

Senate Bill No. 323—Senator Amodei

Joint Sponsor: Assemblywoman Buckley

CHAPTER.....

AN ACT relating to land use planning; requiring that a governing body must include a manufactured home within the definition of a single-family residence in the zoning ordinances of the governing body; requiring a governing body to adopt certain standards with respect to manufactured homes that are not affixed to a lot within a mobile home park; providing the circumstances pursuant to which a manufactured home constitutes real property; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“Mobile home park” has the meaning ascribed to it in NRS 118B.017.*

Sec. 3. 1. *Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of “single-family residence” must include a manufactured home.*

2. *Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:*

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

The governing body of a local government in a county whose population is less than 25,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. *Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.*

4. *The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.*

5. *As used in this section, “manufactured home” has the meaning ascribed to it in NRS 489.113.*

Sec. 4. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 361.035 is hereby amended to read as follows:

361.035 1. “Real estate” or “real property” means:

(a) All houses, buildings, fences, ditches, structures, erections, railroads, toll roads and bridges, or other improvements built or erected upon any land, whether such land is private property or property of ~~the~~ *this* state or of the United States, or of any municipal or other corporation, or of any county, city or town in this state.

(b) Any mobile home, ~~or~~ factory-built housing *or manufactured home* which meets the requirements of NRS 361.244.

(c) The ownership of, or claim to, or possession of, or right of possession to any lands within this state.

(d) The claim by or the possession of any person, firm, corporation, association or company to any land.

2. The property described in subsection 1 must be listed under the head of “real estate.”

3. Except as otherwise provided in NRS 361.2445, when an agreement has been entered into, whether in writing or not, or when there is sufficient reason to believe that an agreement has been entered into, for the dismantling, moving or carrying away or wrecking of the property described in subsection 1, the property must be classified as personal property, and not real estate.

4. For the purposes of this chapter, “real estate” or “real property” does not include leasehold or other possessory interests in land owned by the Federal Government on which land the Federal Government is paying taxes to the State of Nevada or is, pursuant to contractual obligation, paying any sum in lieu of taxes to the State of Nevada.

Sec. 6. NRS 361.244 is hereby amended to read as follows:

361.244 1. A mobile home is eligible to become real property if the running gear is removed and it becomes, on or after July 1, 1979, permanently affixed to land which is owned by the owner of the mobile home.

2. A mobile home becomes real property when the assessor of the county in which the mobile home is located has placed it on the tax roll as real property. The assessor shall not place a mobile home on the tax roll until:

(a) He has received verification from the manufactured housing division of the department of business and industry that there is no security interest in the mobile home or the holders of security interests have agreed in writing to the conversion of the mobile home to real property;

(b) The unsecured personal property tax has been paid in full for the current fiscal year;

(c) An affidavit of conversion of the mobile home from personal to real property has been recorded in the county recorder's office of the county in which the mobile home is located; and

(d) The dealer or owner has delivered to the division a copy of the recorded affidavit of conversion and all documents relating to the mobile home in its former condition as personal property.

3. A mobile home which is converted to real property pursuant to this section shall be deemed to be a fixture and an improvement to the real property to which it is affixed.

4. Factory-built housing, as defined in NRS 461.080, constitutes real property if it becomes, on or after July 1, 1979, permanently affixed to land which is owned by the owner of the factory-built housing.

5. *A manufactured home, as defined in NRS 489.113, constitutes real property if it becomes, on or after January 1, 2000, permanently affixed to land which is owned by the owner of the manufactured home.*

6. For the purposes of this section, "land which is owned" includes land for which the owner has a possessory interest resulting from a life estate, lease or contract for sale.

Sec. 7. NRS 489.288 is hereby amended to read as follows:

489.288 *Except as otherwise provided in section 3 of this act:*

1. A local governing body may adopt ordinances and regulations which, except for ordinances and regulations regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244, are no more stringent than the provisions of this chapter, the regulations adopted pursuant to this chapter and applicable federal statutes and regulations. Compliance with an ordinance or regulation of a local governing body does not excuse any person from compliance with this chapter and the regulations adopted pursuant to this chapter.

2. The provisions of this chapter and the regulations adopted pursuant to this chapter supersede and preempt any ordinance or regulation of a local governing body that is more stringent than those provisions, except for an ordinance or regulation regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244.

Sec. 8. NRS 489.461 is hereby amended to read as follows:

489.461 ~~{Any}~~ *Except as otherwise provided in section 3 of this act, a* manufactured home, mobile home, travel trailer or commercial coach for which a certificate and label of compliance has been issued pursuant to the provisions of this chapter is not required to comply with any local building codes or ordinances prescribing standards for plumbing, heating, electrical systems, body and frame design and construction requirements.

Sec. 9. This act becomes effective on January 1, 2000.

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