

INFORMATIONAL STATEMENT
LCB No. R112-13

October 1, 2014

NRS 233B.066 Informational statement required concerning adopted permanent or temporary regulation; contents of statement.

1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:

(a) A clear and concise explanation of the need for the adopted regulation.

*Section 1: **New** - The Division will consider a manufactured home that is torn down, disassembled or destroyed in such a manner that the home cannot be rebuilt or rehabilitated into a manufactured home. There have been instances where the Division was notified that a home was dismantled, but later we have received a title transfer showing the home in fact was not dismantled.*

*Section 2: **Omitted** - This will eliminate the strict list of requirements for an instructor to be approved and give the Administrator the sole authority to approve an instructor for an MHD approved continuing class. This will allow for more flexibility of the Administrator to approve qualified instructors.*

*Section 3: **Omitted** - An instructor to be renewed annually.*

***New** – When requested by the Division, an instructor or course can be renewed by submitting requested documentation which will be more business friendly by becoming less obtrusive to businesses.*

*Section 4: **Amended** - By adding sections 5 & 6*

*Section 5: **New** - When the Division requests in writing, a licensed Dealer must submit copies of documents to confirm that the Dealer is in compliance related to their separate trust account for each sales transaction. If the Division requests such documentation, the Dealer may send them in print or electronic form. This clarification will assist industry to have clarity in when the document submission is required.*

*Section 6: **New** - For the purpose of NRS 489.811, the Division will interpret the term “principal place of business” not be a post office box.*

*Section 7: **New** - To clarify that a factory-built home is considered real property only when it has been affixed to land, a certificate of occupancy has been issued, and a final inspection has been performed and any other action which allow the home to be occupied. This section is also defining “enforcement agency” as stated in*

NAC 489.500, which states, “the county or city building department or the Division”. Inserting the word “Real” to property notice, confirms that the document must be verified by the county assessor’s office.

*Section 8: **New** - Clarifies that all branch offices must be “in this State”, since the Division only has jurisdiction over licensed companies in the manufactured housing industry for the State of Nevada.*

***Omitted** - This eliminates the Division to mandate a branch office to be managed by a corporate officer, partner or responsible managing employee.*

*Section 8, 9, 10, and 11: **New** - Adding “distributor” to the process of obtaining and maintaining the new license category of “Distributor” that was added at NRS 489.081 in 2009.*

*Section 12: **Repeal** - NAC 489.307. The Division has determined that it is not necessary to mandate that a MHD licensed company main office be managed or supervised by a corporate officer, partner or responsible managing employee.*

b) A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary.

The Division conducted workshops on January 10, 2014 and March 27, 2014, and mailed a total of 432 questionnaires on March 10, 2014 to 400 MHD licensed companies and 32 interested parties. A copy of the summary may be obtained by going to our website at <http://mhd.nv.gov>.

432 Questionnaires mailed 7 Responses received	YES	NO	Did Not Answer
1. Will this have an adverse economic effect on your business?	3	4	0
2. Will this have a beneficial economic effect on your business?	1	5	1
3. Do you anticipate any indirect adverse effects?	1	5	1
4. Do you anticipate any indirect beneficial effects?	1	5	1

(c) The number of persons who:

- (1) Attended each hearing: 11**
- (2) Testified at each hearing: None**
- (3) Submitted to the agency written statements: None**

(d) For each person identified in subparagraphs (2) and (3) of paragraph (c), the following information if provided to the agency conducting the hearing: None

(e) 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.

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(f) If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without any change since there was no public feedback during the hearing and the comments on the questionnaires received were not relevant to this proposed regulation.

(g) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

(1) Both adverse and beneficial effects; and

- **Adverse effects** – *The Division does not anticipate any adverse effects on small businesses or the public.*
- **Beneficial effects** – *Sections 5, 8 and 12 allows for a less burdensome approach to the licensing process for businesses. This will result in a beneficial effect on businesses.*

(2) Both immediate and long-term effects.

- **Immediate Effect** – *There will not be immediate economic effect on businesses.*
- **Long-term Effect** – *There will not be long-term economic effect on businesses.*

(h) The estimated cost to the agency for enforcement of the proposed regulation.

The agency estimates no cost to the agency for enforcement of any of the 12 sections of this proposed regulation.

(i) A description of any regulations 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, list the name of the regulating federal agency.

This proposed regulation does not overlap with any other state or federal regulations.

(j) If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This proposed regulation does not include any provisions that are more stringent than a federal regulation.

(k) 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.

There are no new fees or increase in any existing fees in this proposed regulation.

2. The requirements of paragraphs (b) to (f), inclusive, of subsection 1 do not apply to emergency regulations.

This is not an emergency regulation.