

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

LCB File No. R009-12

November 21, 2013

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

AUTHORITY: §§1, 6, 7 and 18, NRS 489.231; §§2-5, 8-11 and 14-16; NRS 489.231 and 489.262; §12, NRS 489.231 and 489.305; §13, NRS 489.231 and 489.481; §17, NRS 489.231 and 489.401.

A REGULATION relating to manufactured housing; making various changes concerning portable buildings and manufactured buildings, factory-built housing and branch offices of certain licensees of the Manufactured Housing Division of the Department of Business and Industry; repealing certain unnecessary definitions; and providing other matters properly relating thereto.

Section 1. Chapter 489 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *If a standard for the installation of a portable building is not provided in the Nevada Manufactured Home, Mobile Home and Commercial Coach Installation Standards, adopted by reference in NAC 489.416, the portable building may be installed in accordance with plans, specifications or drawings that are:*

- 1. Stamped and signed by a professional engineer licensed pursuant to chapter 625 of NRS; and*
- 2. Approved by the Division.*

Sec. 3. 1. The owner of a single-section portable building who wishes to obtain a 2-year certificate of installation for the portable building must submit to the Division:

(a) An application on a form prescribed by the Division. The application must include, without limitation:

(1) The serial number or other information that uniquely identifies the portable building; and

(2) The current physical location of the portable building.

(b) Plans, specifications or drawings that set forth in detail the method of installation to be used in the installation of the portable building. The plans, specifications and drawings must be stamped and signed by a professional engineer licensed pursuant to chapter 625 of NRS.

(c) The fee set forth in NAC 489.380.

2. As a condition for obtaining a 2-year certificate of installation for the portable building, the applicant must agree:

(a) To maintain in the portable building at all times that it is occupied a copy of all plans, specifications and drawings submitted with the application.

(b) To install the portable building:

(1) In accordance with the method of installation set forth in the plans, specifications and drawings submitted with the application.

(2) Under the direction of the owner of the portable building or a person licensed pursuant to this chapter and chapter 489 of NRS as a dealer, manufacturer, general serviceperson or specialty serviceperson.

(c) To remove any label of installation affixed to the portable building promptly upon its expiration or revocation.

(d) If requested in writing by the Division, to submit to the Division, not later than 3 business days after receiving the request, a statement that sets forth the serial number or other identifying information and the current physical location of each portable building owned by the applicant. The Division will keep confidential any information submitted by an applicant pursuant to this paragraph.

3. If the application is complete and the Division approves the method of installation set forth in the plans, specifications or drawings submitted with the application, the Division will issue a 2-year certificate of installation and matching label for the portable building.

4. Unless earlier revoked pursuant to subsection 5, a 2-year certificate of installation for a portable building expires 24 months after the date of issuance set forth on the certificate.

5. The Division may revoke a 2-year certificate of installation for a portable building if the holder of the certificate fails to comply with the requirements for issuance of the certificate set forth in this section.

Sec. 4. *The component of the electrical system of a portable building that allows for the quick connection or disconnection of the electrical system to a source of electricity must:*

1. Enable a person to effect the connection without using a tool or be capable of being otherwise connected by a person who holds a license to perform electrical work;

2. Be able to effect a complete disconnection between the portable building and the source of electricity;

3. Be listed by Underwriters Laboratories, Inc., or an equivalent organization; and

4. Be used in a manner that:

(a) Is consistent with its listing; and

(b) Complies with the National Electrical Code, as adopted by reference in NAC 489.177.

Sec. 5. *The provisions of this chapter do not apply to a portable building that is not designed or equipped for human occupancy.*

Sec. 6. NAC 489.030 is hereby amended to read as follows:

489.030 “Authorized inspection agency” means any governing body, other agency or person which has assumed inspection responsibilities for manufactured homes, mobile homes , *portable buildings* or commercial coaches under agreement with the Division.

Sec. 7. NAC 489.045 is hereby amended to read as follows:

489.045 “Certificate of installation” means a certificate issued by the Division which certifies that a manufactured home, mobile home , *portable building* or commercial coach has been installed in compliance with the provisions of this chapter.

Sec. 8. NAC 489.177 is hereby amended to read as follows:

489.177 The Administrator hereby adopts by reference the following codes and standards for *portable buildings*, commercial coaches and accessory structures:

1. The *International Building Code*, 2006 edition, published by the International Code Council, with the following modifications:

(a) Any reference to the *International Plumbing Code* shall be deemed a reference to the *Uniform Plumbing Code*, 2006 edition;

(b) Any reference to the *International Electrical Code* shall be deemed a reference to the *National Electrical Code*, 2005 edition;

(c) Any reference to the *International Mechanical Code* shall be deemed a reference to the *Uniform Mechanical Code*, 2006 edition;

(d) The definition of “manufactured home” set forth in section G201.2 of Appendix G is deleted and replaced with “has the meaning ascribed to it in NRS 489.113”; and

(e) Section G501 of Appendix G is deleted.

↪ The *International Building Code*, 2006 edition, may be obtained from the International Code Council by mail at ~~{4051 West Flossmoor Road, Country Club Hills,}~~ **25442 Network Place, Chicago, Illinois** ~~{60478-5771,}~~ **60673-1254**, or at the Internet address **http://www.iccsafe.org**.

The price is ~~{\$78.75}~~ **\$94** for members and ~~{\$105.00}~~ **\$125** for nonmembers.

2. The *Uniform Plumbing Code*, 2006 edition, published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials by mail at ~~{5001}~~ **4755** East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address ~~{http://www.iapmo.org}~~ **<http://www.iapmomembership.org>**. The price is ~~{\$74 for members and \$93 for nonmembers.}~~ **\$50**.

3. The *Uniform Mechanical Code*, 2006 edition, published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials by mail at ~~{5001}~~ **4755** East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address ~~{http://www.iapmo.org}~~ **<http://www.iapmomembership.org>**. The price is ~~{\$74}~~ **\$56** for members and ~~{\$93}~~ **\$70** for nonmembers.

4. The *National Electrical Code*, 2005 edition, published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association by mail at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, or at the Internet address **http://www.nfpa.org**. The price is ~~{\$67.50}~~ **\$80.55** for members and ~~{\$75.00}~~ **\$89.50** for nonmembers.

5. The *NFPA 101: Life Safety Code*, 2006 edition, published by the National Fire Protection Association. The code may be obtained from the National Fire Protection Association by mail at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471, or at the Internet address <http://www.nfpa.org>. The price is ~~1\$67.501~~ **\$83.70** for members and ~~1\$75.001~~ **\$93.00** for nonmembers.

6. The *International Energy Conservation Code*, 2006 edition, published by the International Code Council. This code may be obtained from the International Code Council ~~by mail at 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5771, or~~ at the Internet address <http://www.iccsafe.org>. The price is ~~1\$25.001~~ **\$29** for members and ~~1\$32.501~~ **\$39** for nonmembers.

Sec. 9. NAC 489.180 is hereby amended to read as follows:

489.180 1. The Division will administer and enforce the provisions of chapter 489 of NRS and the regulations adopted pursuant thereto, the Manufactured Home Construction and Safety Standards, 24 C.F.R. Part 3280, and the Manufactured Home Procedural and Enforcement Regulations, 24 C.F.R. Part 3282, of the United States Department of Housing and Urban Development.

2. Each manufacturer, distributor and dealer of manufactured homes shall establish and maintain the records, make the reports and provide the information required by the Department of Housing and Urban Development to enable that Department to determine whether the manufacturer, distributor or dealer has complied with the National Manufactured ~~Home~~ **Housing** Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., this chapter and chapter 489 of NRS.

3. Standards for continuous foundations and underground services are the responsibility of local governmental units. Any local governmental unit which discovers a violation of this chapter shall report the violation to the Division.

4. Every manufactured home or mobile home manufactured after June 15, 1976, which is sold or offered for sale in this State must bear a label of compliance issued by the United States Department of Housing and Urban Development.

5. Every manufactured home, mobile home, *portable building* and commercial coach which is reconstructed in this State must be certified by the Division or by a licensed engineer that it is reconstructed in compliance with the standards or their equivalent applicable at the time of original manufacture.

Sec. 10. NAC 489.183 is hereby amended to read as follows:

489.183 For the purposes of obtaining the approval of the Administrator for a system of construction or a plan for a model of a *portable building or* commercial coach, a manufacturer of *portable buildings or* commercial coaches shall be deemed a manufacturer of manufactured buildings subject to the requirements set forth in NAC 461.050, 461.100 to 461.120, inclusive, 461.130 to 461.200, inclusive, 461.207 and 461.300 to 461.380, inclusive.

Sec. 11. NAC 489.185 is hereby amended to read as follows:

489.185 1. The Division will issue labels of compliance to manufacturers of *portable buildings or* commercial coaches if:

- (a) The Division has approved plans and specifications;
- (b) The Division *or an authorized inspection agency* has inspected the manufacturing plant to approve the quality control of its construction and the qualifications of its key personnel; and

(c) The manufacturing plant has employed an independent firm to certify compliance with all applicable construction standards.

2. The manufacturer shall apply for labels of compliance upon the form supplied by the Division.

3. The Division will issue a certificate of compliance to the owner of a used *portable building or* commercial coach and attach a label of compliance to such a *portable building or* commercial coach if:

(a) The certificate of compliance or label of compliance is missing;

(b) The *portable building or* commercial coach complies with the:

(1) Codes and standards adopted by the Division in NAC 489.177; and

(2) Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto; and

(c) Any reconstruction or alteration of the *portable building or* commercial coach has been completed and approved by the Division.

Sec. 12. NAC 489.305 is hereby amended to read as follows:

489.305 1. The Division may require as a condition of licensing any information it deems necessary for each location where a manufactured home or commercial coach dealer, manufacturer, general serviceperson or specialty serviceperson maintains a branch office. Upon receiving sufficient information, the Division will issue a license for the branch office.

2. The mere listing of manufactured homes, mobile homes or commercial coaches for sale does not constitute a branch office, but the use of a mobile home park or estate sales office by a licensee for the sale or offering for sale of manufactured homes or mobile homes does constitute the maintenance of a branch office.

3. ~~Except as provided in this subsection, the~~ *The* licensee is responsible for the operation of the branch office in accordance with the provisions of this chapter and chapter 489 of NRS.

4. ~~If it is not feasible for a licensee to exercise direct supervision over a branch office, it must be managed by a corporate officer, partner or responsible managing employee.~~

~~5.~~ A responsible managing employee of a branch office may not manage more than one branch office.

~~16.~~ 5. All branch office records required to be kept by this chapter and chapter 489 of NRS must be kept at that branch office or the main office of the licensee.

~~17.~~ 6. A branch office is not required to have a trust account separate from the trust account of the main office. If a separate account is maintained, the required signatures are those of the responsible managing employee of the branch office and the dealer to whom the main office license is issued.

Sec. 13. NAC 489.380 is hereby amended to read as follows:

489.380 1. The Division will charge the following fees:

- (a) For each certificate and label of compliance \$50.00
- (b) For each certificate and label of installation..... 50.00
- (c) *For each 2-year certificate and label of installation for a portable building..... 50.00*
- (d) For each permit for installation, reconstruction, repair or addition..... 10.00
- ~~(d)~~ (e) For each original or duplicate certificate of ownership..... 40.00
- ~~(e)~~ (f) For each notice of conversion of real property 40.00
- ~~(f)~~ (g) For a replacement of a:
 - (1) Label of compliance 50.00
 - (2) Label of installation 50.00

(3) License.....	50.00
(g) (h) For the inspection and approval of a set of plans:	
For the first hour	75.00
For each additional half hour or fraction thereof.....	37.50
(h) (i) For the inspection and approval of a modification of an approved plan,	
per hour or fraction thereof.....	75.00
(i) (j) For the consideration of a system of construction for approval.....	500.00
(j) (k) For the inspection at the site and approval of the installation of:	
(1) A commercial coach with a plumbing system, a manufactured home or a	
mobile home if the inspection is conducted within 25 miles of the	
inspector’s station of duty	100.00
(2) A <i>portable building or</i> commercial coach without a plumbing system if	
the inspection is conducted within 25 miles of the inspector’s station of	
duty	80.00
(k) (l) For the reinspection and approval of the installation of a manufactured	
home, mobile home , <i>portable building</i> or commercial coach, in addition to	
the original fee for inspection.....	80.00
(l) (m) For the final inspection or reinspection at the site of a manufactured	
home, mobile home, mobile home park, <i>portable building</i> , commercial	
coach or travel trailer, or of the installation of a device which burns solid	
fuel or for any other inspection or service for which a fee is not prescribed:	
For the first hour	80.00
For each additional half hour or fraction thereof.....	40.00

(m) (n) For an inspection of a plant used to manufacture manufactured homes, <i>portable buildings</i> , commercial coaches or travel trailers	750.00
(n) (o) For each search conducted to determine title	15.00
(o) (p) For the sale of printed material:	
For each page of a copy	0.25
For each study guide for an examination.....	15.00
For each copy of a regulation	5.00
(p) (q) For filing a lien or an amended lien asserted upon a manufactured home, mobile home or commercial coach.....	40.00
(q) (r) For collecting a fee after a check given for payment is dishonored	35.00
(r) (s) For the inspection and approval of a set of plans for an attachment pursuant to NAC 489.470:	
For the first hour	75.00
For each additional half hour or fraction thereof.....	37.50
(s) (t) For filing an affidavit of the sale of a manufactured home, mobile home or commercial coach to satisfy a lien	40.00
(t) (u) For recording the sale of a manufactured home, mobile home or commercial coach without the immediate transfer of the certificate of title or certificate of ownership.....	40.00
(u) (v) For filing a notice or an amended notice of sale by auction of a manufactured home, mobile home or commercial coach.....	40.00
(v) (w) For a copy of the monthly report prepared by the Division on the record of sales of a dealer	75.00

~~(w)~~ (x) For a list of the certificates of ownership issued by the Division for a period of:

Less than 2 years.....	75.00
Two years but not more than 5 years.....	150.00
More than 5 years	375.00

~~(x)~~ (y) For a list of all mobile home parks or for a rent history of all mobile home parks..... 75.00

2. For each inspection or reinspection conducted more than 25 miles from the inspector’s station of duty, the Division will charge, in addition to the fee listed, the inspector’s actual expenses for time and travel.

3. The Division will collect a fee for the sale of reports not listed in subsection 1 based upon the cost to the Division to produce those reports, plus a minimum fee for handling of \$40 for the first report.

4. The Division will collect a fee for inspection, pursuant to a schedule established by the Secretary of Housing and Urban Development, from each manufacturer of manufactured homes who has a plant located in this State. The Division will pay the fee to the Secretary of Housing and Urban Development.

5. As used in this section, “rent history” means the economic and demographic data collected by the Administrator pursuant to NRS 118B.025.

Sec. 14. NAC 489.400 is hereby amended to read as follows:

489.400 NAC 489.400 to 489.416, inclusive, *and sections 2 and 3 of this regulation* apply to the installation on-site of all manufactured homes, mobile homes , *portable buildings* and

commercial coaches, regardless of the date of manufacture and the location of the manufactured home, mobile home , *portable building* or commercial coach.

Sec. 15. NAC 489.405 is hereby amended to read as follows:

489.405 1. ~~Not~~ *A* manufactured home, mobile home , *portable building* or commercial coach that is moved from one location to another may *not* be occupied as a dwelling unit or otherwise unless ~~it~~ :

(a) A certificate of installation and a matching label has been issued certifying that the manufactured home, mobile home , *portable building* or commercial coach has been installed in accordance with NAC 489.400 to 489.416, inclusive ~~it~~ , *and section 2 of this regulation; or*

(b) In the case of a single-section portable building, a 2-year certificate of installation and a matching label has been issued to the owner of the portable building pursuant to section 3 of this regulation.

2. A dealer shall provide the original copy of the certificate of installation to each purchaser of a new manufactured home within 15 days after it has been inspected and approved.

Sec. 16. NAC 489.411 is hereby amended to read as follows:

489.411 1. ~~It~~ *Except as otherwise provided in this section, a* person shall not install, reconstruct or make an addition to a manufactured home, mobile home , *portable building* or commercial coach on a job site unless he or she first obtains a permit from the Administrator.

2. The person must apply for a permit on a form provided by the Administrator and pay the fee set forth in NAC 489.380.

3. The holder of a permit shall maintain the permit at the job site and provide the permit to the Division or a city or county building department upon request.

4. A person is not required to obtain a permit before installing a single-section portable building on a job site if a 2-year certificate of installation and a matching label has been issued to the owner of the portable building pursuant to section 3 of this regulation.

Sec. 17. NAC 489.602 is hereby amended to read as follows:

489.602 1. For the purposes of subsection 9 of NRS 489.401, a written acknowledgment that the holder of a lien or security interest in a manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* has received written notification of the sale of the manufactured home, mobile home , *manufactured building* or commercial coach *or factory-built housing* includes the return receipt if the holder sent the written acknowledgment by certified mail.

2. A dealer shall maintain each written acknowledgment he or she receives in a permanent file.

Sec. 18. NAC 489.020, 489.025, 489.070, 489.072, 489.073, 489.074, 489.075, 489.110, 489.150 and 489.155 are hereby repealed.

TEXT OF REPEALED SECTIONS

489.020 “Anchoring equipment” defined. (NRS 489.231) “Anchoring equipment” means straps, cables, turnbuckles and chains, including tensioning devices, which are used with ties to secure a manufactured home, mobile home or commercial coach to ground anchors.

489.025 “Anchoring system” defined. (NRS 489.231) “Anchoring system” means a combination of ties, anchoring equipment and ground anchors that will, when properly designed and installed, resist overturning or lateral movement of a manufactured home, mobile home or commercial coach from wind.

489.070 “Footing” defined. (NRS 489.231) “Footing” means that portion of the support system which transmits loads directly to the soil.

489.072 “Franchise” defined. (NRS 489.231) “Franchise” means a written agreement between a franchisor and franchisee which establishes that the franchisee will sell or distribute new or used manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or related goods or services under, or operate using, the systems, trademark, service mark, trade name, logo or other commercial symbol of the franchisor.

489.073 “Franchisee” defined. (NRS 489.231) “Franchisee” means any natural person or entity that, pursuant to a franchise, sells or distributes new or used manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or related goods or services under, or operates using, the systems, trademark, service mark, trade name, logo or other commercial symbol of the franchisor.

489.074 “Franchisor” defined. (NRS 489.231) “Franchisor” means any natural person or entity that owns the overall rights to the systems, trademark, service mark, trade name, logo or other commercial symbol of the franchisor and grants a franchise for their use by a franchisee.

489.075 “Ground anchor” defined. (NRS 489.231) “Ground anchor” means any device at the stand for the manufactured home, mobile home or commercial coach designed to transfer anchoring loads to the ground.

489.110 “Pier” defined. (NRS 489.231) “Pier” means that portion of the support system between the footing and the manufactured home, mobile home or commercial coach, exclusive of caps and shims.

489.150 “Support system” defined. (NRS 489.231) “Support system” means a combination of footings, piers, caps and shims that will support the manufactured home, mobile home or commercial coach.

489.155 “Tie” defined. (NRS 489.231) “Tie” means a strap, cable or securing device used to connect the manufactured home, mobile home or commercial coach to ground anchors.