

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

LCB File No. R055-02

Effective July 18, 2002

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

AUTHORITY: §§1-35, NRS 461A.090.

Section 1. Chapter 461A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this regulation.

Sec. 2. *“Agency for enforcement” has the meaning ascribed to it in NRS 461A.030.*

Sec. 3. *“Division” means the manufactured housing division of the department of business and industry.*

Sec. 4. *“Manager” means the person in charge or in control of a mobile home park, whether or not he is the owner or employed by the owner. The term includes any company chosen by the landlord to administer or supervise the affairs of the mobile home park.*

Sec. 5. *“Mobile home stand” means the portion of the mobile home lot to be occupied by the mobile home.*

Sec. 6. 1. *The following publications, in the form most recently published before January 31, 1999, are hereby adopted by reference:*

(a) The Uniform Housing Code, as adopted by the International Conference of Building Officials;

(b) *The Uniform Building Code, as adopted by the International Conference of Building Officials;*

(c) *The Uniform Plumbing Code, as adopted by the International Association of Plumbing and Mechanical Officials;*

(d) *The Uniform Mechanical Code, as adopted by the International Association of Plumbing and Mechanical Officials;*

(e) *The National Electrical Code, as adopted by the National Fire Protection Association;*

(f) *The Uniform Code for the Abatement of Dangerous Buildings, as adopted by the International Conference of Building Officials; and*

(g) *Standard A1171.1-1998 (Guidelines for Accessible and Usable Buildings and Facilities), as adopted by the American National Standards Institute.*

2. *A copy of Standard A1171.1-1998 (Guidelines for Accessible and Usable Buildings and Facilities) may be obtained from the American National Standards Institute, 1819 L Street, N.W., 6th Floor, Washington, D.C. 20036, for \$25. All other publications described in subsection 1 may be obtained from the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-2298, for the following prices:*

- (a) *The Uniform Housing Code.....\$ 16.00*
- (b) *The Uniform Building Code.....205.20*
- (c) *The Uniform Plumbing Code.....64.00*
- (d) *The Uniform Mechanical Code.....47.60*
- (e) *The National Electrical Code.....24.75*
- (f) *The Uniform Code for the Abatement of Dangerous Buildings.....16.00*

Sec. 7. 1. *A mobile home park will not be deemed to be in a substandard, unsafe or unsanitary condition solely because it was constructed under the building codes in existence before the codes specified in section 6 of this regulation.*

2. If a mobile home park was built in compliance with the building codes in existence at the time of construction, the agency for enforcement has the burden of proof to establish that the mobile home park is in a substandard, unsafe or unsanitary condition.

Sec. 8. *Any mobile home park where there exists any of the following listed conditions which endangers the life, health, property, safety or welfare of the public or the tenants of a mobile home park is hereby declared to be substandard, unsafe or unsanitary:*

- 1. Unsanitary or faulty plumbing or drain systems.*
- 2. Hazardous wiring or electrical systems.*
- 3. Hazardous gas distribution systems.*
- 4. Hazardous gas appliances or equipment.*
- 5. Conditions that may cause fire or explosion.*
- 6. Faulty fire protection systems.*
- 7. Hazardous conditions caused by the lack of proper erosion control or maintenance of required erosion control structures.*
- 8. Hazardous conditions caused by the disrepair of roads, walkways and driveways that may cause bodily injury or damage to vehicles.*
- 9. Lack of or improper maintenance of refuse areas and receptacles.*

Sec. 9. 1. *If the agency for enforcement reasonably believes that there is a substandard, unsafe or unsanitary condition within a mobile home park, the agency for enforcement may*

hire a person with special expertise to assist in the inspection of all or part of the mobile home park to determine whether there is a substandard, unsafe or unsanitary condition.

2. When the agency for enforcement has inspected or caused to be inspected any mobile home park and has determined that a substandard, unsafe or unsanitary condition exists within the mobile home park, proceedings to abate the condition must be commenced.

3. The agency for enforcement shall issue an order directed to the manager and to the owner of the mobile home park. The agency for enforcement shall provide a copy of the order to any tenant of the mobile home park who is affected by the order.

Sec. 10. *An order issued by the agency for enforcement must contain:*

1. The street address and legal description sufficient for identification of the mobile home park.

2. A statement that the agency for enforcement has found a substandard, unsafe or unsanitary condition within the mobile home park with a brief and concise description of the conditions found to be in violation of this chapter and chapter 461A of NRS.

3. A statement of the action required to be taken as determined by the agency for enforcement.

4. Statements advising that if any required repair work is not commenced within the time specified, the agency for enforcement may order the mobile home park vacated and proceed to cause the work to be done and charge the costs of repair to the owner of the mobile home park or bring legal action in district court to cause the work to be completed as specified in the order.

5. Statements advising that any person having any title or legal interest in the mobile home park may appeal from the order or any action of the agency for enforcement and that

the appeal must be made in writing and filed with the agency for enforcement within 20 days after the date of the service of the order, and that failure to appeal constitutes a waiver of all rights to a hearing and determination of the matter.

6. The address of the agency for enforcement where a person may make a written request for a hearing pursuant to section 14 of this regulation.

Sec. 11. *1. If the agency for enforcement has determined that a substandard, unsafe or unsanitary condition within the mobile home park must be abated, the order must state that all required permits must be secured and the work physically commenced within 30 days after the date of the order and completed within 120 days after the work is begun or within such time as the agency for enforcement determines is reasonable under all the circumstances.*

2. Except as otherwise provided in sections 13 and 14 of this regulation, if any repair work required by the agency for enforcement is not commenced or completed within the time specified, the agency for enforcement may order the mobile home park vacated and proceed to cause the work to be done and charge the costs of repair to the owner of the mobile home park or bring legal action in district court to cause the work to be completed as specified in the order.

Sec. 12. *1. Except as otherwise provided in sections 11 and 15 of this regulation, if the agency for enforcement reasonably believes that there is an imminent danger to the health and safety of the tenants of the mobile home park, the agency for enforcement shall issue to the manager and to the owner of the mobile home park an order to vacate all or a portion of the mobile home park that poses a danger. An order to vacate must state a reasonable date as determined by the agency for enforcement by which all or a portion of the mobile home park must be vacated.*

2. After the agency for enforcement has issued an order to vacate, the agency for enforcement shall post around the mobile home park notices stating, “SUBSTANDARD MOBILE HOME PARK, DO NOT OCCUPY.”

3. The owner of a mobile home park who is issued an order to vacate pursuant to this section may:

(a) Request a hearing pursuant to section 14 of this regulation; or

(b) Seek injunctive relief through a court of competent jurisdiction.

Sec. 13. *1. The owner of the mobile home park may request in writing to the agency for enforcement reasonable extensions of time to secure the necessary permits or complete the required work. The agency for enforcement shall consider any requests for extensions of time and respond in writing within 5 business days after receipt of such requests.*

2. In determining whether to grant extensions of time, the agency for enforcement shall consider the reasons set forth by the owner of the mobile home park, including, without limitation, delays caused by third parties or other circumstances outside the control of the owner of the mobile home park.

Sec. 14. *1. Any person against whom an action is taken pursuant to this chapter is entitled to notice in the form of an order and a hearing before the agency for enforcement.*

2. Upon request for such a hearing, the owner of the mobile home park must be granted a hearing on the matter before an authorized representative of the agency for enforcement or any other board, commission or official authorized to conduct such hearings. This request must be made to the agency for enforcement in writing within 20 days after personal service or acknowledgement of receipt by mail of the order. If such a request is not received within 20

days after the date of personal service or acknowledgement of receipt by mail of the order, the order shall be deemed final.

3. Upon receipt of a request for a hearing, the agency for enforcement shall set a time and place for a hearing and shall give the petitioner written notice of the hearing to show cause why the substandard, unsafe or unsanitary condition within the mobile home park should not be abated. The agency for enforcement shall give notice of the hearing to any tenant of the mobile home park who is affected by the substandard, unsafe or unsanitary condition.

4. Receipt of the request for a hearing operates to delay any action by the agency for enforcement until after the hearing unless the agency for enforcement has issued an order to vacate the mobile home park for safety reasons pursuant to section 12 of this regulation. If the mobile home park has been vacated for safety reasons and a written request for a hearing has been submitted to the agency for enforcement by the owner of the mobile home park, the agency for enforcement shall promptly grant the owner of the mobile home park a hearing on the matter before an authorized representative of the agency for enforcement or any other board, commission or official authorized to conduct such hearings.

Sec. 15. *1. At the time and place fixed in the notice given pursuant to section 14 of this regulation, the authorized representative of the agency for enforcement or other board, commission or official authorized to conduct the hearing shall proceed to hear the testimony of the officers or employees of the agency for enforcement, the owner of the mobile home park or his representatives or any other person with relevant information respecting the condition of the mobile home park, the estimated cost of abatement of the substandard, unsafe or unsanitary condition and any other pertinent matters.*

2. Upon the conclusion of the hearing, the person conducting the hearing shall:

(a) Render a decision in the matter;

(b) Report the decision to the agency for enforcement; and

(c) Provide written notice of the decision to the owner of the mobile home park.

3. If a substandard, unsafe or unsanitary condition is found to exist within the mobile home park, the owner of the mobile home park must be ordered to secure all required permits and commence work to abate the condition within 30 days after the date of personal service or acknowledgment of receipt by mail of the order. The work must be completed within 120 days after the work is begun or within such time as the agency for enforcement determines is reasonable under all the circumstances.

4. Except as otherwise provided in section 13 of this regulation, if any repair work required by the agency for enforcement is not commenced or completed within the time specified, the agency for enforcement may order the mobile home park vacated and proceed to cause the work to be done and charge the costs of repair to the owner of the mobile home park or bring legal action in district court to cause the work to be completed as specified in the order.

5. The decision of the hearing may be appealed in accordance with the applicable provisions of chapter 233B of NRS.

Sec. 16. *Notice of orders, hearings and decisions of the agency for enforcement as required pursuant to this chapter must be served by sending a copy of the document by registered or certified mail, return receipt requested, to the parties specified or their representatives or by personal service thereof.*

Sec. 17. If a substandard, unsafe or unsanitary condition is found to exist within a mobile home park, the owner of the mobile home park is liable for the cost of finding or confirming the condition and the cost of abating the condition.

Sec. 18. 1. The agency for enforcement is not liable for any expense caused by the removal or replacement of any material by the agency for enforcement in the mobile home park if:

- (a) The removal or replacement of material was required to allow inspection;*
- (b) The requirement was reasonable;*
- (c) An alternative method of inspection was not acceptable;*
- (d) The agency for enforcement had a reasonable belief that the removal or replacement of material was necessary to determine whether the mobile home park had a substandard, unsafe or unsanitary condition; and*
- (e) The agency for enforcement actually found or confirmed a substandard, unsafe or unsanitary condition within the mobile home park as a result of the removal or replacement of material.*

2. If the agency for enforcement does not find or confirm the existence of a substandard, unsafe or unsanitary condition within the mobile home park as a result of the removal or replacement of material, it shall pay the cost of replacing any soil, pavement, gravel, sod or any other ground covering or material that was removed. The agency for enforcement shall replace the material in such a manner as to return the mobile home park to a condition similar to that before the removal of such material.

Sec. 19. 1. *The plans and specifications required in the application for the construction or alteration of a mobile home park pursuant to NAC 461A.040 must include a detailed soils report prepared by a professional engineer licensed in this state.*

2. The soils report must include:

(a) The bearing capacity of the native soils;

(b) The complete specifications and instructions for the construction of the mobile home stands;

(c) The identification of any areas in the boundaries of the project where native soils may not meet the minimum bearing capacity of 1,000 pounds per square foot but may be upgraded to meet the standards;

(d) The identification of any areas in the boundaries of the project where native soils are not suitable for the construction of a mobile home stand or any accessory building and that cannot be upgraded to meet the standards;

(e) The specifications and methods to be used to upgrade the areas identified by the professional engineer as not meeting the minimum standards but that can be upgraded; and

(f) The identification of any other condition that may have a negative effect on the intended use of the property.

Sec. 20. NAC 461A.010 is hereby amended to read as follows:

461A.010 As used in NAC 461A.010 to 461A.300, inclusive, *and sections 2 to 19, inclusive, of this regulation,* unless the context otherwise requires ~~it~~:

~~1. "Agency for enforcement" has the meaning ascribed to it in NRS 461A.030.~~

~~2.~~ “Division” means the manufactured housing division of the department of business and industry, the words and terms defined in sections 2 to 5, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 21. NAC 461A.020 is hereby amended to read as follows:

461A.020 NAC 461A.010 to 461A.300, inclusive, *and sections 2 to 19, inclusive, of this regulation* apply to the construction and alteration of mobile home parks and lots. These sections and the technical standards contained therein do not apply:

1. To a system for the distribution of electricity, gas or water which is installed, owned or maintained by a public utility that is regulated by the public utilities commission of Nevada.
2. In a county or city which has adopted its own ordinance that is as stringent as or more stringent than the provisions of *NAC 461A.010 to 461A.300, inclusive, and sections 2 to 19, inclusive, of this regulation and* chapter 461A of NRS ~~and these sections~~ and which has notified the division in writing that it will enforce its *own* ordinance on the construction and alteration of mobile home parks and lots within the territory of the county or city.

Sec. 22. NAC 461A.040 is hereby amended to read as follows:

461A.040 1. An application for the construction or alteration of a mobile home park must be accompanied by three sets of ~~the~~ plans and specifications for the project, unless the agency for enforcement determines that the proposed alteration of the park is of a minor nature. The plans and specifications must be prepared by a person who is ~~registered~~ *licensed* as a professional engineer or *registered as an* architect in ~~Nevada~~ *this state* and must include:

- (a) The area and dimensions of the tract of land;
- (b) The number of mobile home lots and the location and size of each;
- (c) The number of parking lots and the location and size of each;

- (d) The location and width of roadways and walkways;
 - (e) The method and plan for supplying water, including a report of the chemical analysis of *the* water from the proposed source;
 - (f) The method and plan for the disposal of sewage, including a report of a percolation test and a statement of the distance from the surface of the land to the water table;
 - (g) The method for disposing of garbage and other refuse;
 - (h) The plan for providing electricity;
 - (i) The plans and specifications for each building and other improvement already constructed or to be constructed within the mobile home park;
 - (j) The size and location of any play area;
 - (k) The size and location of any swimming pool, bathing place or bathhouse;
 - (l) The plans for and location of every building to be erected within the mobile home park other than the dwellings or accessory structures of tenants;
 - (m) The method and plan for fire protection;
 - (n) Evidence of compliance with the applicable local building and zoning requirements;
 - (o) A topographic map of the site for the *mobile home* park and the vicinity; ~~[and]~~
 - (p) The plan for providing natural gas or liquefied petroleum gas, if applicable ~~[]~~;
 - (q) A detailed soils report pursuant to section 19 of this regulation; and*
 - (r) A detailed report of the erosion control plans.*
2. The plans and specifications must be of sufficient clarity to:
- (a) Indicate the nature and extent of all work proposed; and
 - (b) Show in detail that the work will conform to the provisions of ~~[this regulation.]~~ *NAC 461A.010 to 461A.300, inclusive, and sections 2 to 19, inclusive, of this regulation.*

Sec. 23. NAC 461A.070 is hereby amended to read as follows:

461A.070 The issuance of a permit based upon *the* plans and specifications *submitted by an applicant* does not preclude the agency for enforcement from thereafter:

1. Requiring the holder of the permit to correct any errors in the plans and specifications; or
2. Preventing occupancy of the mobile home park if the agency *for enforcement* finds that the park has been constructed in violation of NAC 461A.010 to 461A.300, inclusive ~~[]~~, *and sections 2 to 19, inclusive, of this regulation.*

Sec. 24. NAC 461A.090 is hereby amended to read as follows:

461A.090 1. If the agency for enforcement does not provide the service of inspecting projects of construction or repair, the holder of the permit must engage a qualified inspector to perform inspections of the mobile home park while it is under construction.

2. The inspector must be ~~[registered]~~ *licensed* as a professional engineer or *registered as an* architect in ~~[Nevada]~~ *this state* or be some other person who is approved by the agency for enforcement.

3. The inspector shall:

(a) Inspect all phases of construction or repair ~~[of]~~ *in* the *mobile home* park, including, *without limitation*, the ~~[installing]~~ *installation* of underground facilities, ~~[the]~~ grading and paving, ~~[and]~~ the *pouring of* concrete, *and* plumbing, mechanical and electrical work. ~~[These inspections must be performed pursuant to the provisions of sections 305 and 306 of the Uniform Building Code, 1982 edition, which is hereby incorporated by reference. A copy of this code may be obtained from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, at a price of \$40.75.]~~

(b) Submit to the agency for enforcement periodic written reports on the progress of the construction.

(c) After the construction is completed, certify in writing to the agency for enforcement that the *mobile home* park conforms to the plans and specifications approved by ~~[that agency.]~~ *the agency for enforcement.*

Sec. 25. NAC 461A.130 is hereby amended to read as follows:

461A.130 1. The grading of land surfaces in a mobile home park must slope downward from:

- (a) Patios and *mobile home* stands;
- (b) Skirting and foundations; and
- (c) Water wells,

FLUSH to adequate outfalls or drainage swales discharging to adequate outfalls.

2. The objectives of grading a *mobile home* park are to:

- (a) Preserve as many desirable features of the site as is practicable;
- (b) Divert surplus water away from the mobile homes ~~[and]~~, *mobile home* stands and other structures in the *mobile home* park;

- (c) Prevent any accumulation of standing water or saturation of the soil ~~[which]~~ *that* would be detrimental to the structures and use of the *mobile home* lots;

- (d) Provide for the disposal of surplus water except as desired for controlled irrigation;

- (e) Provide for safe and convenient access to and use of the *mobile home* lots; and

- (f) Protect the *mobile home* park against erosion.

3. Each mobile home stand must, unless a subsurface structure is provided for drainage, have a crown or gradient for surface drainage ~~[which]~~ *that* is acceptable to the agency for

enforcement. A surface or subsurface structure for drainage must be provided at the perimeter of each *mobile home* stand to receive excess water.

4. The system of drainage must be designed to accommodate runoff from storms. Runoff must be calculated on the basis of foreseeable amounts of storm water ~~[which]~~ *that* may be contributed to the runoff from areas outside the *mobile home* park and each lot and other areas within the *mobile home* park.

5. All areas of a *mobile home* lot must slope to drainage structures on the lot or to areas of lower elevation off the lot.

6. Where necessary, drain inlets or catch basins must be installed with emergency overflows to prevent the flooding of *mobile home* stands ~~[,]~~ or wells or damage to other structures upon failure of the system underground drainage.

Sec. 26. NAC 461A.140 is hereby amended to read as follows:

461A.140 **1.** A lot for a mobile home must have an area of:

~~[H.]~~ **(a)** At least 2,880 square feet if the lot is designed for a mobile home 14 feet or less in width ~~[,~~
~~—2.] ; or~~

(b) At least 4,000 square feet if the lot is designed for a mobile home more than 14 feet in width.

2. *The agency for enforcement may waive the requirements of this section for good cause shown.*

Sec. 27. NAC 461A.150 is hereby amended to read as follows:

461A.150 **1.** Except as otherwise provided in subsection 2, each *mobile home* stand ~~[for a mobile home]~~ must be set back:

(a) At least 25 feet from any boundary line of the park if the line abuts on an existing or proposed right of way of a public street or highway.

(b) At least 3 feet from any street within the mobile home park.

2. If adequate screening or fencing is provided between a mobile home stand and a public street or highway or if no access exists from the street or highway to the *mobile home* stand, the agency for enforcement may approve a reduction of the set back required in paragraph (a) of subsection 1.

3. No portion of a habitable room in a mobile home park may be located closer to another portion of a habitable room or building than 10 feet measured from side to side, 8 feet measured from end to side or 6 feet measured from end to end, unless:

(a) The exterior composite walls and roof of one of the structures are without openings and are constructed of materials ~~{which}~~ *that* have fire ratings of 1 hour or more; or

(b) The two structures are separated by a barrier ~~{which}~~ *that* has a fire rating of 1 hour or more.

4. The agency for enforcement may waive the requirements of this section to allow the construction of a mobile home park in which there are common walls for homes occupying adjacent lots.

Sec. 28. NAC 461A.170 is hereby amended to read as follows:

461A.170 1. A street in a mobile home park must be at least 24 feet wide if designed for two-way traffic and at least 14 feet wide if designed for one-way traffic. At least 8 feet must be added to that width for each parking lane ~~{which}~~ *that* is provided.

2. The system of streets in a *mobile home* park must directly connect to a public street or highway.

3. The grade of a street in a mobile home park must not exceed 8 percent, except that ~~for a short distance~~ a street may have a grade of up to 12 percent *for a short distance* if traffic safety is not thereby impaired.

4. Streets and walkways ~~which~~ *that* are designed for the general use of the residents of a mobile home park must be lighted during hours of darkness. The lights must be designed and maintained to produce at least 0.1 foot-candle of light at street level throughout the system of streets and walkways. Potentially hazardous locations, such as *the* intersections of major streets, steps or stepped ramps, must be individually illuminated with at least 0.3 foot-candle of light. Such lighting must be controlled manually by the ~~operator of the mobile home park~~ *manager* or be under an automatic system of control.

Sec. 29. NAC 461A.180 is hereby amended to read as follows:

461A.180 1. Each mobile home stand must be provided with a water riser and a connection ~~which~~ *that* is located and aligned to permit attachment in a workmanlike manner to a mobile home occupying the *mobile home* stand. The water riser must be located within 4 feet of the *mobile home* stand ~~and~~ and the riser must be protected against damage above the ground.

2. A water riser must have an inside diameter of at least three-fourths of an inch ~~and~~ and must extend at least 4 inches above the ground. The outlet of a riser must be capped when a mobile home is not occupying the *mobile home* stand. Surface drainage must be diverted away from the location of the water riser.

3. A water riser ~~which~~ *that* serves a mobile home lot must be equipped with a shutoff valve.

4. The ~~operator of a mobile home park~~ *manager* shall take all necessary precautions to prevent the freezing of water supply lines, valves and risers, whether or not the *mobile home*

stand is occupied. He shall protect the risers from the heaving and thawing of the ground if the *mobile home* park is in an area where periodic freezing is encountered. Where ground frosts occur, the shutoff valves must be protected.

5. Inlets and outlets of fixtures with base attachments which may cause a cross-connection must be protected by a standard nonremovable device for the prevention of backflow or by a standard vacuum breaker that is installed at least 6 inches above the highest point of usage and is located on the discharge side of the last valve. Fixtures ~~which~~ *that* are manufactured with integral vacuum breakers must be installed in accordance with the manufacturer's instructions. Lawn hydrants must be protected by a standard, nonremovable device for the prevention of backflow.

Sec. 30. NAC 461A.190 is hereby amended to read as follows:

461A.190 1. Each mobile home stand must be provided with a sewer connection ~~which~~ *that* is located and aligned to permit attachment in a workmanlike manner to a mobile home occupying the *mobile home* stand.

2. Each *mobile home* stand must be provided with a sewer riser that has a diameter of at least 4 inches. This riser must be located within 4 feet of the *mobile home* stand and the drain outlet of the pipe must be in a position ~~which~~ *that* is approximately vertical.

3. The line connecting to the sewer riser must have a minimum diameter of at least 3 inches. The slope of any part of the line from the mobile home to the connection must be at least one-fourth of an inch per foot. The sewer connection must consist of one pipe ~~only,~~ without branch fittings. All the joints in a sewer pipe must be sealed to prevent leaks and any invasion of insects.

4. The sewer riser must be capped when a mobile home does not occupy the *mobile home* stand. The rim of the riser must be protected from damage above the ground.

Sec. 31. NAC 461A.220 is hereby amended to read as follows:

461A.220 1. A system for supplying natural gas or liquefied petroleum gas to mobile homes and other structures within a mobile home park must be designed, constructed and repaired in accordance with ~~[the applicable provisions for the transportation of natural and other gas by pipeline in Title 49 of the Code of Federal Regulations, Parts 191 and 192, revised as of October 1, 1981. This publication is hereby incorporated by reference. A copy of volume 49 of the Code of Federal Regulations, Parts 191 and 192, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at a price of \$8.50.]~~ *state and federal law.*

2. A system for supplying oil to ~~[such]~~ *mobile homes and other* structures *within a mobile home park* must be installed in accordance with ~~[Standard 31 (Installation of Oil Burning Equipment) in volume 3 of the 1983 edition of the National Fire Codes, which is hereby incorporated by reference. A copy of that volume may be obtained from the National Fire Protection Association, Battery March Park, Quincy, Massachusetts 02269, for a price of \$8.50.]~~ *state and federal law.*

3. If gas is to be supplied through an underground system, the connection at each mobile home stand must be located and arranged to permit attachment in a workmanlike manner to a mobile home occupying the *mobile home* stand. The riser for supplying gas to a mobile home must be located no less than 18 inches ~~[nor]~~ *and not* more than 4 feet from the mobile home stand.

Sec. 32. NAC 461A.230 is hereby amended to read as follows:

461A.230 1. Oil may be supplied to a mobile home lot from:

(a) An outside tank, which may be installed above or below the ground; or

(b) A central system of oil distribution ~~[which]~~ *that* is designed and installed in accordance with ~~[section 370 of Standard 31 (Installation of Oil Burning Equipment) of the National Fire Codes of the National Fire Protection Association.]~~ *state and federal law.*

2. The capacity of a tank ~~[which]~~ *that* supplies oil must be at least 20 percent of the average annual consumption of oil in the *mobile home* park.

3. If oil is to be supplied from a central system of distribution, the connections of the oil lines at the mobile home stand must be located and arranged to permit attachment in a workmanlike manner to the mobile home occupying the *mobile home* stand. The connections must conform to ~~[Standard 31.]~~ *state and federal law.*

Sec. 33. NAC 461A.280 is hereby amended to read as follows:

461A.280 1. All garbage cans and other containers for refuse must be:

(a) Structurally strong and impervious to rats, insects and water;

(b) Easily filled, emptied and cleaned;

(c) Furnished with side handles or a bail; and

(d) Provided with tightly fitting covers.

FLUSH Plastic bags may be used as liners for the containers but must not be used without the container for storage of garbage or refuse in the mobile home park. The use of 55-gallon drums as containers for refuse is prohibited.

2. The storage, collection and disposal of refuse in a mobile home park must be conducted in a way that does not result in a hazard to health, the harborage of rodents, the breeding of insects, a risk of accident, *or* fire or air pollution. Containers for garbage must be stored on:

- (a) A slab of concrete or asphalt or other material with a hard surface;
- (b) A fixed platform which is at least 12 inches above the ground; or
- (c) A manufactured or movable platform.

3. Containers to be used for bulk storage of garbage and rubbish must be placed on concrete slabs or platforms ~~[which]~~ *that* are constructed so as to minimize spillage onto adjacent areas and must be equipped with drains properly connected to a system of sewers approved by the agency for enforcement. In the immediate vicinity of any container for bulk storage, there must be a water faucet for use in cleaning the container or some other means for cleaning it ~~[which]~~ *that* is approved by the agency for enforcement. Each such container must be equipped with a self-closing lid.

4. All refuse must be collected ~~[twice weekly.]~~ *at least once per week*. If a suitable service for collection is not available from a municipal agency but a private service is available, the ~~[operator of the mobile home park]~~ *manager* shall arrange to have the private service. All solid waste at the mobile home park must be collected and transported in covered vehicles or covered containers.

5. If neither a municipal nor a private service for the disposal is available, the ~~[operator of the park]~~ *manager* shall have all the solid waste disposed of in a manner and at a site approved by the agency for enforcement.

6. If the agency for enforcement approves the use of incinerators for refuse, the incinerators must be constructed in accordance with *the* plans and specifications approved by ~~[that agency.]~~ *the agency for enforcement*.

Sec. 34. NAC 461A.290 is hereby amended to read as follows:

461A.290 1. ~~Not~~ A mobile home park or lot within a mobile home park covered by NAC 461A.010 to 461A.300, inclusive, ~~shall~~ *and sections 2 to 19, inclusive, of this regulation must not* be used or occupied unless or until the division or agency for enforcement has issued a certificate of occupancy.

2. Upon final inspection, when it is determined that the mobile home park complies with the provisions of NAC 461A.010 to 461A.300, inclusive, *and sections 2 to 19, inclusive, of this regulation*, a certificate of occupancy ~~shall~~ *will* be issued to the holder of the permit by the division or designated agency for enforcement.

3. If the division or the agency for enforcement finds that no substantial hazard will result from occupancy of a mobile home park or portion thereof before the same is completed in full, it may, upon request, issue a temporary certificate of occupancy for a specified period of time or until the *mobile home* park is completed.

Sec. 35. The amendatory provisions of this regulation apply to any substandard, unsafe or unsanitary condition that exists within a mobile home park on or after the effective date of this regulation.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R055-02

On June 13, 2002, the Manufactured Housing Division of the Nevada Department of Business and Industry adopted regulations assigned LCB File No. R055-02 which pertain to Chapter 461A of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

Notice date: April 10, 2002
Hearing date: May 20, 2002

Date of adoption by agency: June 13, 2002
Filing date: July 18, 2002

ADOPTION OF REGULATION

Pursuant to Nevada Revised Statutes 233B, the Manufactured Housing Division proposed changes to Nevada Administrative Code chapter 461A. Required notices were posted and mailed for workshops held on January 2 and February 13. Required notices were posted and mailed for a hearing held on May 20, 2002, in Las Vegas and in Carson City (teleconference). Small businesses were consulted regarding the impact of the changes.

Pursuant to NRS 489.211 the Administrator hereby adopts the permanent regulations assigned LCB File No. R055-02. Written comments received and oral comments made at the workshops and hearings have been considered. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

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

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 December 13, 2001, the Manufactured Housing Division of the Nevada Department of Business and Industry (hereinafter "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. However, the Division also posted the above-referenced notice for public review and comment at:

- a. Manufactured Housing Division 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104;
- b. Manufactured Housing Division, 59 East Winnie Lane, 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.

On January 22, 2002, the Division mailed a second 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. However, the Division also posted the above-referenced notice for public review and comment at:

- a. Manufactured Housing Division 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104;
- b. Manufactured Housing Division, 59 East Winnie Lane, 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.

On April 10, 2002, the Division posted a Notice of Intent to Act Upon Regulation at its business locations in Las Vegas at 2501 East Sahara Avenue, Suite 204, and at its Carson City Office located at 59 East Winnie Lane. 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.

The April 10, 2002 Notice of Intent to Act Upon Regulation was also posted at: Manufactured Housing Division, 2501 E. Sahara Avenue, Las Vegas, Nevada; Manufactured Housing Division, 59 East Winnie Lane, Carson City, Nevada; Manufactured Housing Division 850 Elm Street, Elko, Nevada; Nevada State Library, 100 Stewart Street, Carson City, Nevada; Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada; Bradley Building, 2501 East Sahara Avenue, Las Vegas, Nevada; Legislative Building, 401 South Carson Street, Carson City, Nevada; Department of Business and Industry, 788 Fairview Drive, Carson City, Nevada. Public comments were invited in writing. In addition, a hearing was held on May 20, 2002, wherein members of the public were invited to speak.

Public comments centered on the following areas of concern:

- a. The regulations should clearly state that erosion control be required of owners of mobile home parks;
- b. The regulations should be simplified so that all people could understand them;
- c. An issue was raised about whether ordered construction by an agency for enforcement should require construction under old or new building codes;
- d. A citizen urged the adoption by the Division of the underlying standards used by local jurisdictions;
- e. A citizen commented that there was a huge need for the regulations;
- f. A comment was made that the Division should contact local agencies for enforcement and inform them of their primary duties to enforce NRS chapter 461A; and
- g. A comment was raised that the proposed regulation needed to more clearly define erosion control issues.

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 January 2, 2002 Workshop was attended by 15 people; the February 13, 2002 Workshop was attended by 21 people; the May 20, 2002 Public Hearing was attended by 21 people.

b. Testified at each hearing: At the January 2, 2002 Workshop, 15 people testified; at the February 13, 2002 Workshop, 10 testified; at the May 20, 2002 Public Hearing, 5 people testified.

c. Submitted to the agency written comments: Written comments were received by: Marshall Schultz; Brett Tyler; Joe Guild, Esq.; Gub Mix (Nevada Manufactured Housing Association); Robert Stitser; Yvonne Benson; George Keele, Esq.; J.M. Moore; and Michael Jackson.

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 workshops held on January 2, 2002, and February 13, 2002, to all mobile home park owners and/or managers within the State of Nevada. Said notices requested comments in writing and invited business owners to attend the workshops. The notice for the public hearing scheduled on May 20, 2002, was also mailed to all mobile home park owners and/or managers within the State of Nevada 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 park owners notified the Division that they had an attorney, a copy of the notices was mailed to the attorney. General comments received were as follows:

- a. A mobile home park owner should not be held responsible if an unsafe condition occurs because of the actions of a tenant in the park or another third party;
- b. Mobile home park owners should not be responsible for invasive testing that does not locate a substandard condition;
- c. Mobile home parks should not be responsible for paying the costs of the expert of the agency for enforcement;
- d. The “reasonable belief” and “nuisance” standards specified in the proposed regulation are vague;
- e. A concern was raised that the timelines specified for abatement were not reasonable and could be delayed by third-party issues outside the control of the owner;
- f. A concern was raised that mobile home park owners should only have to comply with new building codes when major alteration occurs;
- g. A concern was raised that the Division was duplicating local laws;
- h. A comment was raised that mobile home parks should only be judged by the codes in effect at the time of construction of the park;
- i. A comment was made that the terms “substandard,” “unsafe” and “unsanitary” should be defined.

- j. Comments were made that attorney's fees should not be allowed in hearings and that per diem expenses to tenants of a park ordered vacated should not be allowed.
- k. A comment was made that if a mobile home park is ordered vacated that the owner should be able to seek relief in district court;
- l. A comment was made that certain older parks should be exempted from the proposed regulation;
- m. A comment was made that if a mobile home park was vacated that only that portion necessary for safety be ordered vacated;
- n. Comments were made that the local agency for enforcement should be the primary enforcer of substandard issues involving mobile home parks;
- o. A comment was made that trash pick-up should only have to occur once a week as that is standard in many locations; and
- p. A concern was raised about requiring mobile home park owners to hire engineers and architects in order to make plans for certain modifications.

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.

The Division made multiple changes to the regulation after the initial draft since it carefully considered the concerns of business owners and the general public. The draft prepared by the Legislative Counsel Bureau reflected the changes made by the Division. The only change made to the draft prepared by the Legislative Counsel Bureau can be found in section 33 wherein the Division specified that trash pick-up need only occur one time per week. No other changes were made to the draft prepared by the Legislative Counsel Bureau as the Division had already made major revisions based upon public and business comment prior to submission to the Legislative Counsel Bureau.

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 cure substandard conditions in mobile home parks.

BENEFICIAL EFFECTS ON THE PUBLIC: The public will benefit as a system will be in place to cure substandard, unsafe, or unsanitary conditions in mobile home parks.

ADVERSE EFFECTS ON BUSINESSES: The mobile home park owner will be required to abate substandard, unsafe, or unsanitary conditions in a mobile home park. Further, under certain circumstances, the owner of a mobile home park may be required to pay the costs of invasive testing conducted by the agency for enforcement.

BENEFICIAL EFFECTS ON BUSINESSES: The mobile home park will be able to ensure tenants that there is a remedy to cure substandard, unsafe, or unsanitary conditions that may exist. Further, the mobile home park owner will have the goodwill that flows from the fact that the agency for enforcement will have authority to ensure all parks are in a safe condition. If a mobile home park is ordered vacated by the agency for enforcement, the park owner will have the opportunity to challenge the decision in district court.

The immediate effect on the public will be to ensure that the agency for enforcement will be more able to ensure that a mobile home park is free from substandard, unsafe, or unsanitary conditions. The long-term effects on the public will be the same. The immediate effect on business owners will be that the Division will have authority to act as the agency for enforcement if necessary. The long-term effects will be the same on businesses. As park owners already should be keeping their properties free from substandard, unsafe, or unsanitary conditions, it is anticipated that the impact of the regulation will be minimal.

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

Minimal new costs to the agency for enforcement are anticipated. The Division and other agencies for enforcement should already be prepared to handle abatement issues.

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. Certain duplication of local laws may occur. However, the duplication is necessary as a statute specifically allows for local officials to regulate in this area. NRS 461A.110(2). Any such regulation by local entities must be at least as stringent, but may be more stringent than the Division's regulations. NRS 461A.110(2). Not all local jurisdictions enforce the provisions of NRS chapter 461A, or have the staff to do so, therefore, the Division must have criteria to enforce the chapter. NRS 461A.110(1).

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 provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.