



State of Nevada
Department of Business & Industry
HOUSING DIVISION



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PROGRAM NOTICE

EMERGENCY SOLUTIONS GRANT PROGRAM

Conflict-of-Interest Policy

THIS IS A POLICY STATEMENT REGARDING STATE OF NEVADA’S CONFLICT-OF-INTEREST POLICY FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM THROUGH THE NEVADA HOUSING DIVISION. THIS POLICY SHALL BE IMPLEMENTED BY THE DIVISION AND ITS SUB-RECIPIENTS

A. Organizational conflicts of interest

The provision of any type or amount of ESG assistance may not be conditioned on an individual’s or family’s acceptance or occupancy of emergency shelter or housing owned by the Division, the sub-recipient, or a parent or subsidiary of the sub-recipient. No sub-recipient may, with respect to individuals or families occupying housing owned by the sub-recipient, or any parent or subsidiary of the sub-recipient, carry out the initial evaluation required under section 576.401 of the ESG regulations, or administer homelessness prevention assistance as reflected under 576.103.

B. Individual conflicts of Interest

For procurement of goods and services, the Division and its sub-recipients must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) summarized at http://portal.hud.gov/hudportal/HUD?src=/program_offices/cpo/grantees/cfr8536, and 24 CFR 84.42 (for private non-profits) summarized at <http://cfr.vlex.com/vid/84-42-codes-conduct-19925063>. For all other transactions and activities, the following restrictions apply:

1. Conflicts Prohibited:

No person described in paragraph B(2) of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those

with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.

2. Person Covered:

The conflict of interest provisions of paragraph B (1) of this section apply to any person who is an employee, agency, consultant, officer, or elected or appointed official of the Division or its sub-recipients.

3. Exceptions:

Upon the written request by the Division, HUD has stated that they may grant an exception to the provisions of this rule on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph B(3)(ii), provided that the Division has satisfactorily met the threshold requirements of paragraph B(3)(i).

- i. *Threshold requirements.* HUD will consider an exception only after the Division has provided the following documentation:
 - a. If the Division or its sub-recipient is a government, disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
 - b. An opinion of the Division's attorney that the interest for which the exception is sought would not violate state or local law.
- ii. *Factors to be considered for exemptions.* In determining whether to grant a requested exception after the Division has satisfactorily met the threshold requirements under paragraph B(3)(i), HUD must conclude that the exception will serve to further the purposes of the ESG program and the effective and efficient administration of the Division or its sub-recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:
 - a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;
 - b. Whether an opportunity was provided for open competitive bidding or negotiation;
 - c. Whether the affected person has withdrawn from his or her functions, responsibilities or the decision-making process with respect to the specific activity in question;
 - d. Whether the interest or benefit was present before the affected person was in the position described in paragraph B(1);
 - e. Whether undue hardship results to the Division, the sub-recipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict; and
 - f. Any other relevant considerations.

C. Contractors

All contractors of the Division or sub-recipient must comply with the same requirements that apply to sub-recipients.

D. Additional Requirements for ESG sub-recipients and contractors

Sub-recipient Conflict-of- Interest policies must also include instructions to staff that may be in the situation of needing assistance themselves, or providing assistance to close friends or family members, to ensure that ESG funds are not used inappropriately. Sub-recipient staff must be aware of the sub-recipient's Policy, evidenced by their signature, that they have received a copy of the Policy. The original executed copy shall be maintained in the ESG program file.

E. Conflict of Interest Change History

Each copy of this Notice will have a history of changes made to the document. This document's change history is as follows:

Version 1.0 July 16, 2012

Received and acknowledged by:

Signature

Printed Name/Title

Date