

**PROPOSED REGULATION OF THE MANUFACTURED
HOUSING DIVISION OF THE DEPARTMENT
OF BUSINESS AND INDUSTRY**

LCB File No. R036-03

Effective June 14, 2003

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

AUTHORITY: §§1-6 and 8-11, NRS 489.336; §7, NRS 489.336 and 489.481.

Section 1. Chapter 489 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Landlord” has the meaning ascribed to it in NRS 118B.014.*

Sec. 4. *“Licensee” means a landlord or manager of a mobile home park to whom a limited resale license is issued by the Division pursuant to section 8 of this regulation.*

Sec. 5. *“Manager” has the meaning ascribed to it in NRS 118B.0145.*

Sec. 6. *“Mobile home park” has the meaning ascribed to “manufactured home park” in NRS 118B.017.*

Sec. 7. 1. *Before a landlord or manager of a mobile home park may sell a used mobile home or manufactured home described in subsection 2 of NRS 489.336, the landlord or manager must obtain a limited resale license from the Division. Such a license may be obtained by applying to the Division using a form supplied by the Division. Except as*

otherwise provided in this section, in addition to completing the application, the applicant must submit with the application:

(a) A fee of \$35;

(b) A recent color photograph of the applicant;

(c) A copy of the business license issued for the mobile home park where the used mobile home or manufactured home to which the limited resale license will apply is located;

(d) Proof that the applicant has complied with any applicable provision of NRS 118B.086 to 118B.089, inclusive, and 489.323;

(e) An affidavit stating that the applicant:

(1) Owns or leases the mobile home park, if the applicant is the landlord of the mobile home park; or

(2) Is an employee of the landlord and has the permission of the landlord to sell the used mobile home or manufactured home, if the applicant is the manager of the mobile home park;

(f) A copy of the certificate of title or certificate of ownership of the used mobile home or manufactured home; and

(g) Any other information that the Division deems necessary.

2. An applicant for a limited resale license must submit to the Division proof that the landlord of the mobile home park where the used mobile home or manufactured home to which the limited resale license will apply is located has obtained a surety bond in the amount of \$5,000 from a surety authorized to do business in this state. The surety bond:

(a) Must be made payable to the State of Nevada;

(b) Must provide for a period for submitting a claim which is 3 years or less;

(c) Must include a provision prohibiting cancellation of the surety bond unless the surety provides written notice to the Division not less than 30 days before the cancellation becomes effective; and

(d) Must be used exclusively for the protection and benefit of a purchaser of a used mobile home or manufactured home who obtains a judgment against the licensee in an action for fraud, misrepresentation or deceit.

3. Except as otherwise provided in subsection 4, an applicant who submits an application for a limited resale license to the Division within 2 years after submitting a previous application for such a license is not required to submit a photograph of himself or a copy of the business license for the manufactured home park where the used mobile home or manufactured home to which the limited resale license will apply is located.

4. If a landlord or manager of a mobile home park has applied for or holds a limited resale license and the landlord of the mobile home park changes the name or address of the mobile home park, the landlord or manager shall submit to the Division a copy of the business license which indicates the new name or address of the mobile home park not later than 10 days after the local government issues such a business license.

Sec. 8. 1. *Upon receipt of an application for a limited resale license and any other information required by the Division, the Division will approve the application and issue to the applicant a limited resale license, unless the Division determines that the applicant is not fit to conduct the sale of the used mobile home or manufactured home identified in the application.*

2. A limited resale license issued by the Division is valid only for the purpose of selling the used mobile home or manufactured home identified in the application for the license and

for which the applicant submitted a copy of the certificate of title or certificate of ownership with the application.

3. If a landlord of a mobile home park terminates the employment of a manager of the park who has applied for or holds a limited resale license, the landlord shall, as soon as practicable, provide written notice of the termination to the Division and the application or license of the manager becomes invalid.

Sec. 9. 1. *A landlord of a mobile home park shall maintain a permanent record of each sale of a used mobile home or manufactured home located in the mobile home park that is authorized pursuant to a limited resale license. The record must include:*

(a) A copy of the certificate of title or certificate of ownership of the used mobile home or manufactured home;

(b) A copy of the purchase agreement;

(c) A copy of any financing agreement related to the sale;

(d) The date on which the landlord received the money from the sale and the name of the person from whom the landlord received the money;

(e) The date of deposit of the money received from the sale into an account in a financial institution and the dates of any withdrawals of that money from that account; and

(f) Any other pertinent information concerning the sale.

2. The records maintained pursuant to subsection 1 must be made available at reasonable times for audit or inspection by the Administrator or his agent.

Sec. 10. 1. *A licensee shall use the form prescribed by the Division pursuant to NAC 489.232 for the sale of a used mobile home or manufactured home by the licensee pursuant to NRS 489.336.*

2. The sale of a used mobile home or manufactured home by a licensee pursuant to NRS 489.336 must comply with the provisions of NRS 108.265 to 108.360, inclusive.

3. A landlord of a mobile home park is subject to the provisions of NRS 489.751 for each sale of a used mobile home or manufactured home by a licensee.

Sec. 11. *If a used mobile home or manufactured home is sold by a licensee who is not a dealer or rebuilder:*

1. The licensee must satisfy the requirements set forth in NRS 489.521; and

2. The Division will not issue a certificate of ownership of a used mobile home or manufactured home until the county assessor of the county in which the used mobile home or manufactured home is located at the time of sale satisfies the requirements set forth in NRS 489.531.