

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

**LCB File No. R213-03**

Effective March 29, 2004.

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

AUTHORITY: §§1-5, 9 and 10, NRS 118B.024 and 118B.215; §§6 and 7, NRS 118B.024; §8, NRS 118B.024 and 118B.217.

A REGULATION relating to manufactured housing; allowing the Administrator to reduce the financial assistance to all recipients in order to provide financial assistance to approved applicants on a waiting list; changing the due date for submission of annual reports to March 1 of each year. and providing other matters properly relating thereto.

**Section 1.** NAC 118B.310 is hereby amended to read as follows:

118B.310 “Applicant” means a tenant of a manufactured home park who has applied for assistance from the ~~[Trust]~~ Fund.

**Sec. 2.** NAC 118B.330 is hereby amended to read as follows:

118B.330 “Recipient” means a tenant of a manufactured home park who is receiving assistance from the ~~[Trust]~~ Fund.

**Sec. 3.** NAC 118B.340 is hereby amended to read as follows:

118B.340 ~~["Trust"]~~ “Fund” means the ~~[Trust]~~ Fund for Low-Income Owners of Manufactured Homes created pursuant to NRS 118B.215.

**Sec. 4.** NAC 118B.350 is hereby amended to read as follows:

118B.350 The Division will determine the monthly income of an applicant by adding the annual income of each person who owns and occupies the manufactured home for which assistance from the ~~[Trust]~~ Fund is requested, dividing that total annual income by the number of persons who own and occupy the manufactured home and dividing that amount by 12.

**Sec. 5.** NAC 118B.370 is hereby amended to read as follows:

118B.370 The Division will use the guidelines for poverty established by the United States Department of Health and Human Services ~~[for all states (except Alaska and Hawaii) and the District of Columbia]~~ to determine eligibility for assistance from the ~~[Trust]~~ Fund.

**Sec. 6.** NAC 118B.380 is hereby amended to read as follows:

118B.380 1. An applicant who requests assistance from the ~~[Trust]~~ Fund must submit an application to the Division on a form furnished by the Division.

2. The application must include:

(a) Any proof of income the Division may deem necessary.

(b) Any proof of ownership of the manufactured home the Division may deem necessary.

(c) Any proof of tenancy the Division may deem necessary.

(d) The permission of the applicant which authorizes the Division to verify any information he furnishes to the Division.

3. The application must be signed by the applicant and notarized.

4. The Administrator will approve or deny any application for assistance ~~[it receives before the 10th day of each month for assistance for the following month.]~~ *in the order that applications are received.*

5. The Division will notify the applicant by mail upon the approval or denial of the application.

**Sec. 7.** NAC 118B.400 is hereby amended to read as follows:

118B.400 Except as otherwise provided in NAC 118B.410, the Administrator will, not later than the 10th day of each month  ~~[, deposit] :~~

*1. Deposit the amount of the assistance that has been approved by the Administrator in the bank account established for the manufactured home park where the recipient resides  ~~[.] ; or~~*

*2. Issue a check made payable to the manufactured home park where the recipient resides for the amount of the assistance that has been approved by the Administrator.*

↪ The manager of the manufactured home park shall, upon the receipt of the  ~~[deposit in the account,] payment described in subsection 1 or 2,~~ credit the amount of the  ~~[deposit] payment~~ to the recipient's rent and notify the recipient of that fact.

**Sec. 8.** NAC 118B.410 is hereby amended to read as follows:

118B.410 1. If the money in the  ~~[Trust] Fund~~ is not sufficient to make all of the monthly  ~~[deposits] payments~~ of assistance which have been approved by the Administrator, the Administrator  ~~[will] may~~ reduce the amount of assistance distributed to each  ~~[approved applicant] recipient~~ so that  ~~[each approved applicant] the Division may provide assistance to any or all of those on the list of persons who are eligible to receive assistance from the Fund but who do not receive assistance because the amount of money in the Fund is insufficient to provide assistance to those persons. Each recipient~~ will receive an equal percentage of his base rent, not to exceed  ~~[\$100 per month, and make those deposits in the bank accounts of the manufactured home parks where the applicants reside.] an amount that the Administrator will determine.~~

2. As used in this section, the term “base rent” means the amount of money a tenant pays for the rental of a manufactured home lot, not including any separate charges for utilities or any additional services provided.

**Sec. 9.** NAC 118B.420 is hereby amended to read as follows:

118B.420 1. Each recipient shall submit ~~[a]~~ *an annual* report to the Division on a form provided by the Division not later than ~~[January 31]~~ *March 1* of each year.

2. The Division will mail the form to each recipient not later than ~~[December 15]~~ *January 31* of each year.

3. A recipient who submits ~~[a]~~ *an annual* report which the Division receives after ~~[January 31]~~ *March 1* is not entitled to receive assistance from the ~~[Trust]~~ Fund unless he submits a new application for assistance to the Division and the Administrator approves the application. A person who submits a new application pursuant to this subsection is entitled to receive assistance subject to the provisions of NAC 118B.400 and 118B.410.

4. Each report must include a statement signed by the recipient under penalty of perjury that he has read and understood the provisions of NRS 118B.218 and 118B.251.

**Sec. 10.** NAC 118B.430 is hereby amended to read as follows:

118B.430 1. Each manager *or owner* of a manufactured home park shall submit a report to the Division on a form provided by the Division not later than ~~[January 31]~~ *March 1* of each year.

2. The Division will mail the form to each manager *or owner* not later than ~~[December 15]~~ *January 31* of each year.

3. Each *annual* report must be signed by the manager ~~[, notarized]~~ *or owner* and include a statement that the manager *or owner who signed the annual report* has read and understood the provisions of NRS 118B.251.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R213-03**

The Manufactured Housing Division of the Department of Business and Industry has adopted regulations assigned LCB File No. R213-03 which pertain to chapter 118B of the Nevada Administrative Code.

**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 January 12, 2004, the Division mailed the notice of the Workshop to Solicit Comments on the proposed regulations and the Notice of Intent To Amend Regulations LCB File No R213-03 to interested parties, mobile home community owners and recipients of the Lot Rent Subsidy Program as required by law and to those individuals or entities requesting notice of proposed regulations.

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 5<sup>th</sup> 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 February 10, 2004, wherein members of the public, businesses and recipients of the Lot Rent Subsidy Program were invited to speak. Only one person attended and he did not wish to speak.

A copy of the minutes of the Workshop and Hearing may be obtained by calling Barbara Braaten, Manufactured Housing Division, (702) 486-4579, or by writing to 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 February 10, 2004 Workshop was attended by 1 person in Las Vegas and by one person in Carson City; the February 10, 2004 Public Hearing was attended by 1 person in Las Vegas.

**b. Testified at each hearing:** At the February 10, 2004 Workshop, no one wished to testify; at the February 10, 2004 Public Hearing, no one wished to testify.

**c. Submitted to the agency written comments:** No written comments were received.

**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 February 10, 2004, to all lot rent recipients, mobile home 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 February 10, 2004, was mailed to all lot rent recipients and mobile home park owners within the State of Nevada as well as persons on the Division's list of interested parties. The notice requested written comment and attendance of all parties to the public hearing. In addition, the workshop notice 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 were mailed to the attorney.

A copy of the minutes may be obtained by calling Barbara Braaten at Manufactured Housing Division, (702) 486-4579, or by writing to 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 February 10, 2004. The Proposed amendments were submitted to the Legislative Counsel Bureau for review on November 21, 2003. The LCB submitted a revised draft to the Division on January 7, 2004. LCB File No.f R213-03 were the subject of the permanent workshop/hearing. No changes were made to the LCB revised drafts of R213-03.

**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.**

There is no effect on business immediate or long term. The benefits to the public are that more individuals will be able to receive assistance from the Lot Rent Subsidy Program.

**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 regulation has no financial impact.