

**PROPOSED REGULATION OF THE
ADMINISTRATOR OF THE HOUSING DIVISION**

LCB FILE NO. R184-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/29/2018**

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ADMINISTRATOR OF THE HOUSING DIVISION**

Section 1. NAC 118B is hereby amended by adding thereto the provisions set forth as sections 2 through 5, inclusive, of this regulation.

Sec. 2. 1. *The Division shall notify an applicant for or recipient of assistance from the Account of its decision to deny or terminate assistance by mailing to the applicant or recipient a notice of its decision by certified mail, return receipt requested, to the last known address of the applicant or recipient. The notice must:*

(a) Specify the reasons for the denial or termination of assistance; and

(b) Contain a statement informing the applicant or recipient that a hearing will be provided if a written request for a hearing is filed by the applicant or recipient within 20 days after the applicant or recipient receives the notice.

2. An applicant or recipient may, within 20 days after the applicant or recipient receives notice pursuant to subsection 1, file a written request for a hearing with the Division. If the Division does not receive a request for a hearing within 20 days after the applicant or recipient receives the notice pursuant to subsection 1, the Division's decision becomes final and is not subject to judicial review.

3. If an applicant for or recipient of assistance requests a hearing within 20 days after the applicant or recipient receives notice pursuant to subsection 1, a hearing must be conducted before the Administrator, or a hearing officer appointed by the Administrator, within 60 days after receipt of the request. The Division shall notify the applicant or recipient of the time, place and date of the hearing. An applicant whose application for assistance has been denied has the burden of proving, by a preponderance of the evidence, that the applicant

is entitled to receive assistance. The Division has the burden of proving the grounds for terminating the assistance provided to a recipient.

4. The Administrator, or hearing officer, as applicable, shall issue a decision within 30 days after the hearing and mail a copy of the decision to the applicant or recipient. The decision of the hearing officer is a final decision for purposes of judicial review.

Sec. 3. *A person who receives assistance pursuant to NRS 319.510 shall notify the Administrator of any change in his or her eligibility pursuant to that section within 10 days after the change. A person who violates this section is ineligible for assistance from the Account.*

Sec. 4. *Each application for assistance from the Fund must include:*

1. A statement that an applicant who fails to report:

(a) Information required to be included in the application which the applicant knew at the time the applicant signed the application; or

(b) A change in his or her eligibility pursuant to section 3 of this regulation,

→ may be personally liable to the Division for any assistance incorrectly paid to him or her.

2. The provisions of section 5 of this regulation.

Sec. 5. *1. The Division may recover from a person who receives assistance from the Account an amount not to exceed the assistance incorrectly paid to him or her if the person failed to report:*

(a) Information required to be included in the application which the person knew at the time the person signed the application; or

(b) Any change in his or her eligibility pursuant to section 3 of this regulation.

2. Any person who knowingly, by any false pretense, false or misleading statement, impersonation or misrepresentation, obtains or attempts to obtain with the intent to cheat or defraud the Division assistance from the Account in an amount of \$100 or more is personally liable for:

(a) Any assistance incorrectly paid to that person;

(b) The costs of any investigation conducted by the Division to determine whether that person received assistance incorrectly;

(c) Court costs;

(d) Attorney's fees; and

(e) A civil penalty of not more than \$1,000.

3. The Division may bring an action to recover a civil penalty imposed pursuant to subsection 2 and shall deposit any money recovered with the State Treasurer for credit to the Account.