

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

LCB File No. R115-16

August 31, 2016

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

AUTHORITY: §§1 and 3-7, NRS 489.336; §2, NRS 489.251.

A REGULATION relating to manufactured housing; providing requirements for an application for a certificate of ownership for certain mobile homes or manufactured homes; revising provisions relating to the application for and issuance of a limited lien resale license; revising provisions relating to standards for installation of mobile homes and manufactured homes; making various other changes relating to limited lien resale licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Manufactured Housing Division of the Department of Business and Industry to adopt regulations for the issuance of a limited lien resale license authorizing the resale of a used mobile home that is either purchased at a sale to enforce a lien or acquired through a voluntary surrender by the owner. (NRS 489.336) Existing regulations provide for the issuance of such a license. (NAC 489.775, 489.780, 489.790)

Section 1 of this regulation provides that any application for a certificate of ownership for a mobile home or manufactured home that was acquired through a voluntary surrender must be accompanied by affidavit stating that the home was acquired through a voluntary surrender. **Sections 5 and 6** of this regulation provide for the application for and issuance of a limited lien resale license for the resale of a mobile home or manufactured home acquired through a voluntary surrender.

Existing regulation requires that an application for a limited resale license be accompanied by, among other documents, a copy of the business license issued for the mobile home park at which the mobile home or manufactured home to which the license will apply is located. (NAC 489.775) **Section 5** clarifies that the license is a limited lien resale license and changes this requirement to provide that a copy of the state business registration of the mobile home park is required instead of a copy of the business license.

Existing law requires the Administrator of the Manufactured Housing Division to adopt regulations pertaining to installation safety standards for mobile homes and manufactured homes.

(NRS 489.251) **Section 2** of this regulation updates the publication information of a safety manual adopted by reference by the Administrator and updates information regarding the availability of the manual. (NAC 489.416)

Section 1. Chapter 489 of NAC is hereby amended by adding thereto a new section to read as follows:

An application for a certificate of ownership for a mobile home or manufactured home acquired through a voluntary surrender by the owner of the mobile home or manufactured home must be accompanied by an affidavit on a form supplied by the Division stating that the mobile home or manufactured home was acquired through a voluntary surrender by the owner of the mobile home or manufactured home.

Sec. 2. NAC 489.416 is hereby amended to read as follows:

489.416 1. The Administrator hereby adopts by reference the *Nevada Manufactured Home, Mobile Home and Commercial Coach Installation Standards* in the edition most recently published by the Nevada ~~{Manufactured}~~ Housing ~~{Association}~~ *Alliance* and the Modular Building Institute of Nevada, unless the Administrator determines pursuant to subsection 3 that the most recent edition is not suitable for this State.

2. A copy of these standards *may be downloaded, free of charge, from the Division at the Internet address <http://mhd.nv.gov> or* may be obtained from the Division at 2501 East Sahara Avenue, Suite 204, Las Vegas, Nevada 89104, or ~~{1535 Old Hot Springs Road, Suite 60,}~~ *1830 East College Parkway, Suite 120*, Carson City, Nevada 89706, for the price of \$15.

3. The Administrator will review each successive edition of the standards to determine its suitability for this State. If the Administrator provisionally determines that the most recent edition is not suitable, the Administrator will hold a public hearing to review this determination. If, after the hearing, the Administrator finally determines that the most recent edition is not

suitable for this State, he or she will, within 30 days after that determination, give notice that the edition is not adopted by reference.

Sec. 3. NAC 489.750 is hereby amended to read as follows:

489.750 As used in NAC 489.750 to 489.790, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 489.755 to 489.770, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 4. NAC 489.760 is hereby amended to read as follows:

489.760 “Licensee” means a landlord or manager of a mobile home park to whom a limited *lien* resale license is issued by the Division pursuant to NAC 489.780.

Sec. 5. NAC 489.775 is hereby amended to read as follows:

489.775 1. Before a landlord or manager of a mobile home park may sell a used mobile home or manufactured home acquired at a sale to enforce a lien pursuant to NRS 108.265 to 108.367, inclusive, *or acquired through a voluntary surrender by the owner of the mobile home or manufactured home*, the landlord or manager must obtain a limited *lien* resale license from the Division. The license may be obtained by applying to the Division on 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 \$50;

(b) A copy of the *state* business ~~license~~ *registration* issued for the mobile home park where the used mobile home or manufactured home to which the limited *lien* resale license will apply is located; and

(c) 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 written permission of the landlord to sell the used mobile home or manufactured home, if the applicant is the manager of the mobile home park.

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

3. If a landlord or manager of a mobile home park has applied for or holds a limited *lien* 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. 6. NAC 489.780 is hereby amended to read as follows:

489.780 1. Upon receipt of an application for a limited *lien* resale license, the fee required by NAC 489.775 and any other information required by the Division, the Division will approve the application and issue to the applicant a limited *lien* 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 *lien* 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) A copy of the certificate of title or certificate of ownership of the used mobile home or manufactured home;

(b) A copy of ~~the~~, *as applicable:*

(1) The notice of lien, the notice of sale by auction or the lien satisfaction form; or

(2) The affidavit of voluntary surrender required pursuant to section 1 of this regulation; and

(c) Any other information deemed necessary by the Division.

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 *lien* 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. 7. NAC 489.785 is hereby amended to read as follows:

489.785 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 *lien* 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 or her agent.