

NAC Chapter 461

LCB File No. T009-06

**ADOPTED TEMPORARY REGULATION OF THE
MANUFACTURED HOUSING DIVISION OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

Filed with the Secretary of State on October 13, 2006

(NOTE: This regulation was previously posted as LCB File No. R076-06.)

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

AUTHORITY: §1, NRS 461.170.

A REGULATION relating to manufactured housing; revising provisions concerning the adoption by reference of certain building codes and standards; and providing other matters properly relating thereto.

Section 1. NAC 461.205 is hereby amended to read as follows:

461.205 The Division hereby adopts by reference:

1. The ~~[Uniform Housing Code, 1997 edition, published by the International Conference of Building Officials. This code]~~ *International Building Code, 2003 edition, published by the International Code Council, with the following modifications:*

(a) Any reference to the International Plumbing Code shall be deemed a reference to the Uniform Plumbing Code, 2003 edition;

(b) Any reference to the International Electrical Code shall be deemed a reference to the National Electrical Code, 2002 edition;

(c) Any reference to the International Mechanical Code shall be deemed a reference to the Uniform Mechanical Code, 2003 edition;

(d) The definition of “manufactured home” set forth in section G201.2 of Appendix G is deleted and replaced with “has the meaning ascribed to it in NRS 489.113”; and

(e) Section G501 of Appendix G is deleted.

↪ *The International Building Code, 2003 edition*, may be obtained from the International Code Council, by mail at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, or at the Internet address <http://www.iccsafe.org>. The price is ~~[\$14.75]~~ \$69 for members and ~~[\$18.50]~~ \$86 for nonmembers.

2. The ~~[Uniform Building Code, 1997 edition, published by the International Conference of Building Officials. This code]~~ *International Residential Code for One- and Two-Family Dwellings, 2003 edition, published by the International Code Council, with the following modifications:*

(a) Any reference to the International Plumbing Code shall be deemed a reference to the Uniform Plumbing Code, 2003 edition;

(b) Any reference to the International Electrical Code shall be deemed a reference to the National Electrical Code, 2002 edition;

(c) Any reference to the International Mechanical Code shall be deemed a reference to the Uniform Mechanical Code, 2003 edition;

(d) The definition of “manufactured home” set forth in section R202 is deleted and replaced with “has the meaning ascribed to it in NRS 489.113”; and

(e) Appendix E is deleted.

↪ *The International Residential Code for One- and Two-Family Dwellings, 2003 edition*, may be obtained from the International Code Council, by mail at 4051 West Flossmoor Road,

Country Club Hills, Illinois 60478-5795, or at the Internet address <http://www.iccsafe.org>. The price is ~~[\$187]~~ \$46.50 for members and ~~[\$233.75]~~ \$62 for nonmembers.

3. The *Uniform Plumbing Code*, 2003 edition, published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials, by mail at 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org>. The price is \$64 for members and \$89 for nonmembers.

4. The *Uniform Mechanical Code*, 2003 edition, published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials, by mail at 5001 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org>. The price is \$64 for members and \$89 for nonmembers.

5. The *National Electrical Code*, 2002 edition, published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association, by mail at 11 Tracy Drive, Avon, Massachusetts 02322, or at the Internet address <http://www.nfpa.org>. The price is \$65.25 for members and \$72.50 for nonmembers.

6. *The NFPA 101: Life Safety Code, 2003 edition, published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association, by mail at 11 Tracy Drive, Avon, Massachusetts 02322, or at the Internet address <http://www.nfpa.org>. The price is \$62.55 for members and \$69.50 for nonmembers.*

7. *The International Energy Conservation Code, 2003 edition, published by the International Code Council. This code may be obtained from the International Code Council, by mail at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, or at the*

Internet address <http://www.iccsafe.org>. The price is \$23 for members and \$29 for nonmembers.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T009-06

The Manufactured Housing Division of the Department of Business and Industry adopted temporary regulations assigned LCB File No. T009-06 which pertain to chapter 461 of the Nevada Administrative Code on October 4, 2006.

Notice date: 6/8/2006
Hearing date: 7/13/2006

Date of adoption by agency: 10/4/2006
Filing date: 10/13/2006

INFORMATIONAL STATEMENT

Formerly LCB # R076-06 was reassigned temporary number with no content change

The following statement is submitted for adopted amendments and additions to Nevada Administrative Code (NAC) 461, 461A, 489

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

On June 8, 2006, the Manufactured Housing Division mailed a notice of Workshop to Solicit Comments on Proposed regulations to affected small businesses as required by law and to those individuals or entities requesting notice of proposed regulations. On June 8, 2006, the Division mailed Notice of Intent to Act Upon A Regulation to affected small businesses as required by law and to those individuals or entities requesting notice of proposed regulations.

However, the Division also posted the above-referenced notices for public review and comment at:

- a. Manufactured Housing Division 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104;
- b. Manufactured Housing Division, 901 So Stewart #2003, Carson City, Nevada 89701;
- c. Department of Business and Industry, 788 Fairview Drive, Carson City, Nevada 89701;
- d. Office of the Attorney General, 100 North Carson Street, Carson City, Nevada 89701;
- e. Office of the Attorney General, 555 East Washington Avenue, Suite 3900, Las Vegas, Nevada 89101;
- f. Washoe County Library, 301 South Center Street, Reno, Nevada 89701;

- g. Carson City Library, 900 South Center Street, Carson City, Nevada 89701;
- h. Clark County Library, 833 Las Vegas Blvd. North, Las Vegas, Nevada 89101.

In addition, the Division mailed copies of the Notice of Intent to Adopt Regulation (which invited public comment) to the Carson City Library, the Churchill County Library, the Las Vegas Library, the Douglas County Library, the Elko County Library, the Goldfield Public Library, the Eureka Branch Library, the Humboldt County Library, the Lincoln County Library, the Lyon County Library, the Mineral County Library, the Tonopah Public Library, the Pershing County Library, the Storey County Library, the Washoe County Library, the White Pine County Library, and the Battle Mountain Branch Library.

In addition, a hearing was held on July 13, 2006, wherein members of the public and affected businesses were invited to speak.

The oral and written comments centered on the following areas of concern:

- a. The Nevada Manufactured Housing Association (hereafter NMHA) provided a letter accepting the regulation;
- b. The attorney for the Nevada Modular Building Institute (hereafter MBI) testified and provided written comments to confirm that the new codes being adopted would not be amended again without regulatory hearing; to confirm that requests for out-of state or replacement insignia would not require compliance with most recent building codes rather than the codes under which the building was originally manufactured.

A copy of the written comments may be obtained by calling Jerry Holmes, Manufactured Housing Division, (702) 486-4115, or by writing to Mr. Holmes at the Manufactured Housing Division, 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104.

2. The number of persons who:

- a. Attended each hearing:** The July 13, 2006 Workshop was attended by 9 people; the July 13, 2006 Public Hearing was attended by 29 people.
- b. Testified at each hearing:** At the July 13, 2006 Workshop, 0 people testified; at the July 13, 2006 Public Hearing, 3 people testified. Additionally at both the Workshop and the hearing Administrator Diamond announced reductions in three (3) fees that were to be included in this regulatory package.
- c. Submitted to the agency written comments:** Written comments were received from Gub Mix Director of NMHA and Joe Cain attorney for MBI-Nevada.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how interested persons may obtain a copy of the summary.

The Division mailed the notices for the workshop held on July 13, 2006, to all manufactured housing licensees within the State of Nevada as well as to persons on the list maintained by the Division interested in receiving a notice of hearings on regulations that affect the Manufactured Housing Division. Said notices requested comments in writing and invited business owners to attend the workshops. The notice for the public hearing scheduled on July 13, 2006, was also mailed to all licensees within the State of Nevada as well as persons on the list of interested parties and also requested written comment and invited business owners to the public hearing. In addition, the workshop notices and the public hearing notice were posted as specified in #1 above. In addition, if licensees notified the Division that they had an attorney, a copy of the notices was mailed to the attorney. General comments received are listed in section number one of this statement.

A copy of the written comments may be obtained by calling Jerry Holmes, Manufactured Housing Division, (702) 486-4115, or by writing to Mr. Holmes at the Manufactured Housing Division, 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104.

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

LCB # R076-06 was the original number assigned by the LCB. The Division since learned that the Nevada State Fire Marshall and Public Works intended to adopted more recent codes in the summer of 2007. Therefore, the Division requested a number reassignment the temporary number T009-06 because new regulations will be adopted after the pending legislature session. The regulations for adoption by reference of certain building codes and standards were unopposed and no change was needed to the text of the regulations noticed for hearing and workshops.

5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:

- a. Both adverse and beneficial effects; and**
- b. Both immediate and long-term effects.**

ADVERSE EFFECTS ON THE PUBLIC: There are no anticipated adverse effects on the public as the regulation seeks to standardize installation standards and reduce fees.

ADVERSE EFFECTS ON BUSINESSES: The economic impact will be minimal because manufacturers are currently finding it necessary to comply with the new codes for other areas and the older codes previously in place in Nevada.

BENEFICIAL EFFECTS ON BUSINESSES AND THE PUBLIC: Current codes and standards incorporate significant upgrades to ensure safety of the buildings in question. These adoptions bring Division codes into alignment with other local, state and federal agencies..

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional costs of enforcing the regulations because staff is currently in place to enforce them.

7. A description of any regulations of other state or government agencies that 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, the name of the regulating federal agency.

The regulation does not duplicate, and is not more stringent than existing state or federal laws. The Division does not believe that the regulation is more stringent than local laws.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The regulation does not include provisions that are more stringent than a federal regulation that regulates the same activity.

9. If the regulation provides a new fee or increases an existing fee, the total amount the agency expects to collect and the manner in which the money will be used.

This regulation does not increase any fees.