

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

LCB File No. R113-13

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of
LCB No. R113-13
of the Manufactured Housing Division

The Manufactured Housing Division of the Department of Business and Industry of the
State of Nevada will hold a public hearing at **8:30 am, on September 9, 2014**,
at 1818 East College Parkway, Suite 103 Carson City, Nevada 89706.

and

Via Teleconference from the
Bradley Building, 2nd Floor Conference Room
2501 E. Sahara, Las Vegas, Nevada 89104

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to and R113-13, that pertain to Chapter 462, 461A and 489 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

Need and purpose of the proposed regulations. The proposed regulation is primarily directed at minor revisions to the requirements for licensure. This will have a favorable and positive impact upon small businesses that manufacture, sell and service manufactured structures. LCB No. R113-13 is also requesting the adoption of current generally accepting building codes.

To obtain a copy of the LCB No. R113-13 please go to:

http://www.leg.state.nv.us/register/indexes/2013_NAC_REGISTER_NUMERICAL.htm or
<http://mhd.nv.gov>. Attached is a summary chart of R113-13.

Estimated economic effect on the business which it is to regulate and on the public.

Adverse effect – The Division does not anticipate an adverse economic effect for this proposed regulation.

Beneficial effect –

Section 5- By letting licensees have the opportunity to have more time to complete their CE requirement, it will save the licensee a late fee when submitting their renewal application.

Section 6 –By reducing the financial documentation required for licensure, will promote more small businesses to be licensed by the Division and expand their business to the MH Industry.

Section 10 –The elimination of NAC 489.3105 will encourage more Dealers to renew their licenses and continue in the MH business.

Both immediate and long-term effects. The Division does not anticipate any immediate or long term effects for this proposed regulation.

Methods used to determine the impact on a small business.

- 400 questionnaires were sent to companies who currently hold a Manufactured Housing Division license and 32 were sent to interested parties = 432 Total mailed
- Of the 6 responses, 2 responded that the regulation will have an adverse economic effect on their business, however no comments were written on the questionnaire to explain their response.
- The Division also conducted workshops on January 10, 2014 and March 27, 2014.

The proposed regulation will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation or expansion of small business.

The estimated cost to the agency for enforcement of the proposed regulation. The Division will not incur additional costs for the enforcement of these regulations.

Time, place and manner in which interested persons may present their views. Persons wishing to comment upon the proposed action of Manufactured Housing Division may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Manufactured Housing Division. Written submissions must be received by the Manufactured Housing Division on or before September 9, 2014. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Manufactured Housing Division may proceed immediately to act upon any written submissions.

NRS 233B.064 (2) Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.
(Added to NRS by 1977, 1382; A 1997, 1391)

This regulation establishes a new fee. Section 8 and 9: In order to accommodate more business opportunities for the citizens of Nevada and to meet the needs of the Manufactured Housing Industry, the Division created the new license category, “Distributor”. Fees associated with this license category are consistent with other existing license categories.

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

- MHD Website - mhd.nv.gov
- The Legislative Counsel Bureau website
- Each County Library
- State Capitol
- Nevada State Library and Archives
- Mailed to all persons who have requested to be on the mailing list and businesses to be affected by the proposed regulation.

Small Business Impact Statement for R113-13

August 6, 2014

The Manufactured Housing Division (Division) has determined that the proposed regulations should not impose an economic burden upon a small business or have a negative impact on the formation, operation or expansion of a small business in Nevada.

NRS 233B.0609 Proposed permanent or temporary regulation: Contents of small business impact statement; person responsible for agency to sign impact statement.

1. A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The Division mailed a total of 432 questionnaires to companies regarding this regulation.

- 400 were sent to companies who currently hold a Manufactured Housing Division license and 32 were sent to interested parties = 432 Total mailed
- 6 companies responded
- 4 responded that this regulation will not have an adverse economic effect on their business
- 2 responded that the regulation will have an adverse economic effect on their business, however no comments were written on the questionnaire to explain their response.

The Division conducted a workshop on January 10, 2014, where one comment was made, stating he would like to see businesses that deal with commercial coaches by exempt from some of the regulations.

The Division also conducted a workshop on March 27, 201, where no comments were made.

Interested persons may obtain a copy of this document by contacting our office at 775-684-2940 or going to the website at mhd.nv.gov.

(b) The manner in which the analysis was conducted.

The analysis was conducted by considering remarks made in workshops conducted on January 10, 2014 and

March 27, 201, in Carson City and video conferenced to Las Vega, as well as answers and comments from the questionnaires received by the Division.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(1) Both adverse and beneficial effects; and

- **Adverse effects** – The Division does not anticipate an adverse economic effect on business for any of the sections of the proposed regulation,

- **Beneficial effects –**
 Section 5- By letting licensees have the opportunity to have more time to complete their CE requirement, it may save the licensee a late fee when submitting their renewal application.
 Section 6 –By reducing the financial documentation required for licensure, will promote more small businesses to be licensed by the Division and expand their business to the MH Industry.
 Section 10 –The elimination of NAC 489.3105 will encourage more Dealers to renew their licenses and continue in the MH business.

(2) Both direct and indirect effects.

- **Direct effects –** There is no direct economic effect for this regulation.
- **Indirect effects –** There is no indirect economic effect for this regulation.

(d) A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

Because the proposed regulation is intended to correct and add clarity to the existing regulations, ease restrictions and remove burdens in order to have a favorable, positive impact upon small businesses there was no need to consider any method to reduce the impact.

(e) The estimated cost to the agency for enforcement of the proposed regulation.

No additional cost will be incurred by the Division to enforce this regulation. All Division fees are calculated to reimburse the Division staff for the time and material expended to perform the requirements of the regulation.

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

Sections 8 and 9 of the proposed regulation add a fee for the new license classification for a “distributor”. Because the Division has not received an application for this category of license since it was created in 2009, we do not anticipate an increase in agency revenue. There are no additional fees associated with the other 8 sections of this regulation.

(g) If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

This proposed regulation does not include provisions which duplicate or are more stringent than a federal, state or local regulation.

(h) The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

After considering the comments received from the questionnaire made available to all interested parties and listening to remarks made by participants in both workshops, the Division has composed regulations that will have no adverse economic effects on small businesses for any of the sections of this regulation.

2. The director, executive head or other person who is responsible for the agency shall sign the small business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.

(Added to NRS by 1999, 2071; A 2013, 2306)

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement is acc

_____/s/
Jim deProsse
Administrator
Manufactured Housing Division

Date

LCB FILE NO. R113-13 SUMMARY

7/15/14

SECTION	PAGE	NAC	DESCRIPTION
1.	1	NAC 461.205	Adopt Current International Building Codes
2.	4	NAC 461A.350	Adopt Current International Building Codes
3.	7	NAC 489.177	Adopt Current International Building Codes
4.	10	NAC 489.205	The Division <u>may</u> conduct routine office surveys, audits...
5.	11	NAC 489.303	<ul style="list-style-type: none"> • Remove CE requirement for Specialty Serviceperson • Added a dealer, distributor, RME or salesperson may request an extended time for CE.
6.	12	NAC 489.310	<ul style="list-style-type: none"> • Add distributor • may determine financial responsibility • removed letter of credit requirement for new dealer application
7.	15	NAC 489.347	<ul style="list-style-type: none"> • Added distributor • Added If the licensee is a dealer • Removed 6 months of operating acct statements for renewing for all licensees • Clarification for submitting trust or escrow acct statement if they have one for renewals
8.	16	NAC 489.360	Added fees for a distributor
9.	17	NAC 489.370	Added fees for a distributor
10.	18	<u>REPEAL</u> NAC 461.123 NAC 489.3105 NAC 489.589	<ul style="list-style-type: none"> • Labeling of plumbing fixtures • Maintenance of cash required at the time of initial license • Purchase contract and listing agreement forms prescribed by the administrator.