

SENATE BILL NO. 323—SENATOR AMODEI

MARCH 5, 1999

JOINT SPONSOR: ASSEMBLYWOMAN BUCKLEY

Referred to Committee on Government Affairs

SUMMARY—Makes various changes regarding manufactured homes. (BDR 22-997)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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

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:

- 1 **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2.** *“Mobile home park” has the meaning ascribed to it in NRS*
- 4 *118B.017.*
- 5 **Sec. 3. 1.** *Except as otherwise provided in this section, in an*
- 6 *ordinance relating to the zoning of land adopted or amended by a*
- 7 *governing body, the definition of “single-family residence” must include*
- 8 *a manufactured home.*
- 9 **2.** *Notwithstanding the provisions of subsection 1, a governing body*
- 10 *shall adopt standards for the placement of a manufactured home that*
- 11 *will not be affixed to a lot within a mobile home park which require that*
- 12 *the manufactured home:*

1 (a) Be composed of more than one section and enclose a space of at
2 least 960 square feet;

3 (b) Be placed on a foundation that complies with the standards for a
4 foundation for a manufactured home as set forth in the Uniform
5 Building Code in the form most recently adopted before January 1, 2000,
6 by the International Conference of Building Officials;

7 (c) Have a roof that is sloped, but the degree of slope is not required to
8 exceed 3 feet in height for each 12 feet in width, unless the governing
9 body determines that local conditions warrant a more restrictive
10 standard;

11 (d) Have exterior siding and roofing which is:

12 (1) Similar in color, material, appearance and age to the exterior
13 siding and roofing commonly used on other residential dwellings in the
14 community in which the manufactured home is located; or

15 (2) Constructed of materials that are comparable to the materials
16 predominantly used for the exterior siding and roofing on residential
17 dwellings in the immediate vicinity of the manufactured home, as
18 determined by the city or county building inspector, appointed pursuant
19 to NRS 278.570, or an employee of the inspector;

20 (e) Have a carport or garage that is attached to or detached from the
21 manufactured home, if a predominant number of other residential
22 dwellings in the immediate vicinity of the manufactured home are
23 equipped with such a carport or garage;

24 (f) Including the lot on which the manufactured home will be affixed,
25 meets any requirement regarding size, architecture or development of
26 real property that would be imposed with respect to a conventional
27 single-family residential dwelling constructed on the same lot; and

28 (g) Be manufactured after January 1, 1996.

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

32 3. Standards adopted by a governing body pursuant to subsection 2
33 must be objective and documented clearly and must not be adopted to
34 discourage or impede the construction or provision of affordable
35 housing.

36 4. The provisions of this section do not abrogate a recorded
37 restrictive covenant.

38 5. As used in this section, "manufactured home" has the meaning
39 ascribed to it in NRS 489.113.

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

41 278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2*
42 *and 3 of this act*, unless the context otherwise requires, the words and

1 terms defined in NRS 278.0105 to 278.0195, inclusive, *and section 2 of*
2 *this act* have the meanings ascribed to them in those sections.

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

4 361.035 1. "Real estate" or "real property" means:

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

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

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

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

16 2. The property described in subsection 1 must be listed under the head
17 of "real estate."

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

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

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

30 361.244 1. A mobile home is eligible to become real property if the
31 running gear is removed and it becomes, on or after July 1, 1979,
32 permanently affixed to land which is owned by the owner of the mobile
33 home.

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

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

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

year;

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

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

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

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

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

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

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

20 489.288 *Except as otherwise provided in section 3 of this act:*

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

30 2. The provisions of this chapter and the regulations adopted pursuant
31 to this chapter supersede and preempt any ordinance or regulation of a local
32 governing body that is more stringent than those provisions, except for an
33 ordinance or regulation regarding any prerequisites to the classification of a
34 manufactured home or mobile home as real property pursuant to NRS
35 361.244.

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

37 489.461 ~~Any~~ *Except as otherwise provided in section 3 of this act, a*
38 *manufactured home, mobile home, travel trailer or commercial coach for*
39 *which a certificate and label of compliance has been issued pursuant to the*
40 *provisions of this chapter is not required to comply with any local building*
41 *codes or ordinances prescribing standards for plumbing, heating, electrical*
42 *systems, body and frame design and construction requirements.*

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

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