

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

LCB File No. R127-08

Effective December 17, 2008

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

AUTHORITY: §§1-11, NRS 118B.024; §12, NRS 118B.024 and 118B.184; §§13-15, NRS 118B.024 and 118B.215.

A REGULATION relating to manufactured home parks; making various changes governing manufactured home parks; revising various provisions governing assistance for low-income owners of manufactured homes; and providing other matters properly relating thereto.

Section 1. Chapter 118B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *A landlord shall use the same criteria in deciding whether to accept an applicant or approve a prospective tenant whether the applicant or prospective tenant is purchasing a manufactured home from a:*

- 1. Licensed dealer;*
- 2. Private party; or*
- 3. Manufactured home park.*

Sec. 3. *1. The receipt that a landlord who receives a payment of periodic rent from a tenant of a manufactured home park is required by NRS 118B.073 to issue to the tenant:*

- (a) May be printed or handwritten; and*

(b) In addition to the information required by NRS 118B.073, must include any balance remaining unpaid.

2. Cancelled personal checks or cashier's checks and copies of money orders are not receipts for the purposes of this section and NRS 118B.073.

Sec. 4. 1. *The current report on the quality of the water that is supplied to a manufactured home park that a landlord is required by NRS 118B.077 to post in the park must, in addition to the requirements of NRS 118B.077, be posted in a location that is protected from the elements.*

2. If the park has no location for posting the report that satisfies the requirements of this section and NRS 118B.077, the landlord shall send a copy of the report by United States mail, postage prepaid, to the mailing address of each tenant of the park.

Sec. 5. *If there is any change in the information that a landlord is required by NRS 118B.080 to disclose in writing to each tenant of a manufactured home park, the landlord shall disclose the change in writing to each tenant of the park not later than 30 days after the change takes place.*

Sec. 6. 1. *Except as otherwise provided in subsection 2, as used in NRS 118B.090, the Division will interpret the term "common areas" to include, without limitation, any aboveground or underground electrical, plumbing and sanitary service apparatus located on each manufactured home lot, up to the disconnection point, which is not an appurtenance of the manufactured home.*

2. The term will be interpreted not to include any such apparatus that has been damaged by the tenant of the manufactured home lot.

Sec. 7. *If there is any change in the name or telephone number of the third party with whom the manager of a manufactured home park contracts pursuant to NRS 118B.095 to provide emergency repairs for tenants of the park, the manager shall, not later than 24 hours after the change:*

- 1. Provide notice of the change to each tenant of the park;*
- 2. Post notice of the change in a conspicuous place in a common area of the park;*
- 3. Provide notice of the change to the telephone answering service of the park, if any; and*
- 4. Record the change on the answering machine of the park, if any.*

Sec. 8. *1. Minor repairs, replacements and cosmetic changes to a manufactured home that are not required by law to be performed only by a person who is properly licensed pursuant to chapter 489 of NRS may be performed by the owner of the manufactured home or any person qualified to make such repairs, replacements and changes.*

2. As used in this section, “minor repairs, replacements and cosmetic changes” includes, without limitation, the changing of faucets or other plumbing fixtures, light fixtures, switches, smoke alarms and other items not requiring a permit or inspection.

Sec. 9. *A tenant of a manufactured home park must secure the written approval of the landlord or manager of the park before making any exterior improvement to his manufactured home or the lot on which it is located that requires approval pursuant to his lease or rental agreement or the rules or regulations of the park, regardless of whether a permit is required for the improvement.*

Sec. 10. *A landlord shall not require a tenant to revise the terms of his lease or rental agreement based on:*

1. A guest who stays with the tenant for not more than a total of 60 days in a calendar year; or

2. The tenant allowing a person to live with him who is not listed on the lease or rental agreement, so long as the tenant is authorized by the provisions of paragraph (i) of subsection 1 of NRS 118B.150 to allow the person to live with him without paying an additional charge or fee.

Sec. 11. *As used in NRS 118B.153, the Division will interpret the term:*

1. "Amenity" to include, without limitation, a gated community, pool, spa, clubhouse or recreational facility.

2. "Service" to include, without limitation, an on-site manager, security guard or security patrol.

Sec. 12. *The resident impact statement that a landlord who begins the process of closing or converting a manufactured home park is required by NRS 118B.184 to submit to the appropriate local zoning board, planning commission or governing body must be made on a form prescribed by the Division.*

Sec. 13. NAC 118B.390 is hereby amended to read as follows:

118B.390 1. After the Division receives an application for assistance, it will mail to the manager of the manufactured home park where the applicant resides ~~[, a report on]~~ a *certification* form provided by the Division for completion by the manager.

2. The ~~[report]~~ *certification form* must include:

(a) The applicant's monthly rent;

(b) The space number and size of the applicant's lot;

(c) The date on which the applicant's tenancy at the manufactured home park began; and

(d) Any other information the Division may require.

3. The manager shall complete the ~~[report]~~ *certification form* and return it to the Division within 5 days after he receives ~~[the report.] it~~. The ~~[report]~~ *certification form* must be signed by the manager and notarized.

Sec. 14. NAC 118B.420 is hereby amended to read as follows:

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

2. The Division will mail the form to each recipient not later than January 31 of each year.

3. A recipient who submits an annual ~~[report]~~ *requelification form* which the Division receives after March 1 is not entitled to receive assistance from the 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]~~ *requelification form* 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. 15. 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 *recertification* form provided by the Division not later than March 1 of each year.

2. The Division will mail the form to each manager or owner not later than ~~[January 31]~~ *February 1* of each year.

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

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R127-08

The Administrator of the Manufactured Housing Division of the Department of Business and Industry adopted regulations assigned LCB File No. R127-08 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 how other interested persons may obtain a copy of the summary.

Notice of the proposed regulations were posted on the Manufactured Housing Division website and at the following public locations where both the public and other interested persons would have access to the information.

This notice of hearing was posted at the following locations:

Manufactured Housing Division, 2501 E. Sahara Ave, Las Vegas, NV 89104
Manufactured Housing Division, 788 Fairview Drive, Carson City, NV 89701
Department of Business & Industry, 901 S. Stewart Street, Carson City, NV 89701
State of Nevada Sawyer Building, 555 E. Washington Avenue, Las Vegas, NV 89101
Nevada State Library, 100 Stewart Street, Carson City, NV 89701
State of Nevada Bradley Building, 2501 E. Sahara Avenue, Las Vegas, NV 89104
Nevada Legislative Building, 401 S. Carson Street, Carson City, NV 89701
Clark County Library, 833 N. Las Vegas Blvd., Las Vegas, NV 89101

Additional notices were posted at the following locations:

Churchill County Library, Elko County Library, Esmeralda County Library, Eureka Branch Library, Humboldt County Library, Lincoln County Library, Lyon County Library, Mineral County Library, Mineral County Library, Pershing County Library, Storey County Library, Tonopah Public Library, Washoe County Library, White Pine County Library, Battle Mountain Branch Library (Lander County), Carson City Library, and Douglas County Library.

Additional notices were mailed to several Attorney At Law firms, Nevada Legal Services, Senior Law Project, the Manufactured Home Community Owners Association, the Nevada Housing Alliance Association, the Nevada Manufactured Home Owners Association and several state elected officials.

The number of persons who attended the workshop, hearing and or provided written comments were:

Carson City	Las Vegas	
Attendees at workshop 7-2-08	6	8
Number of written comments:	0	1
Number of persons testifying	2	6
Carson City	Las Vegas	
Attendees at public hearing 7-23-08	3	10
Number of written comments:	1	1
Number of persons testifying	0	7

2. A summary of response(s) from the public and affected businesses and an explanation how other interested persons may obtain a copy of the summary.

The public was invited to comment at the workshop and hearing or in writing. Two individuals, who attended both the workshop and hearing, provided written comments on the proposed regulation in addition to providing testimony at the public workshop and hearing. The three written comments were discussed at the meetings and several of the suggestions were accepted by the Division as recommendations and were submitted as revisions to the original proposed regulation.

Interested persons were informed that they could obtain copies of comment summaries by contacting the Division.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Amendments were made to the original regulation based upon public comment made at the Workshop on July 2, 2008 and the Adoption Hearing on July 23, 2008.

4. Estimated economic effect of the adopted regulation on the public and businesses affected: adverse and beneficial, immediate and long term.

Public: Economic effect

(a) Adverse effect on public: No adverse effect on the public.

Beneficial effect on public: Establishes uniform procedures for landlord and tenants. Defines the responsibilities of landlord on park infrastructure. Clarifies what type of repair work on a mobile/manufactured home requires a license.

(b) Immediate and long term effects:

The Immediate and long term effects for the public would be to establish clear and precise requirements under NRS118B.

Business: Economic effect

(a) Adverse affect on business: Park owners may not require the tenant to assume responsibility for repairs of the park infrastructure, which may include under ground sewer and water lines and faulty electric pedestals. Establishes the financial responsibility to the Park owner.

Beneficial effect on business: Requires the tenant to submit and receive written approval from management for any changes to the mobile home lot and exterior of the home.

(b) Immediate and long-term effects:

Immediate effects: Establishes the financial responsibility to the Park owner. Gives the Park owner more control on lot and structural changes to homes located in the park.

Long-term effects: No significant long term effects.

5. Cost of enforcing regulation.

The only projected cost to the Division is that associated with the mailing of the notices, copy cost, LCB associated cost. The Division does not project any additional cost for enforcement.

6. Explanation of any other regulations which this regulation duplicates or overlaps and why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, a statement of the name of the federal agency.

The Division is not aware of any other regulation that this regulation would duplicate or any overlapping of any other regulation. There are no federal regulations that this regulation would duplicate or overlap.

7. If the regulation includes provisions, which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations which regulate the same activity.

8. If the 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.

There are no new fees and increases to existing fees.