

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:

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;

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

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

7 (4) *Consist of more than one section; and*

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

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

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

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

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

33 5. *As used in this section, "manufactured home" has the meaning*
34 *ascribed to it in NRS 489.113.*

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

36 278.010 As used in NRS 278.010 to 278.630, inclusive, **and sections 2**
37 **and 3 of this act**, unless the context otherwise requires, the words and
38 terms defined in NRS 278.0105 to 278.0195, inclusive, **and section 2 of**
39 **this act** have the meanings ascribed to them in those sections.

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

41 361.035 1. "Real estate" or "real property" means:

42 (a) All houses, buildings, fences, ditches, structures, erections, railroads,
43 toll roads and bridges, or other improvements built or erected upon any

1 land, whether such land is private property or property of ~~the~~ **this** state or
2 of the United States, or of any municipal or other corporation, or of any
3 county, city or town in this state.

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

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

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

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

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

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

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

24 361.244 1. A mobile home is eligible to become real property if the
25 running gear is removed and it becomes, on or after July 1, 1979,
26 permanently affixed to land which is owned by the owner of the mobile
27 home.

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

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

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

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

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

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

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

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

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

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

14 489.288 *Except as otherwise provided in section 3 of this act:*

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

24 2. The provisions of this chapter and the regulations adopted pursuant
25 to this chapter supersede and preempt any ordinance or regulation of a local
26 governing body that is more stringent than those provisions, except for an
27 ordinance or regulation regarding any prerequisites to the classification of a
28 manufactured home or mobile home as real property pursuant to NRS
29 361.244.

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

31 489.461 ~~[Any]~~ *Except as otherwise provided in section 3 of this act, a*
32 *manufactured home, mobile home, travel trailer or commercial coach for*
33 *which a certificate and label of compliance has been issued pursuant to the*
34 *provisions of this chapter is not required to comply with any local building*
35 *codes or ordinances prescribing standards for plumbing, heating, electrical*
36 *systems, body and frame design and construction requirements.*

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