal.*

*Allocation and expenditure of money from account.*

1. *Upon receipt of and the Division's review and approval of an application(s), allocations of funding will be made based upon available money in the account with the following considerations:*
  - (a) *Total amount of all applications received; and*

- (b) Total amount of money in the account available for distribution;*
- 2. In the event that total applications received exceed money available in the account, the Division, in the interest of fair and equitable distribution, may distribute the funds:*
  - (a) Based upon a formula derived by the percentage each eligible applicant holds of the total available funding.*
- 3. Any money allocated from this account will primarily be done on a reimbursement basis only. See Payments from Account on basis of reimbursement or advance of funding.*

*Completion of recovery or repair projects.*

- 1. Each approved application for a recovery or repair project must be complete within a period of 1 year from the date of grant award unless the following occurs:*
  - (a) Delays due to extreme weather;*
  - (b) Delays due to lack of availability of necessary construction materials; or*
  - (c) Other delays due to unforeseen circumstances relative to construction efforts that will be considered on a case by case basis.*
- 2. If an approved project is anticipated to exceed the required 1 year period, the homeowner must submit a written request for a time extension to the Division, which must include:*
  - (a) A detailed explanation by the homeowner of what caused the project to exceed the 1 year period;*
  - (b) A statement from the contractor(s) as to the cause for delay(s); and*
  - (c) The amount of additional time needed to complete the project.*
- 3. The Division will approve requests for time extensions on a case by case basis and reserves the right to inspect or cause to have inspected the project at any time during the project period.*
- 4. All expenditures relating to the project are subject to final approval of the Division.*
- 5. Upon completion of a project, each homeowner must submit copies of all contracts, receipts and any additional supporting documentation, as requested, for the project to the Division for review and approval.*
- 6. Upon review and verification of submitted documentation as is required in Section 5, the Division will perform or cause to have performed a final inspection of the completed project.*
- 7. Upon accepted completion of the final inspection and receipt of homeowner's final request for reimbursement, the Division will officially close the project.*

*Payments from account on basis of reimbursement or advance funding.*

- 1. Except as otherwise provided for in Sections 2 and 3, all payments from this account will be made on a reimbursement basis only.*
- 2. An advance of funding may be granted by the Division if:*
  - (a) The homeowner is unable to begin the project without an advance of funding for a contractor; or*
  - (b) The contractor requires that a deposit be placed on the project, which must be provided in writing.*
- 3. An advance of funding will be provided at a maximum of 25 percent of a contractor's total estimated cost and periodic advances may be provided based upon percentage of*

*project completion and the submission of documentation evidencing all costs incurred to date.*

**Requests for reimbursement from account.**

- 1. A homeowner submitting a request for reimbursement must include supporting documentation evidencing all costs included in the request.*
- 2. A homeowner's final request for reimbursement must be received no later than 60 days following final inspection of the project.*
- 3. Upon receipt of a request for reimbursement, the Division will:*
  - (a) Review the eligibility of the project costs in accordance with the approved application and intent for use of funds;*
  - (b) Require documentation evidencing all costs claimed on the request for reimbursement;*
  - (c) Verify that requested costs are within the amount approved for the project; and*
  - (d) Process any approved claim by the Division for payment to the homeowner.*

**Homeowner to reimburse account from other funds received.**

- 1. A homeowner receiving money from this account shall, within 30 days of receipt, reimburse this account from any money the applicant receives from other sources intended for the same purpose to include, but is not limited to:*
  - (a) Any federal, state or local government agency or private source funds awarded for emergency or disaster assistance; or*
  - (b) Receipt of any money as a result of coverage from a policy of insurance relating to a project approved under the provisions of this account.*
- 2. The Division does not waive its rights to subrogation in the event that the homeowner's insurance provider subsequently reimburses any or all costs associated with the recovery or repair project as approved under the provisions of this account.*

**Misuse of money from account.**

*Any fraudulent or misuse of funds allocated from this account will be subject to the penalties of existing law and will, at a minimum, result in a bill for collection for all funds not solely expended for their intended purpose.*

**Appeals process.**

*In the event that a homeowner, whose application has been denied, chooses to appeal the decision, the appeal must be filed within 30 days of the date on the letter of denial. All appeals will be administered by the Department of Administration, Hearings Division in accordance with existing laws and regulations.*

## **DECLARATION OF EMERGENCY**

Whereas, NRS 414.070 authorizes the Governor to issue a proclamation declaring a state of emergency when a natural disaster of major proportions has occurred within this state, and the assistance of state agencies is needed to supplement the efforts and capabilities of the affected political subdivisions to save lives, protect property, and protect the health and safety of persons in this state; and

Whereas, in the early morning hours of December 31, 2005, Carson City and the Counties of Douglas, Lyon, Storey, and Washoe, experienced excessive amounts of sustained rainfall, which has caused significant flooding, resulting in substantial damage and destruction to both private and public property, roadways, and drainage infrastructure through excessive water run off, debris flow, and mud slides; and

Whereas, Carson City and the above-named counties are experiencing significant economic impact and anticipate continuing economic obligations resulting in financial hardship for the long-term recovery of the affected areas;

Now, therefore, I, Kenny C. Guinn, Governor of the State of Nevada, pursuant to the authority vested in me by the Constitution and the laws of the State of Nevada, hereby declare a state of emergency for Carson City, and the Counties of Douglas, Lyon, Storey, and Washoe, and direct all state agencies to supplement the efforts of the affected political subdivisions to save lives, protect property, and protect the health and safety of persons in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City this 3rd day of January, in the year two thousand six.

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GOVERNOR

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SECRETARY OF STATE

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DEPUTY SECRETARY OF STATE