

**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.iapm-membership.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.iapm-membership.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~~~~67.50~~ **\$83.70** for members and ~~1~~~~75.00~~ **\$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~~~~25.00~~ **\$29** for members and ~~1~~~~32.50~~ **\$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.

~~6.~~ 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.

~~7.~~ 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
<del>(g)</del> <b>(h)</b> 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
<del>(h)</del> <b>(i)</b> For the inspection and approval of a modification of an approved plan,	
per hour or fraction thereof.....	75.00
<del>(i)</del> <b>(j)</b> For the consideration of a system of construction for approval.....	500.00
<del>(j)</del> <b>(k)</b> 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
<del>(k)</del> <b>(l)</b> 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
<del>(l)</del> <b>(m)</b> 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

<del>(m)</del> (n) For an inspection of a plant used to manufacture manufactured homes, <i>portable buildings</i> , commercial coaches or travel trailers .....	750.00
<del>(n)</del> (o) For each search conducted to determine title .....	15.00
<del>(o)</del> (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
<del>(p)</del> (q) For filing a lien or an amended lien asserted upon a manufactured home, mobile home or commercial coach.....	40.00
<del>(q)</del> (r) For collecting a fee after a check given for payment is dishonored .....	35.00
<del>(r)</del> (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
<del>(s)</del> (t) For filing an affidavit of the sale of a manufactured home, mobile home or commercial coach to satisfy a lien .....	40.00
<del>(t)</del> (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
<del>(u)</del> (v) For filing a notice or an amended notice of sale by auction of a manufactured home, mobile home or commercial coach.....	40.00
<del>(v)</del> (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. ~~No~~ *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.

**Portable Buildings - R009-12 Historical Summary**

March 2014

Industry Asked For...	MHD Responded...
<p>Portable Buildings to be defined and regulated separately from Commercial Coaches.</p>	<p><b>10/1/11</b> - AB 358 was created and became effective as NRS 489.133. NRS 489.262 was also drafted to promulgate regulations.</p>
<p><b>10/27/11</b> - MHD conducted 1<sup>st</sup> preliminary workshop, prior to drafting regulations to get industry input:</p> <ol style="list-style-type: none"> <li>1. It is our proposal that we submit to the Division specifications and guidelines for the installation for each configuration that would eliminate the Division to inspect each time the unit is relocated. If we are randomly inspected and the installation is not done by the engineered installation plans, the company would be fined.</li> <li>2. A quick disconnect of building power, disconnecting the electrical source to the building will be safe.</li> <li>3. The installation plans should be available for an inspector if he happens to be in the area of a portable building to inspect it.</li> <li>4. If it is decided that anyone can install these units, it will have a negative impact on businesses that are licensed.</li> <li>5. There needs to be a compliance sticker before the unit can be occupied.</li> <li>6. If an inspector sees that an installation is done incorrectly, we pay a fine.</li> </ol>	<ol style="list-style-type: none"> <li>1. Sections 2 &amp; 3 of the regulation were written as acknowledgement of industry's request.</li> <li>2. Section 4 clarifies the quick connection and disconnection process, acknowledging industry's request.</li> <li>3. Section 3 (2)(a) states the applicant agrees to maintain in the portable building, a copy of all plans.</li> <li>4. Section 3 (2)(b)(2) The person must be licensed as a dealer, manufacturer, general serviceperson or specialty serviceperson, or the owner.</li> <li>5. Section 3 (3) indicates that a 2-year certificate of installation and matching label will be issued.</li> <li>6. Section 3 (5) states that the Division may revoke a 2-year certificate.</li> </ol>
<p><b>12/13/12</b> - MHD conducted 2<sup>nd</sup> workshop to review first draft of the proposed regulation and address the following concerns:</p> <ol style="list-style-type: none"> <li>1. Can we fill out an installation certificate form on line and take it out of a pre-funded account like the Secretary of State office?</li> <li>2. Can the timeframe for the installation certificate be 2 or 3 years?</li> <li>3. We think we should not have to divulge where all our buildings are located.</li> <li>4. I am having a problem with the physical disconnection.</li> <li>5. Need clarification of "human occupancy".</li> </ol>	<ol style="list-style-type: none"> <li>1. No, but the Division now accepts credit cards over the phone. We also have the ability to create forms that are accessible on the website.</li> <li>2. The Division changed the Installation Certificate to be valid for 2 years as requested by industry.</li> <li>3. Clarified that a building location is ONLY required when an audit is being performed for investigative purposes.</li> <li>4. We worked diligently to develop language for electrical disconnection that aligned with industry's request. This is clarified in Section 4 of final draft.</li> <li>5. The term "human occupancy" in this regulation pertains to all portable</li> </ol>

Industry Asked For...	MHD Responded...
	buildings except those designed to hold something other than people
6. We think the verbiage about advertising, titles, and continuing education does not relate to us.	6. The Division removed <u>13</u> sections from the original draft that were not related to the installation, construction or maintenance of portable buildings.
<p><b>1/10/14</b> - MHD conducted a hearing to adopt the regulation. Answered the following questions:</p> <ol style="list-style-type: none"> <li>1. Clarification that once the Installation Certificate is affixed to the building it is good for 2 years and they do not have to call the Division for an inspection for another two years, no matter how many times they move it.</li> <li>2. What is the additional \$80 fee for?</li> <li>3. Does the Division have a process for an inspection in a remote area?</li> <li>4. Can we have more than 3 days to give the Division the location of a building when an audit is conducted?</li> <li>5. Will I be required to have engineered plans for each configuration?</li> <li>6. Not sure what Human Occupancy is.</li> <li>7. IBC 2006 vs. IBC 2012</li> <li>8. If we are going to be burdened by these extra fees it will change our business model.</li> <li>9. Can the building be hard wired if done by a licensed electrician?</li> </ol>	<ol style="list-style-type: none"> <li>1. Yes, there will not be a requirement or a fee for an inspection of a portable building within the 2 year period the Installation Certificate is valid.</li> <li>2. This is an existing re-inspection fee for a building which has not passed the previous inspection.</li> <li>3. Yes, we now have a larger fleet of inspectors who can be dispatched to a remote area much quicker than before.</li> <li>4. This timeframe is necessary when investigating a compliant issue. Depending on the investigative situation, often, time is of the essence.</li> <li>5. Yes. You are only required to have an engineered stamped installation plan for each configuration. A photo-copy of that type of installation for that particular type of configuration will be accepted and must be affixed inside each building.</li> <li>6. The term "human occupancy" in this regulation pertains to all portable buildings except those designed to hold something other than people.</li> <li>7. IBC 2006 currently applies. LCB File No. R113-13 will adopt IBC 2012.</li> <li>8. You have two options for inspections.             <ol style="list-style-type: none"> <li>a) Follow existing regulation which is: The Division will inspect the building every time it is moved, using the existing installation standards. - OR -</li> <li>b) Apply for a 2-year Installation Certificate where you can move the building multiple times in two years without having to pay for an inspection each time it is moved.</li> </ol> </li> <li>9. Yes, provided it has a mechanism for quick disconnection from the electrical source.</li> </ol>

# Exhibit 1

Revised April 16, 2014

<b>Industry Asked For...</b>	<b>MHD Responded...</b>
<p><b>3/27/14</b> – MHD conducted a 3<sup>rd</sup> workshop to review the proposed regulation.</p> <ol style="list-style-type: none"><li>1. What is the Division’s plan for enforcing the new inspection program?</li><li>2. Can the fees be charged annually instead of every two years so that I can budget it as a line item on my profit and loss statement?</li></ol>	<ol style="list-style-type: none"><li>1. The Division supplied 6 Exhibits to address in writing all of the questions and concerns regarding how the Division will implement and enforce the new inspection program.</li><li>2. The Division extended the initial inspection timeline from 180 days to 240 days, allowing industry more time for implementation and reducing the burden for the initial inspection fees. (See Exhibit 4 – Portable Building 2-Year Installation Certificate Implementation Plan)</li></ol>

## FAQs regarding the proposed regulation for Portable Buildings

March 2014

### 1. What is the difference between a Commercial Coach and a portable building?

**NRS 489.062 “Commercial coach” defined.**

“Commercial coach” means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer or portable building.

(Added to NRS by 1977, 1451; A 1979, 1215; 2001, 1726; 2011, 1630)

**NRS 489.133 “Portable building” defined.**

“Portable building” means a structure which:

1. Is at ground level, has no axles and rests on the surface of the ground;
2. Is for nonresidential use;
3. Is not a fixture or improvement to real property;
4. Is designed to be used without a permanent foundation; and
5. Contains an electrical system with a component that allows for the quick connection or disconnection of the electrical system to a source of electricity.

(Added to NRS by 2011, 1629)

### 2. What does “Human Occupancy” mean?

The term “human occupancy” in the proposed regulation R009-12, pertains to all portable buildings except those designed to hold something other than people.

### 3. Do I have to pay for a professional engineer to stamp plans for the floor plans and the installation inspection method?

- a) Compliance Label: Most portable buildings have a compliance label that is affixed to the building from the factory where it was built. If a used portable building is acquired that does not have a compliance label, a set of plans, stamped and signed by a professional engineer licensed pursuant to chapter 625 of NRS, is required before the Division can issue the compliance label.
- b) Installation Label: Plans, specifications or drawings that set forth the method of installation, that are stamped and signed by a professional engineer licensed pursuant to chapter 625 of NRS, are required to obtain the proposed 2-year certificate of installation and matching label. This is required for each configuration.

### 4. Do I have to get an inspection done every time I move the portable building, even if I have an Installation Certificate and label?

No. The objective of this proposed regulation is eliminate the time and cost for an inspection to be performed each time a portable building is moved. If the Division has issued the 2-year Certificate of Installation and matching label, an inspection is not required for two years from the date of the Certificate. See Section 16 of the proposed regulation.

## 5. What if I have a portable building in a rural area?

*We have a large pool of inspectors who can be dispatched to a remote area much quicker than before. The Division will work with industry on an agreed upon timeframe to obtain installation labels for those portable buildings that are in rural areas.*

## 6. If I have a MHD Dealer's license do I have to hire a licensed serviceperson to install or remove a window A/C unit or change out a ballast or light bulb?

*A Manufactured Housing Division license is not required for this scope of work.*

## 7. Do I have to notify the Division the location of all my portable buildings?

*No, only if requested by the Division would an owner need to divulge the location of a portable building, within 3 business days. This timeframe is necessary when investigating a compliant issue. Depending on the investigative situation, time is often of the essence. Please note: NAC 489.205(2) states that the Division can upon demand, request all records.*

### **NAC 489.205 Determination of compliance. ([NRS 489.231](#), [489.431](#))**

- 1. The Division will conduct routine office surveys, audits and inspections to determine whether licensees are complying with the provisions of this chapter and [chapter 489](#) of NRS.*
- 2. All business records and accounts of a licensee are subject to inspection and audit by the Division or its authorized representatives. Upon demand, a licensee shall provide the Division with all business records, accounts and permission necessary to complete an inspection and audit, including that necessary to inspect and audit funds in any bank or depository.*
- 3. When a complaint is made to the Division the scope of the investigation is not limited to the matters set forth in the complaint but may extend to any act which appears to violate the provisions of this chapter, [chapter 489](#) of NRS or federal laws or regulations.*
- 4. If the Division determines that there is not sufficient evidence to make a prima facie case, it may dismiss the matter without prejudice at any stage of the investigation or proceeding.*
- 5. If the Division is satisfied, after an investigation initiated by a complaint or on its own initiative, that there is sufficient evidence to make a prima facie case, the Division may commence a formal proceeding.*

*[Mfd. Housing Div., Mobile Homes Reg. § 500, eff. 12-20-79]*

## 8. Why are we being required to have inspections now, when we have not been required to do so since October 2011?

*Pursuant to NRS 489.262, the Nevada Legislature mandated that the Division adopt regulations for portable buildings.*

**NRS 489.262 Regulations pertaining to portable buildings.** *The Administrator shall adopt regulations prescribing safety standards for:*

- 1. The construction, transportation, installation and use of a portable building;*
- 2. The inspection of any plumbing, heating, cooling, fuel burning or electrical system contained in a portable building; and*
- 3. The maintenance and repair of a portable building.*

*(Added to NRS by [2011, 1630](#))*

**9. Do we have to have an original drawing for each building?**

*A photo-copy of that type of installation for that particular type of configuration will be accepted and must be affixed inside each building.*

**10. Why do we need a copy in each building if we have a label?**

*If an inspector is in the area and does a random inspection, he needs to determine if the structure is mounted/installed according to the installation method posted in the building.*

**11. Can the building be hard wired if done by a license electrician?**

*Yes, provided it has a mechanism for quick disconnection from the electrical source.*

**12. Why not use this regulation to adopt the IBC 2012 codes?**

*LCB File No. R113-13 will adopt IBC 2012. Until that regulation is passed, IBC 2006 will continue to apply.*

**13. What will be the timeframe for inspections to be done for units that are being rented?**

*The Division will work with the owner to come up with a feasible timeline for structures that are currently in the field being rented or leased. See Exhibit 4.*

**14. What will the status be of the companies that have been constructing and modifying these for years? We need a grandfather clause.**

*Any portable building that was issued a compliance label previous, when the structures were classified as commercial coaches will be acceptable. Thus, the compliance of that particular building will be "grandfathered" in.*

**15. ADA on a portable building is cumbersome.**

*ADA accessibility does not pertain to temporary structure issued for 180 days or less, per IBC 2006. Since it is the Division's understanding that portable buildings are moved frequently, the Division will assume that all portable building installation will be for a period less than 180 days unless otherwise informed by the building owner or licensee.*

**16. Do on-site repairs need a permit?**

*A list of all projects that require a permit can be found on the Division's website. The list of projects applies to all structures the Division has jurisdiction over, which includes portable buildings.*

**17. Explanation for the remodel process.**

*Pursuant to NAC 489.185 (3) (c), if there is any reconstruction or alteration, a new set of plans, inspection and compliance label is required. If there is a significant change in the original configuration from when the compliance label was originally issued.*

**18. How do I obtain an Installation Certificate and Label? What are the mechanics?**

*See Exhibit 4 – Portable Building 2-year Installation Certificate Implementation Plan*

**19. What does “all plans...” relate to in Section 3.2. (a)?**

*Because this section of the proposed regulation pertains only to installation, the “all plans” term is referring to the method of installation plans.*

**20. Please clarify the fees to obtain a Certificate and label for Installation.**

<i>Section 13 (1)(c)-2 year certificate and label of installation</i>	<i>\$50.00</i>
<i>Section 13 (1)(d)-Permit</i>	<i>\$10.00</i>
<i>Section 13 (1)(k)(2)-Inspection for installation only</i>	<i>\$80.00</i>
<i>Section 13 (1)(l)-Re-inspection for installation only</i>	<i>\$80.00</i>
<i>Section 13 (1)(m)-Re-inspection other than for installation</i>	<i>\$80.00</i>

*Yes, existing fees will be charged for inspections outside the 25 miles of the inspector’s station of duty.*

**21. Will we be in violation if a unit is in a remote area and the label has expired before it is returned?**

*If the Certificate of Installation renewal fee has been paid prior to the expiration date, the owner will not be in violation.*

**22. Does the quick connection or disconnection refer to a “knife switch” or similar device, and will that be acceptable?**

*Yes, for the purpose of quick disconnect and connect, a “knife switch” or similar device will be acceptable.*

**23. If existing units already have certifications of compliance/labels of compliance, will they be deemed to have complied with the new regulations?**

*Yes, all existing units, bearing a previously issued Certificate of Compliance and matching label by the Division, will be considered compliant.*

**24. Would the Division consider the “configuration” to be the size of the unit or where the door, window and A/C unit is located?**

*For the purpose of the 2-year installation certificate, “configuration” is the exterior dimension of the building, length x width of each building with the same exterior dimension will be considered as the same “configuration”.*

## Exhibit 3

### Manufactured Housing Division Inspection Cost Comparison for Portable Buildings

March 2014

This cost analysis is using the following business assumptions:

1. 10 different configurations
2. The cost of obtaining plans, specifications or drawings that set forth in detail the method of installation stamped and signed by a licensed professional engineer is \$250
3. Inventory of 100 Portable Buildings
4. Each building is moved 4 times in 2 years
5. The total expense is for a two year period
6. The buildings are located within a 25 miles of the inspector's station of duty

<b>Current regulations for all other structures</b>		<b>Proposed regulations for Portable Buildings Only</b>	
Licensed Professional Engineered plans for method of installation 10 configurations x \$250 =	\$2,500	Licensed Professional Engineered plans for method of installation 10 configurations x \$250 =	\$2,500
Move each building 4 times in 2 yrs 1 inspection = \$80 1 permit = \$10 1 seals \$50  Total cost of 1 inspection per building is \$140  \$140 x 4 (relocations) = \$560		Move each building 4 times in 2 yrs 1 inspection = \$80 1 permit = \$10 1 2-year certificate of installation & matching label = \$50  Total cost for a Certificate of Installation & matching Label per building is \$140  *This is a one-time cost every 2 years, no matter how many times you move the building.	
x 100 buildings =	\$56,000	X 100 buildings =	\$14,000
<b>TOTAL</b>	<b>\$58,500</b>	<b>TOTAL</b>	<b>\$16,500</b>

Reference: NAC 489.360, NAC 489.370 and NAC 489.380

## **Portable Building 2-Year Installation Certificate Implementation Plan**

Completion Timeframe – 240 Days

Upon approval by the Legislative Commission of proposed regulation R009-12;

1. First 90 Days: (approximately May 1, 2014 through July 31, 2014)
  - a. The building owner/licensee, together with a Nevada Certified Engineer will generate stamped engineered plans for the method used for the installation of the Portable Building. Any method approved and stamped by the Nevada Certified Engineer will be acceptable to the Division.
2. Next 60 Days: (approximately August 1, 2014 through September 30, 2014)
  - a. There will be two installation options for the Portable Building owner/licensee;
    - i. If the building owner/licensee chooses to install a portable building and have the Division perform an inspection immediately after the installation and prior to occupancy (traditional approach), then the procedure outlined in the existing Nevada Manufactured Home and Commercial Coach Installation Standards will apply, where as the unit must be installed to drawings approved and stamped by a Nevada Registered Engineer or consistent with the manufacturer's installation requirements for the specific unit which must be provided to the Division prior to the installation inspection;
    - OR,
    - ii. The building owner/licensee will pursue the 2-Year installation certificate/label and must;
      1. Provide a copy of the installation plan for each building configuration/size approved and stamped by a Nevada Registered Engineer and insure a copy for each approved drawing is located inside each building of that configuration,
      2. notify the Division of the location of each Portable Building that they wish to purchase a 2-Year Installation certificate (and matching label) for,
        - a. These locations will include all those buildings planned for service located at the storage location of the building owner/licensee and those that are currently out in the field being leased.
        - b. The building owner licensee will also notate the anticipated expiration date of any portable buildings currently in service allowing for the Division to efficiently schedule the inspection (prior to the next relocation of the building) of the Portable Buildings, issue the certificate and affix the label to the portable building.
3. Next 90 Days: (approximately October 1, 2014 through December 30, 2014)
  - a. The Division will schedule inspections for each building at the location specified, issue the certificate and affix the label to the portable building.
  - b. Any buildings that have been relocated since the first submission of location to the Division will necessitate an update of the location by the building owner/licensee, allowing for the Division to travel to the proper new location where the building is located.

## NEVADA MANUFACTURED HOUSING DIVISION PROJECTS REQUIRING A PERMIT

Project Classification	Type of Project	Base Cost	Additional Cost (each additional 30 minutes of time)
Installation	Installation of Manufactured/Mobile/Modular Home – Single Section	\$160.00	N/A
	Inspection of Manufactured/Mobile/Modular Home – Multi Section	\$240.00	N/A
	Inspection of Commercial Coach (Wet)	\$160.00	N/A
	Inspection of Commercial Coach (Dry)	\$140.00	N/A
	Re-Inspection	\$80.00	N/A
Electrical	Heat Producing Appliances (Install; water heater, etc.) (except cook stove)	\$90.00	\$40.00
	Wiring Repair or Modification** (with dielectric or continuity test)	\$90.00	\$40.00
	Service Feeder Replacement (with dielectric or continuity test)	\$90.00	\$40.00
	Distribution Panel Replacement** (with dielectric or continuity test)	\$90.00	\$40.00
	Conversion of Home** (from gas & electric to all electric home)	\$90.00	\$40.00
Plumbing	Drain/Water System Replacement	\$90.00	\$40.00
Gas System	Heat Producing Appliance Install (except cook stove)	\$90.00	\$40.00
	Low Pressure Manometer Test*** (to re-establish service after interruption)	\$90.00	\$40.00
	Piping Modifications** (with high & low pressure tests)	\$90.00	\$40.00
HVAC	On-Site Heating Unit Replacement	\$90.00	\$40.00
	On-Site AC Unit Install or Replacement	\$90.00	\$40.00
Structural	Remodel**	\$90.00	\$40.00
	Damage Repair** (due to fire, flood, wind, transportation, etc.)	\$90.00	\$40.00
Roofing	Replace 25% or more	\$90.00	\$40.00
	Truss, Sheathing, Sub-Roof, and Shingle**	\$90.00	\$40.00
	Penetrations and Jacks**	\$90.00	\$40.00
	Valley Construction**	\$90.00	\$40.00
	Dormer Construction**	\$90.00	\$40.00
Miscellaneous	Install Solid Fuel Burning Device (i.e. fireplace, wood stove, etc.)	\$90.00	\$40.00
	Accessory Structures Attached to the Home (i.e. carport, awnings, etc.)	\$90.00	\$40.00

\*\*Indicates the inspection requires **approved plans** or a **scope of work**

\*\*\*As required by a local utility company

**Note:** The Division will conduct inspections of Structural Perimeter Foundations ONLY in jurisdictions that do not otherwise conduct inspections of foundations for Manufactured, Modular, or Mobile Homes. All foundations must be designed and stamped by a Nevada Registered Engineer or Architect and approved through Manufactured Housing Division.

If you have any questions about your project, please contact the Division for clarification. Our addresses and phone numbers can be found on our website at: <http://mhd.nv.gov>

## Exhibit 6

### NRS 489.062 “Commercial coach” defined.

“Commercial coach” means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer or portable building.

(Added to NRS by 1977, 1451; A 1979, 1215; [2001, 1726](#); [2011, 1630](#))



## Exhibit 6

### NRS 489.133 “Portable building” defined.

“Portable building” means a structure which:

1. Is at ground level, has no axles and rests on the surface of the ground;
2. Is for nonresidential use;
3. Is not a fixture or improvement to real property;
4. Is designed to be used without a permanent foundation; and
5. Contains an electrical system with a component that allows for the quick connection or disconnection of the electrical system to a source of electricity.

(Added to NRS by [2011, 1629](#))



