

**ADOPTED REGULATION OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R010-10

Effective July 22, 2010

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

AUTHORITY: §§1-9, NRS 319.267.

A REGULATION relating to housing; setting forth the procedures for the report to the Aging and Disability Services Division of the Department of Health and Human Services that is required to be made by certain owners of residential housing units; and providing other matters properly relating thereto.

Section 1. Chapter 319 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Department” means the Department of Health and Human Services.*

Sec. 4. *“Division” means the Aging and Disability Services Division of the Department.*

Sec. 5. *“Residential dwelling unit” has the meaning ascribed to it in NRS 278.4977.*

Sec. 6. *As used in NRS 319.267 and section 9 of this regulation, the Department will interpret the term “owner of residential housing” to mean a person listed as the owner of a new or existing residential dwelling unit, as shown on the records of the county assessor for the county where the residential dwelling unit is located.*

Sec. 7. *As used in NRS 319.267, the Department will interpret the term “unit of the residential housing that is available and suitable for use by a person with a disability” to mean a new or existing residential dwelling unit that is available and includes, without limitation:*

- 1. One entrance that is reasonably accessible by a wheelchair;*
- 2. One bedroom that is reasonably accessible by a wheelchair; and*
- 3. One bathroom that is reasonably accessible by a wheelchair, with a toilet that is reasonably accessible to a person with a disability.*

Sec. 8. *The Division shall adopt and provide a form and instructions for the report required pursuant to NRS 319.267.*

Sec. 9. *1. The information required to be reported by an owner of residential housing to the Division pursuant to NRS 319.267 must be submitted:*

- (a) On the form provided by the Division pursuant to section 8 of this regulation; and*
 - (b) Not later than 30 calendar days after the end of each calendar quarter.*
- 2. The report described in subsection 1, with regard to each dwelling unit that is available and suitable for a person with a disability, must include, without limitation:*
- (a) The physical address of the residential dwelling unit;*
 - (b) The unit number of the residential dwelling unit;*
 - (c) The square footage of the residential dwelling unit;*
 - (d) The number of bedrooms in the residential dwelling unit;*
 - (e) The number of bathrooms in the residential dwelling unit;*
 - (f) The amount of rent charged for the residential dwelling unit;*
 - (g) The amount of any available subsidy payments toward the cost of the rent charged for the residential dwelling unit;*

(h) Any accessibility features of the residential dwelling unit, including the accessibility features described in section 7 of this regulation;

(i) The physical address, electronic mail address and telephone number of:

(1) The owner of residential housing; or

(2) A designee of the owner of residential housing who has authority to rent or lease the residential dwelling unit; and

(j) An attestation made by the owner of residential housing that, to the best of the knowledge and belief of the owner of residential housing, the information contained in the report is accurate and complete.

3. The report described in subsection 1, with regard to each residential dwelling unit that is suitable for a person with a disability but is currently unavailable, must include, without limitation:

(a) The information required pursuant to paragraphs (i) and (j) of subsection 2; and

(b) A statement indicating that the residential dwelling unit is currently unavailable.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R010-10

The Aging and Disability Services Division of the Department of Health and Human Services adopted regulations assigned LCB File No. R010-10 which pertain to chapter 427A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**
Notice of public workshop was posted on February 24, 2010 and workshop was held on March 17, 2010. Notice of public hearing was posted on May 25, 2010 and public workshop was held on June 24, 2010. Posting included e-mailing notices to public libraries in all counties in which Aging and Disability Services Division does not have an office, to all Division offices, to a list of other public places where interested parties would see the notice. They were also posted on the Division web site.
Written comments were accepted up to the day before the workshop and the day before the hearing. Summaries may be obtained at the Aging and Disability Services Division, 3416 Goni Road #132, Carson City NV 89706.
- 2. The number of persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written statements.**
Twenty-eight people attended the workshop statewide, and nobody testified. No written statements were received.
Twenty-four people attended the hearing statewide, and nobody testified. No written statements were received.
- 3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

A small business impact questionnaire was sent to 75 property managers/apartment complexes throughout the state. Four responses were received. Two respondents indicated that they did not anticipate any negative or positive impact as a result of the proposed regulations. Two other respondents expressed concern that the reporting required in the proposed regulations could result in unexpected operating costs.
- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
Not applicable.
- 5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- a. **Both adverse and beneficial effects;**
No effects.
 - b. **Both immediate and long-term effects;**
No effects.
6. **The estimated cost to the agency for enforcement of the adopted regulation.**
Unknown. This registry was established by the Legislature during the 2009 session but no resources were allocated. Therefore, monitoring for compliance of reporting and compilation of the statistics will be done manually by existing personnel. If resources become available, there will be a cost to computerize this program.
7. **A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
None.
8. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
Not applicable.
9. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
None