

ASSEMBLY BILL NO. 390—ASSEMBLYMEN CARLTON, OHRENSCHALL, BROOKS, FRIERSON, CARRILLO; ATKINSON, BENITEZ-THOMPSON, BOBZIEN, BUSTAMANTE ADAMS, DALY, DONDERO LOOP, GRADY, HANSEN, HICKEY, KIRNER, KITE, OCEGUERA, PIERCE AND SEGERBLOM

MARCH 21, 2011

JOINT SPONSORS: SENATORS BREEDEN, KIHUEN, MANENDO, PARKS AND SCHNEIDER

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to energy assistance. (BDR 58-801)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to energy assistance; clarifying that certain tenants are eligible for energy assistance under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law authorizes the Division of Welfare and Supportive Services of the
- 2 Department of Health and Human Services to use money in the Fund for Energy
- 3 Assistance and Conservation to assist eligible households in paying for natural gas
- 4 and electricity. (NRS 702.260) **Section 1** of this bill clarifies that certain tenants are
- 5 eligible for assistance by the term “eligible household” which includes: (1) a tenant
- 6 of a mobile home park subject to the provisions of NRS 704.905 to 704.960,
- 7 inclusive, and; (2) a tenant who purchases electricity from a landlord who pays for
- 8 electricity that is delivered through a master meter and who resells the electricity to
- 9 the tenant based on the tenant’s actual use.



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

**Section 1.** NRS 702.260 is hereby amended to read as follows:

702.260 1. Seventy-five percent of the money in the Fund must be distributed to the Division of Welfare and Supportive Services for programs to assist eligible households in paying for natural gas and electricity. The Division may use not more than 5 percent of the money distributed to it pursuant to this section for its administrative expenses.

2. Except as otherwise provided in NRS 702.150, after deduction for its administrative expenses, the Division may use the money distributed to it pursuant to this section only to:

(a) Assist eligible households in paying for natural gas and electricity.

(b) Carry out activities related to consumer outreach.

(c) Pay for program design.

(d) Pay for the annual evaluations conducted pursuant to NRS 702.280.

3. Except as otherwise provided in subsection 4, to be eligible to receive assistance from the Division pursuant to this section, a household must have a household income that is not more than 150 percent of the federally designated level signifying poverty, as determined by the Division.

4. The Division is authorized to render emergency assistance to a household if an emergency related to the cost or availability of natural gas or electricity threatens the health or safety of one or more of the members of the household. Such emergency assistance may be rendered upon the good faith belief that the household is otherwise eligible to receive assistance pursuant to this section.

5. Before July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division shall determine the amount of assistance that the household will receive by using the existing formulas set forth in the state plan for low-income home energy assistance.

6. On or after July 1, 2002, if a household is eligible to receive assistance pursuant to this section, the Division:

(a) Shall, to the extent practicable, determine the amount of assistance that the household will receive by determining the amount of assistance that is sufficient to reduce the percentage of the household's income that is spent on natural gas and electricity to the median percentage of household income spent on natural gas and electricity statewide.

(b) May adjust the amount of assistance that the household will receive based upon such factors as:



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(1) The income of the household;  
(2) The size of the household;  
(3) The type of energy that the household uses; and  
(4) Any other factor which, in the determination of the Division, may make the household particularly vulnerable to increases in the cost of natural gas or electricity.

7. The Division shall adopt regulations to carry out and enforce the provisions of this section and NRS 702.250.

8. In carrying out the provisions of this section, the Division shall:

(a) Solicit advice from the Housing Division and from other knowledgeable persons;

(b) Identify and implement appropriate delivery systems to distribute money from the Fund and to provide other assistance pursuant to this section;

(c) Coordinate with other federal, state and local agencies that provide energy assistance or conservation services to low-income persons and, to the extent allowed by federal law and to the extent practicable, use the same simplified application forms as those other agencies;

(d) Establish a process for evaluating the programs conducted pursuant to this section;

(e) Develop a process for making changes to such programs; and

(f) Engage in annual planning and evaluation processes with the Housing Division as required by NRS 702.280.

**9. For the purposes of this section, "eligible household" includes, without limitation:**

**(a) A tenant of a mobile home park subject to the provisions of NRS 704.905 to 704.960, inclusive; and**

**(b) A tenant who purchases electricity from a landlord as described in paragraph (c) of subsection 2 of NRS 702.090 based on the actual usage of electricity by the tenant.**

**Sec. 2.** The Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt regulations on or before October 1, 2011, to implement the amendatory provisions of section 1 of this act.

**Sec. 3.** This act becomes effective:

1. Upon passage and approval, for the purpose of adopting regulations.

2. On October 1, 2011, for all other purposes.

