



BRIAN SANDOVAL
Governor

STATE OF NEVADA

DEPARTMENT OF BUSINESS & INDUSTRY HOUSING DIVISION

7220 Bermuda Rd. Suite B Las Vegas, NV 89119
1535 Old Hot Springs Road, Suite 50 Carson City, Nevada 89706
Phone: (702) 486-7220, (775) 687-2040, (800) 227-4960
Fax: (775) 687-4040, TDD: (800) 326-6868
www.nvhousing.state.nv.us

BRUCE BRESLOW
Director

CJ MANTHE
Administrator

NOTICE OF INTENT TO ACT UPON A REGULATION

NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS OF THE NEVADA HOUSING DIVISION LCB FILE NO. R115-14

REGARDING NAC 319.951 to 319.999 Relating to the Affordable Housing Tax Credit Program Thursday, February 12, 2015, 11:00 a.m.

The Nevada Housing Division (the "Division") of the Department of Business and Industry will hold a public hearing at **11:00 a.m. on the 12th day of February of 2015** at the locations shown below and via tele-conference:

The **Hearing** will be held in person and via video conference at the following locations. For **conference call** access, you may dial in at: (888) 636-3807, Access Code: 3042696.

Public Hearing locations:

Nevada Housing Division
Conference Room
7220 Bermuda Road, Suite B
Las Vegas, NV 89119
702-486-7220

Nevada Housing Division
Conference Room
1535 Old Hot Springs Rd., Suite# 50
Carson City, NV 89706
775-687-2040

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 319 of the Nevada Administrative Code.

The following information is provided pursuant to NRS 233B.0603:

1. Need and Purpose

The proposed regulation is needed for the purpose of improving the effectiveness and efficiency of the tax credit program.

2. Text Availability

The text of the proposed regulation may be obtained from the Division's website at http://housing.nv.gov/Public_Meetings/Public_Meetings_and_Hearings/ or by contacting Mike Dang at:

Nevada Housing Division
Nevada Dept of Business & Industry
1535 Old Hot Springs Road, Suite 50
Carson City, NV 89706
Direct: 775.687.2033
General: 775.687.2040
Toll free: 800-227-4960
Email mdang@housing.nv.gov

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.

I. Adverse and beneficial effects

I.a. The estimated adverse economic effects of the regulation on the business which it is to regulate and on the public are that there will be none. The proposed regulation applies to multi-family property developers and is designed to reduce for businesses redundancies and inconsistencies between the IRS mandated Qualified Allocation Plan (QAP) and the NAC.

I.b. The estimated beneficial economic effects of the regulation on the business which it is to regulate and on the public are favorable. The proposed regulation applies to multi-family property developers and is designed to reduce for businesses redundancies and inconsistencies between the IRS mandated QAP and the NAC.

II. Immediate and long-term effects.

II.a. The immediate effects on the business which it is to regulate and on the public are none at the time of this posting.

II.b. The long-term effects on the business which it is to regulate and on the public are none at the time of this posting and are estimated thereafter to be a reduction in administrative time and affected business community time.

4. Impact on small business

The methods used by the agency in determining the impact on a small business are two-fold. The first method was to send out a survey for comments to the low-income housing development community. The Division provided a copy of the proposed NAC and requested comments. The second method was to call and discuss the proposed regulation with potentially affected members of the low-income housing development community. The result of the survey and discussions was that there were no material negative impacts expected.

5. Estimated cost to the agency for enforcement of the proposed regulation

The estimated cost to the agency for enforcement of the proposed regulation would be any direct legal costs and related administrative handling costs in case a situation arose which required the Division's Deputy Attorney General's involvement. Such a situation could arise where a

developer or other party debated a point in the QAP or the NAC. The costs would also be any allocated indirect staff costs for working with a developer to clarify the new regulations. These costs are estimated to be minimal, at the most.

6. Overlap and Duplication

The Division knows of no other state regulations which this proposed regulation may overlap or duplicate. The current regulations do overlap or are unnecessarily duplicative, tautological, or redundant to the federal regulations promulgated by the Internal Revenue Code (IRC) § 42 and the United States Department of the Treasury, 26 CFR § 1.42 or of the IRC § 42 mandated IRC Qualified Allocation Plan.

7. Regulations required pursuant to federal law

The proposed regulations are not required pursuant to federal law. In fact, the IRS advised the State to review the body of similar regulations promulgated by states of similar populations. The IRS pointed out that many states of similar populations do not have state regulations governing the low-income housing tax credit process because Internal Revenue Code § 42 and its related provisions, such as 26 CFR § 1.42 and other IRS rulings are the prevailing law on the matter. Combined with the IRC § 42 mandated QAP, the view was that many states have found this level of regulation sufficient. The Division did conduct such a review and did observe the conditions the IRS indicated the Division would find.

8. Regulation provisions more stringent than federal regulations

The proposed regulations are not more stringent than federal regulations regulating the same activity.

9. Time, place and manner for comments.

Persons may present their views regarding the proposed regulation in writing to the Division at any time prior to February 12, 2015. Persons may also attend the public hearing on February 12, 2015.

10. This regulation does not establish a new fee nor increase an existing fee.

Persons wishing to comment upon the proposed action of the Nevada Housing Division may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the addresses and parties shown above. Written submissions must be received by the Housing Division on or before the close of business, Friday, February 6, 2015.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Housing Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Adopted will be available at the Division office addresses shown above and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed

to members of the public upon written request to Chris Tirey at ctirey@housing.nv.gov. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

- Nevada Public Notice Website: <https://notice.nv.gov/>
- Nevada Housing Divisions Website: <http://housing.nv.gov/>
- Nevada Legislature Website: <https://www.leg.state.nv.us/App/Notice/A/>

Carson City Library
900 North Roop Street
Carson City, Nevada 89701

Lincoln Country Library
93 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Maine Street
Fallon, Nevada 89406

Lyon Country Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Las Vegas-Clark County Library District
Headquarters
833 Las Vegas Boulevard North
Las Vegas, Nevada 89101-2062

Mineral County Public Library
PO Box 1390
Hawthorne, Nevada 89415

Douglas County Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing Country Library
1125 Central Avenue
Lovelock, Nevada 89419

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Esmeralda County Library
Corner of Crook & 4th Street
PO Box 430
Goldfield, Nevada 89013-0430

Tonopah Public Library
PO Box 449
Tonopah, Nevada 89049

Eureka Branch Library
10190 Monroe Street
Eureka, Nevada 89316

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

White Pine County Library
950 Campton Street
Ely, Nevada 89301

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

Nevada Housing Division
1535 Old Hot Springs Road #50
Carson City, Nevada 89706

Nevada Housing Division
7220 Bermuda Rd Suite B
Las Vegas, Nevada 89119

Department of Business and Industry,
Administration
1830 College Parkway #100
Carson City, Nevada 89706

Department of Business & Industry
Director's Office
555 E. Washington Avenue, Suite 4900
Las Vegas, Nevada 89101

Office of the Attorney General
100 North Carson Street
Carson City, NV 89701