

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

LCB File No. R052-03

Effective September 24, 2003

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

AUTHORITY: §1, NRS 461.180 and 489.481.

Section 1. NAC 461.210 is hereby amended to read as follows:

461.210 1. The Division will charge and collect fees for its services as follows:

For inspecting a plant.....	[\$600] <i>\$750</i>
For performing any other kind of inspection or service.....	[\$70, or \$35] <i>\$75, or \$37.50</i> per half hour or fraction thereof, whichever amount is greater.
For checking plans for an approved system of construction.....	[\$70, or \$35] <i>\$100, or \$50</i> per half hour or fraction thereof, whichever amount is greater.
For considering and approving a system of construction.....	\$500

For issuing each insigne of approval for each module.....	[\$50] \$100
For replacing an insigne.....	[\$50] \$100
For recording a change in the name of a manufacturer or owner	\$50

2. In addition to the listed fee for performing an inspection, the Division will charge for each inspection the inspector's:

- (a) Actual expenses for travel;
- (b) Salary; and
- (c) Allowance for per diem.

3. The Division will not refund any fee it has collected unless:

- (a) The Division has not incurred the expense for which the fee is charged;
- (b) The fee was paid in error; or
- (c) A written request for a refund which is justifiable is submitted to the Division.

4. For the sale of copies of documents, the Division will charge and collect:

For each page of a copy	\$0.25
For each copy of a regulation.....	\$5.00

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R052-03**

The Manufactured Housing Division of the Department of Business and Industry adopted regulations assigned LCB File No. R052-03 which pertain to chapter 461 of the Nevada Administrative Code on September 3, 2003.

Notice date: 7/25/2003
Hearing date: 8/28/2003

Date of adoption by agency: 9/3/2003
Filing date: 9/24/2003

INFORMATIONAL STATEMENT

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 July 25, 2003, the 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 July 25, 2003, 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:

Manufactured Housing Division, 2501 E Sahara Avenue, Las Vegas, Nevada 89104;
Manufactured Housing Division, 59 E Winnie Lane, Carson City, Nevada 89706; State Library, 100 Stewart Street, Carson City, Nevada 89701; Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101; Bradley Building, 2501 East Sahara Avenue, Las Vegas, Nevada 89104; Legislative Building, 401 South Carson Street, Carson City, Nevada, 89701; Clark County Library, 833 N Las Vegas Blvd, Las Vegas Nevada 89101; Department of Business and Industry, 788 Fairview Drive, Carson City, Nevada 89701.

This notice of hearing has been posted at the additional following locations:

Attn: Barbara Mathews, Director
Churchill County Library
5553 S. Maine Street
Fallon, NV 89406

Attn: Diane Hartsock, Director
Tonopah Public Library
P.O. Box 449
Tonopah, NV 89049
(171 Central Street)

Attn: Darryl Batson, Director
Las Vegas – Clark County Library
833 Las Vegas Blvd. N.
Las Vegas, NV 89101

Attn: Jeanne Munk, Director
Pershing County Library
P.O. Box 781
Lovelock, NV 89419
(1125 Central Avenue)

Attn: Sara Jones, Director
Elko County Library
720 Court Street
Elko, NV 89801

Storey County Library
P.O. Box 14
Virginia City, NV 89440
(95 South R Street)

Esmeralda County Library
P.O. Box 430
(Fourth & Crook Sts.)
Goldfield, NV 89013

Attn: Nancy Cummings, Director
Washoe County Library
P.O. Box 2151
Reno, NV 89505 (301 S. Center)

Attn: Lauri Oki, Director
Eureka Branch Library
P.O. Box 293
Eureka, NV 89316 (10190 Monroe Street)

Attn: Lori Romero, Director
White Pine County Library
950 Campton St.
Ely, NV 89301

Attn: Sherry Allen, Director
Humboldt County Library
85 East 5th St.
Winnemucca, NV 89445

Attn: Lynn Chambliss, Director
Battle Mountain Branch Library (Lander County)
P.O. Box 141
Battle Mountain, NV 89820

Lincoln County Library
93 Main St.
P.O. Box 330
Pioche, NV 89043

Attn: Sally Edwards, Director
Carson City Library
900 N. Roop Street
Carson City, NV 89701

Attn: Christian Freer-Parsons, Director
Lyon County Library
20 Nevin Way
Yerington, NV 89447

Attn: Carolyn Rawles-Heiser, Director
Douglas County Library
P.O. Box 337
Minden, NV 89423 (1625 Library Lane)

Attn: Steve Schlatter, Director
Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415 (First & A Streets)

In addition, a hearing was held on August 28, 2003, wherein members of the public and affected businesses were invited to speak. Only one person attended and he did not wish to speak.

Only one submission of written comments were submitted and centered on the following areas of concern:

- a. Objection to fee increases as they affect Commercial Coach licensees;

- b. Objection to the Division proceeding despite Commercial Coach licensees objections.

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 August 28, 2003 Workshop was attended by 1 person; the August 28, 2003 Public Hearing was attended by 1 person.

b. Testified at each hearing: At the August 28, 2003 Workshop, no one testified; at the August 28, 2003 Public Hearing, no one testified.

c. Submitted to the agency written comments: Written comments were received from Chris Caraway, Branch Manager, Williams Scotsman, Inc.

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 August 28, 2003, to all licensees and park owners within the State of Nevada as well as 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 August 28, 2003, was also mailed to all licensees and park owners 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 notice and the public hearing notice were posted as specified in #1 above. In addition, if dealers 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.

The Division mailed notices and held a workshop and hearing on November 14, 2002, for a Temporary Regulation. The Temporary Regulation was submitted to the Legislative Counsel Bureau for review. The LCB drafts of R052-03 AND R053-03 were the subject of the permanent workshop/hearing. No changes were made to the LCB drafts of R052-03 and R053-03.

- 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: The fee increases proposed in NAC Chapters 489 and 461 will have little impact on the general public. The economic effect of increases for certificates of ownership, labels of compliance and inspections (NAC 489.380) and other services (NAC 461.210) create only a small impact on the consumer and result in fees that remain significantly less than comparable fees for site-built housing.

ADVERSE EFFECTS ON BUSINESSES: The economic effect on manufactured housing dealers, salesmen, servicemen and installers for licenses (NAC 489.360, NAC 489.370) is minimal because renewal fees are imposed biennially. Increased original application fees affect only new applicants with no effect on current licensees.

BENEFICIAL EFFECTS ON BUSINESSES AND THE PUBLIC: The beneficial effects on the general public include a sustained level of quality services available from the Divisions.

- 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.**

The Division expects to collect a total of \$256,135 in additional revenue annually to be used to defray costs of providing the current quality level of services.