

EMERGENCY REQUEST of Speaker of the Assembly

Assembly Bill No. 528—Assemblyman Yeager

CHAPTER.....

AN ACT relating to homelessness; establishing a program to provide matching funds to certain qualified projects; authorizing the governing body of a city or county to provide an abatement of certain fees; authorizing the Department of Health and Human Services to create provider codes for certain purposes related to Medicaid billing; creating the Homelessness Support Services Matching Account; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates a program to provide matching funds up to \$100,000,000 to qualified projects that are facilities to provide support services to individuals and families experiencing homelessness or at risk of becoming homeless. **Sections 2-8** of this bill define terms related to the program to provide matching funds for qualified projects to provide support services to individuals and families experiencing homelessness or at risk of becoming homeless. **Section 9** of this bill authorizes the lead participant of a project to apply to the Office of Economic Development for a certificate of eligibility for matching funds up to \$100,000,000 and establishes the requirements for a project to be eligible for such matching funds, including, without limitation, the submission by the lead participant of the project of an application which meets certain requirements. **Section 10** of this bill additionally requires a project, to be eligible for the matching funds, to be determined by the Office to be a qualified project. **Section 10** establishes requirements for a qualified project. **Section 11** of this bill establishes requirements with respect to the contribution to the cost of a project which may be made from matching funds, including, without limitation, a requirement for the lead participant to pay the initial \$25,000,000 of the costs for the development and construction of the project and for matching funds to be used to pay the last \$10,000,000 in project costs. **Section 11** provides the requirements for the issuance of matching funds.

Section 12 of this bill requires the lead participant of a qualified project to furnish certain records to the Office. **Section 12** requires the lead participant to repay matching funds under certain circumstances and subjects the state business registration of the lead participant to revocation or suspension for failure to repay matching funds. **Section 12** authorizes the Executive Director of the Office to take certain action if a project is materially underperforming. If a project ceases to operate under certain circumstances or files for bankruptcy, **section 12** provides for the transfer of the underlying facility to the incorporated city in which the facility is located, or to the county in which the facility is located if the facility is not located in an incorporated city.

Section 13 of this bill authorizes the governing body of a city or county in which a qualified project is located to provide an abatement of certain permit and license fees to a participant in such a project. **Section 14** of this bill requires the services provided at a qualified project that receives matching funds to be made available to the residents of any participating municipality in the county where the



qualified project operates and establishes the requirements to qualify as a participating municipality.

Section 15 of this bill requires the financial operating plan for a qualified project to provide for the annual operations, maintenance and ongoing capital needs of the facility and requires the operating costs of a facility within a qualified project to be distributed equitably among the State, participating municipalities and the private sector. **Section 15** requires the State to provide funds equal to the amounts provided by any participating municipalities up to \$15,000,000 per year, as adjusted each year. **Section 15** authorizes the Department of Health and Human Services to create provider codes to maximize Medicaid billing for the services provided by a qualified project.

Section 16 of this bill creates the Homelessness Support Services Matching Account and requires money in the Account to be used only to provide matching funds pursuant to the provisions of this bill. **Section 18** of this bill makes an appropriation of \$100,000,000 to the Account.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Capital investment” means all costs and expenses incurred by the participants in a qualified project in connection with the acquisition, construction, installation and equipping of the qualified project.*

Sec. 4. *“Lead participant” means a nonprofit corporation that:*

- 1. Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3);*
- 2. Has a physical location in this State; and*
- 3. Is designated by the participants in a project as the lead participant in an application submitted pursuant to section 9 of this act.*

Sec. 5. *“Matching funds” means an amount of money invested by this State in the capital construction of a qualified project in an amount equal to the amount of money invested by the participants in that project. The term does not include the value of in-kind services or other nonmonetary contributions.*

Sec. 6. *“Participant” means a business, including, without limitation, a nonprofit organization, or governmental entity which*



operates within the geographic boundaries of a project site and which contributes to or participates in the project.

Sec. 7. *“Project” means a project undertaken by a business, group of businesses, including, without limitation, one or more nonprofit organizations, or one or more local governments:*

1. Located within the geographic boundaries of one or more project sites in the State; and

2. Engaged in a common purpose or business endeavor.

Sec. 8. *“Qualified project” means a project which the Office determines meets all the requirements set forth in sections 9 and 10 of this act.*

Sec. 9. 1. *On behalf of a project, the lead participant in the project may apply to the Office for a certificate of eligibility for matching funds of up to \$100,000,000 to be used exclusively for the acquisition, construction, installation and equipping of a qualified project.*

2. For a project to be eligible for the matching funds described in subsection 1, the lead participant of the project must, on behalf of the project:

(a) Submit an application that meets the requirements of subsection 3;

(b) Provide documentation satisfactory to the Office that approval of the application would:

(1) Facilitate the economic development of this State;

(2) Aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

(3) Increase the workforce in this State by helping those persons experiencing homelessness or at risk of becoming homeless to transition from experiencing homelessness or being at risk of homelessness to being economically self-sufficient.

3. An application submitted pursuant to subsection 2 must include:

(a) Documentation satisfactory to the Office that the project meets all of the requirements of a qualified project described in section 10 of this act;

(b) A detailed business plan containing an outline of services to be provided by the project, capital construction financing, operational revenues and expenditures, governance structure, the core operating team and a plan for capital maintenance;

(c) The total cost of the project, which shall not be less than \$150,000,000;



(d) Documentation satisfactory to the Office that the qualified project is reasonably expected to:

(1) Increase the workforce in this State by promoting greater opportunities for economic self-sufficiency;

(2) Improve the mental and physical well-being of persons at risk of becoming homeless;

(3) Reduce the incidence of homelessness in areas of acute risk and impact;

(4) Decrease long-term reliance on social services and public assistance programs;

(5) Increase the opportunity for services integration and collaboration; and

(6) Reduce criminal activity and recidivism and increase the share of the population with employable job skills;

(e) A summary of the relationship between and roles and responsibilities of the lead participant and the other participants in the project;

(f) A detailed description of the location or locations of the project, including, without limitation, a precise description of the geographic boundaries of the project site or sites;

(g) The name and business address of each participant in the project, which must be an address in this State;

(h) A detailed description of the plan by which the lead participant and the other participants in the project intend to comply with the requirement that the participants collectively make a total capital investment not less than \$75,000,000 in the 5-year period immediately following approval of the application;

(i) Documentation satisfactory to the Office that the lead participant has the financial ability and operational expertise to effectively develop and operate the project;

(j) Documentation satisfactory to the Office that the participants in the project are engaged in a common purpose or business endeavor;

(k) Documentation satisfactory to the Office that the place of business of each participant is or will be located within the geographic boundaries of the project site or sites;

(l) Documentation satisfactory to the Office that each participant in the project is registered pursuant to the laws of this State or commits to obtaining a valid business license and all other permits required by the county, city or town in which the project operates;



(m) Documentation satisfactory to the Office of the number of employees engaged or anticipated to be engaged in the construction of the project;

(n) Documentation satisfactory to the Office of the number of qualified employees employed or anticipated to be employed at the project by the participants;

(o) Documentation satisfactory to the Office of the number of individuals expected to be served by the project;

(p) Documentation satisfactory to the Office that each employer engaged in the construction of the project provides a plan of health insurance and that each employee engaged in the construction of the project is offered coverage under the plan of health insurance provided by his or her employer;

(q) Documentation satisfactory to the Office that at least 50 percent of the employees engaged or anticipated to be engaged in construction of the project and 50 percent of the employees employed at the project are residents of Nevada, unless waived by the Executive Director of the Office upon proof satisfactory to the Executive Director of the Office that there is an insufficient number of residents of Nevada available and qualified for such employment;

(r) An agreement to provide the Office with a compliance report for the project at the end of each calendar quarter during construction and at the end of each fiscal year during all the years of operations, which:

(1) Provides the amount of money invested in the project;

(2) Provides the number of employees engaged in the construction of the project;

(3) Provides the number of employees employed at the project;

(4) Provides the total number of persons served by the project, including, without limitation, the number of persons placed in permanent housing and verifiable employment; and

(5) Meets any other requirements prescribed by the Office; and

(s) Any other information deemed necessary and appropriate by the Executive Director.

Sec. 10. 1. In addition to meeting the requirements set forth in subsection 2 of section 9 of this act, for a project to be eligible for the matching funds described in subsection 1 of section 9 of this act, the project must be determined by the Office to be a qualified project as provided in this section.



2. A qualified project is a facility or facilities designed, developed and operated to:

(a) Provide comprehensive, sustainable and compassionate support services to individuals and families experiencing homelessness or at risk of homelessness; and

(b) Assist those individuals and families to overcome the barriers created by homelessness, find housing stability and achieve their full potential, while at the same time allowing them the opportunity to contribute to the economy of this State and participate in its workforce.

3. Services offered at a qualified project may be provided in collaboration with a nonprofit participant, for-profit or not-for-profit service provider, local government or other community-based organization within the public or private sectors.

4. The lead participant in a qualified project shall:

(a) In consultation with local governments, identify the site or sites where the qualified project will be located;

(b) Have a construction and development plan that identifies the sources and uses of funds to be used to construct the qualified project, including, without limitation, a private or nonprofit capital investment of not less than \$75,000,000;

(c) Have a financial operating plan that sets forth revenues and expenditures for the first 10 years of operations and identifies sources of funding from private and public sources, including, without limitation, local, state and federal governments;

(d) Have an operating plan that identifies the services that will be provided at the qualified project;

(e) Establish a board of directors consisting of not less than nine members, each of whom must be a resident of this State and none of whom may be persons holding elected office or who held elected office in the immediately preceding 3 years;

(f) Identify and establish a qualified management and operating team of professionals with the requisite experience and expertise to effectively operate the qualified project; and

(g) Establish a technical advisory committee comprised of nonprofit organizations and local governments focused on providing essential services to the community, including, without limitation, those primarily related to homelessness prevention, food insecurity, domestic violence, emergency services and public safety, workforce development, education, early childhood development, housing, health and wellness and social services. The technical advisory committee shall advise the board of directors by providing critical insight into the most pressing needs



of community members, thereby ensuring the organization is continually evolving to address current challenges within the local community.

5. A qualified project may include, without limitation:

(a) Navigation centers and emergency intake facilities that provide emergency shelter, nutritious meals, hygiene facilities, clothing and access to essential supplies. Such facilities must implement a low-barrier approach to ensuring inclusivity and accessibility, address the immediate needs of those experiencing homelessness and identify individuals who are ready, willing and able to utilize a broader range of available services.

(b) Health care and mental health care, including, without limitation, medical care, mental health counseling, addiction treatment programs and preventive care tailored to the unique needs of the homeless population.

(c) Job training and employment assistance, including, without limitation, the development of vocational training programs, job placement services and partnerships with local businesses and other service providers to equip individuals with marketable skills, employment opportunities and the necessary support for sustainable employment.

(d) Transitional housing services that:

(1) Facilitate temporary accommodations and support programs to assist individuals or families experiencing homelessness or unstable housing situations; and

(2) Are designed to provide a bridge between homelessness and permanent housing by offering a safe and stable living environment and supportive services to assist individuals or families stabilize their lives and regain independence.

(e) Permanent housing solutions that facilitate access to a range of housing options, including, without limitation, transitional housing, rapid rehousing, permanent supportive housing and affordable housing initiatives in partnership with local governments, housing authorities, landlords and developers.

(f) Integrated social service providers, including, without limitation, organizations or agencies that offer a comprehensive range of services and program access to individuals and families, including, without limitation, case management, housing assistance, employment and job training, health and mental health services, food and nutrition assistance, financial and economic support, child and family services and legal aid and advocacy.

(g) Community engagement and education through public awareness campaigns, educational workshops and community



outreach initiatives to foster empathy, dispel stereotypes and engage the broader community in addressing homelessness.

Sec. 11. 1. *If the Office of Economic Development approves an application for a certificate of eligibility for matching funds submitted pursuant to paragraph (a) of subsection 2 of section 9 of this act, the Office shall immediately forward a copy of the certificate of eligibility which identifies the amount of the award to:*

- (a) The lead participant in the qualified project;*
- (b) The Director of the Legislative Counsel Bureau;*
- (c) The Chief of the Budget Division of the Office of Finance in the Office of the Governor; and*
- (d) The State Treasurer.*

2. A qualified project may be approved for a certificate of eligibility for matching funds pursuant to subsection 1 in an amount not to exceed \$100,000,000.

3. Except as otherwise provided in sections 2 to 15, inclusive, of this act, the contribution from the matching funds awarded to the qualified project pursuant to subsection 1 must be proportional in terms of amount, contemporaneous in terms of timing and similar in terms of risk profile to the contribution to the cost of the development and construction of the qualified project by the lead participant, and:

(a) The lead participant shall pay the initial \$25,000,000 of the costs of the development and construction of the qualified project.

(b) Payments after the initial payment required by paragraph (a) must be pro rata, based on the percentage of the total cost of the qualified project described in paragraph (c) of subsection 3 of section 9 of this act to be paid from approved matching funds and those to be paid by all other sources of project funding as set forth in an application approved by the Office pursuant to section 9 of this act, except that such pro rata allocation must be adjusted such that the matching funds are used to pay the last \$10,000,000 in project costs.

(c) The procedure for making monthly draws for the cost of the qualified project will be delineated in a trust agreement to be entered into by the Office and the lead participant, which will ensure that no money derived from the matching funds awarded pursuant to subsection 1 are expended unless money of the lead participant is previously or simultaneously expended, except for the initial payment described in paragraph (a) and the last payment described in paragraph (b).



Sec. 12. 1. *The lead participant of a qualified project shall, upon the request of the Office of Economic Development, furnish the Office with copies of all records necessary to verify that the qualified project meets or has met the eligibility requirements for state matching funds issued pursuant to sections 2 to 15, inclusive, of this act.*

2. The lead participant shall repay to the State Treasurer, as applicable, any portion of the matching funds to which the lead participant is not entitled if:

(a) The participants in the qualified project collectively fail to make the investment in this State necessary to support the determination by the Office that the project is a qualified project;

(b) The lead participant submits any false statement, representation or certification in any document submitted for the purpose of obtaining matching funds;

(c) The lead participant otherwise becomes ineligible for matching funds after receiving the matching funds pursuant to sections 2 to 15, inclusive, of this act; or

(d) The lead participant ceases operation within 30 years of having received the last installment of matching funds pursuant to sections 2 to 15, inclusive, of this act.

3. The Secretary of State may, upon application by the Executive Director, revoke or suspend the state business registration of the lead participant in a qualified project which is required to repay any portion of the matching funds allocated pursuant to subsection 2. If the state business registration of the lead participant in a qualified project is suspended or revoked pursuant to this subsection, the Secretary of State shall provide written notice of the action to the lead participant. The Secretary of State shall not reinstate a state business registration suspended pursuant to this subsection or issue a new state business registration to the lead participant whose state business registration has been revoked pursuant to this subsection unless the Executive Director provides proof satisfactory to the Secretary of State that the lead participant is in compliance with the requirements of this section governing repayment.

4. In the event the Executive Director determines that the project is materially underperforming based on the reports provided by the lead participant pursuant to paragraph (r) of subsection 3 of section 9 of this act, the Executive Director may:

(a) Require that the lead participant review, revise and submit any element of the application submitted pursuant to subsection 3 of section 9 of this act;



(b) Request operating recommendations for improvement from the technical advisory committee created pursuant to paragraph (g) of subsection 4 of section 10 of this act;

(c) Request that the lead participant retain a subject matter expert to address the identified areas of underperformance; or

(d) Any combination of paragraphs (a), (b) and (c).

5. In the event the project ceases to operate pursuant to subsection 2 or files for bankruptcy protection under any chapter of Title 11 of United States Code after having received matching funds pursuant to sections 2 to 15, inclusive, of this act, the facility, including the underlying land and any personal property necessary for the operations of the facility, shall be transferred to the incorporated city in which any part of the facility exists. If the facility does not exist in an incorporated city, it shall be transferred to the county in which the facility exists. Such transfer shall be made at no cost to the city or county, and the city or county may determine, at its sole discretion, whether to operate the facility in whole or in part or otherwise close, modify or sell the facility and any related assets.

Sec. 13. *For the purpose of encouraging local economic development, the governing body of a city or county in which a qualified project is located may grant to any participant in a qualified project an abatement of all or any percentage of the amount of any permitting fee or licensing fee which the local government is authorized to impose or charge pursuant to chapter 244 or 268 of NRS.*

Sec. 14. *1. Services provided at a qualified project that has received matching funds pursuant to sections 2 to 15, inclusive, of this act must be made available to the residents of any participating municipality described in subsection 2 within the county where the qualified project operates.*

2. To qualify as a participating municipality pursuant to subsection 1, a municipality must:

(a) Have, within its borders, a navigation center or other process for initial intake and screening of individuals that are experiencing homelessness or are at imminent risk of homelessness, as well as a process whereby individuals or families seeking additional assistance may opt in to the services provided by the qualified project;

(b) Enter into a shared services agreement with the lead participant of the qualified project whereby the municipality contributes annually to ongoing facility operations and



maintenance costs and receives equitable access to a share of the qualified project's capacity; and

(c) Have an approved plan to provide affordable, attainable workforce development and permanent supportive housing within the borders of the municipality.

Sec. 15. 1. *The financial operating plan for the qualified project prepared in accordance with paragraph (c) of subsection 4 of section 10 of this act must provide for the annual operations and maintenance of the facility as well as the ongoing capital needs of the facility.*

2. To pay the operating costs of a facility within a qualified project, the State Controller shall, on July 1 of each fiscal year, transfer from the Homelessness Support Services Matching Account created by section 16 of this act an amount of money equal to the amount of money to be provided for that fiscal year by any participating municipalities pursuant to paragraph (b) of subsection (2) of section 14 of this act, but such amount transferred by the State Controller must not exceed \$15,000,000 per fiscal year, as adjusted pursuant to subsection 5.

3. In addition to any support provided pursuant to subsection 2, the Department of Health and Human Services may administratively create any necessary provider codes to maximize Medicaid billing for the services provided by the qualified project.

4. Nothing contained in sections 2 to 15, inclusive, of this act shall be deemed to limit the ability of any participant in a qualified project from accessing programmatic funding for services provided by the qualified project that would otherwise be available from a government, private sector or nonprofit source.

5. The monetary amount specified in subsection 2 shall be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the consumer price inflation index between the calendar year ending on December 31, 2023, and the calendar year immediately preceding the fiscal year for which the adjustment is made.

6. For the purposes of this section, "consumer price inflation index" means the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor or, if that index ceases to be published by the United States Department of Labor, the published index selected by the Department of Taxation pursuant to subsection 11 of NRS 361.091.

Sec. 16. 1. *The Homelessness Support Services Matching Account is hereby created in the State General Fund. The Account*



must be administered by the Executive Director of the Office of Economic Development and money in the Account may be expended only for the purpose of providing matching funds pursuant to sections 2 to 15, inclusive, of this act.

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. Any money in the Account and any unexpended appropriations made to the Account from the State General Fund remaining at the end of a fiscal year do not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The Executive Director may apply for and accept any gift, grant, donation or appropriation for deposit in the Account.

Sec. 17. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after June 1, 2023.

Sec. 18. There is hereby appropriated from the State General Fund to the Homelessness Support Services Matching Account the sum of \$100,000,000.

Sec. 19. This act becomes effective upon passage and approval.

