

LCB File No. R018-06

**PROPOSED REGULATION OF THE HOUSING DIVISION OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY**

**Authority:** Assembly Bill 248, Section 3 (2005 Session); NRS 319.140(1)

Matter to be deleted: ~~EH~~

Matter to be added: *italics*

**Chapter 319 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 3, inclusive, of this regulation.**

*Requirements for Certification of Assisted Living Facilities by the Division*

*1. Once the Division and/or the Sponsor obtains from the Internal Revenue Service the 8609 form, the Division shall obtain necessary information and verifications in order to certify the assisted living facility. Certification will be evidenced by sending a letter to the assisted living facility sponsor and any other interested entity, including a local governmental entity, a housing authority or any other entity the Division, in its discretion, believes is entitled to notice of the certification. The Division's administrator shall sign the certification letter.*

*2. The Division will require the following information and verifications prior to issuing a certification letter to an assisted living facility:*

- a. The Division shall verify the assisted living facility's completion. The local authorities must issue a Certificate of Occupancy and the Division shall conduct its own inspection and review of the assisted living facility to determine if it was constructed pursuant to the Division's requirements. The inspection and review of the assisted living facility will include, but is not limited to, an evaluation of the amenities provided, the number and type of living units, compliance with weatherization components, and any other inspection or review deemed necessary by the Division;*
- b. The Division shall verify the contract terms of the assisted living facility service provider. The Division will review the services offered and provided to the tenants pursuant to the service provider contract and will determine if they comply with the Division's requirements. The Division shall not make any certification or verification regarding medical standards or the quality rating of any service; and*
- c. The Division shall verify that the incomes of the tenants residing at the assisted living facility meet the guidelines established pursuant to the Division's Declaration of Restrictive Covenants, which shall be recorded in the county where*

*the assisted living facility is located. The Division will verify that the rents and other charges and fees comply with Section 42 of the Internal Revenue Code concerning tax credits. The Division shall verify the assisted living facility's compliance with the Uniform Physical Conditions Standards, promulgated by the Department of Housing and Urban Development.*

*3. If the Division determines that additional information or verifications are needed in order to issue a certification of an assisted living facility, and the information or verification is not specifically included in the above requirements, such information or verifications shall be provided in a timely manner by the assisted living facility's sponsor or its service provider upon written request by the Division. If such information or verification is not provided within thirty (30) days of the request, the Division may decline to issue a certification.*