

**A.B. 539****ASSEMBLY BILL NO. 539—COMMITTEE ON WAYS AND MEANS****(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)****APRIL 16, 2009****Referred to Committee on Ways and Means**

**SUMMARY—**Transfers the powers and duties of the Manufactured Housing Division of the Department of Business and Industry to the Housing Division of the Department. (BDR 18-1202)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: 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 state government; transferring the powers and duties of the Manufactured Housing Division of the Department of Business and Industry to the Housing Division of the Department; transferring the powers and duties of the Administrator of the Manufactured Housing Division to the Administrator of the Housing Division; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law requires the chief of each division of the Department of Business
- 2 and Industry to administer certain provisions of law relating to his division, subject
- 3 to the administrative supervision of the Director of the Department. (NRS 232.530)
- 4 Existing law requires the Administrator of the Manufactured Housing Division of
- 5 the Department to carry out certain provisions of NRS relating to manufactured
- 6 homes, manufactured home parks, mobile homes and mobile home parks. (NRS
- 7 118B.024, 461A.080, 489.231) Existing law authorizes the Administrator of the
- 8 Manufactured Housing Division to carry out certain provisions of NRS relating to
- 9 manufactured buildings. (NRS 461.250) **Sections 1-31** of this bill transfer the
- 10 powers and duties of the Manufactured Housing Division and its Administrator to
- 11 the Housing Division and its Administrator, respectively.



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

**Section 1.** NRS 232.510 is hereby amended to read as follows:  
232.510 1. The Department of Business and Industry is  
hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Division.

(b) Division of Financial Institutions.

(c) Housing Division.

~~(d) Manufactured Housing Division.~~

~~(e)~~ Real Estate Division.

~~(f)~~ (e) Division of Insurance.

~~(g)~~ (f) Division of Industrial Relations.

~~(h)~~ (g) Office of Labor Commissioner.

~~(i)~~ (h) Taxicab Authority.

~~(j)~~ (i) Nevada Athletic Commission.

~~(k)~~ (j) Office of the Nevada Attorney for Injured Workers.

~~(l)~~ (k) Nevada Transportation Authority.

~~(m)~~ (l) Division of Mortgage Lending.

~~(n)~~ (m) Any other office, commission, board, agency or entity  
created or placed within the Department pursuant to a specific  
statute, the budget approved by the Legislature or an executive  
order, or an entity whose budget or activities have been placed  
within the control of the Department by a specific statute.

**Sec. 2.** NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them,  
of each of the divisions, offices, commissions, boards, agencies or  
other entities of the Department, unless the authority to appoint such  
a chief or executive director, or both of them, is expressly vested in  
another person, board or commission by a specific statute. In  
making the appointments, the Director may obtain lists of qualified  
persons from professional organizations, associations or other  
groups recognized by the Department, if any. The chief of the  
Consumer Affairs Division is the Commissioner of Consumer  
Affairs, the chief of the Division of Financial Institutions is the  
Commissioner of Financial Institutions, the chief of the Housing  
Division is the Administrator of the Housing Division, ~~the chief of  
the Manufactured Housing Division is the Administrator of the  
Manufactured Housing Division.~~ the chief of the Real Estate  
Division is the Real Estate Administrator, the chief of the Division  
of Insurance is the Commissioner of Insurance, the chief of the  
Division of Industrial Relations is the Administrator of the Division  
of Industrial Relations, the chief of the Office of Labor



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1 Commissioner is the Labor Commissioner, the chief of the Taxicab  
2 Authority is the Taxicab Administrator, the chief of the Nevada  
3 Transportation Authority is the Chairman of the Authority, the chief  
4 of the Division of Mortgage Lending is the Commissioner of  
5 Mortgage Lending and the chief of any other entity of the  
6 Department has the title specified by the Director, unless a different  
7 title is specified by a specific statute.

8 2. Is responsible for the administration of all provisions of law  
9 relating to the jurisdiction, duties and functions of all divisions and  
10 other entities within the Department. The Director may, if he deems  
11 it necessary to carry out his administrative responsibilities, be  
12 considered as a member of the staff of any division or other entity of  
13 the Department for the purpose of budget administration or for  
14 carrying out any duty or exercising any power necessary to fulfill  
15 the responsibilities of the Director pursuant to this subsection. This  
16 subsection does not allow the Director to preempt any authority or  
17 jurisdiction granted by statute to any division or other entity within  
18 the Department or to act or take on a function that would contravene  
19 a rule of court or a statute.

20 3. May:

21 (a) Establish uniform policies for the Department, consistent  
22 with the policies and statutory responsibilities and duties of the  
23 divisions and other entities within the Department, relating to  
24 matters concerning budgeting, accounting, planning, program  
25 development, personnel, information services, dispute resolution,  
26 travel, workplace safety, the acceptance of gifts or donations, the  
27 management of records and any other subject for which a uniform  
28 departmental policy is necessary to ensure the efficient operation of  
29 the Department.

30 (b) Provide coordination among the divisions and other entities  
31 within the Department, in a manner which does not encroach upon  
32 their statutory powers and duties, as they adopt and enforce  
33 regulations, execute agreements, purchase goods, services or  
34 equipment, prepare legislative requests and lease or use office space.

35 (c) Define the responsibilities of any person designated to carry  
36 out the duties of the Director relating to financing, industrial  
37 development or business support services.

38 4. May, within the limits of the financial resources made  
39 available to him, promote, participate in the operation of, and create  
40 or cause to be created, any nonprofit corporation, pursuant to  
41 chapter 82 of NRS, which he determines is necessary or convenient  
42 for the exercise of the powers and duties of the Department. The  
43 purposes, powers and operation of the corporation must be  
44 consistent with the purposes, powers and duties of the Department.



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1       5. For any bonds which he is otherwise authorized to issue,  
2 may issue bonds the interest on which is not exempt from federal  
3 income tax or excluded from gross revenue for the purposes of  
4 federal income tax.

5       6. May, except as otherwise provided by specific statute, adopt  
6 by regulation a schedule of fees and deposits to be charged in  
7 connection with the programs administered by him pursuant to  
8 chapters 348A and 349 of NRS. Except as otherwise provided by  
9 specific statute, the amount of any such fee or deposit must not  
10 exceed 2 percent of the principal amount of the financing.

11       7. May designate any person within the Department to perform  
12 any of the duties or responsibilities, or exercise any of the authority,  
13 of the Director on his behalf.

14       8. May negotiate and execute agreements with public or private  
15 entities which are necessary to the exercise of the powers and duties  
16 of the Director or the Department.

17       9. May establish a trust account in the State Treasury for  
18 depositing and accounting for money that is held in escrow or is on  
19 deposit with the Department for the payment of any direct expenses  
20 incurred by the Director in connection with any bond programs  
21 administered by the Director. The interest and income earned on  
22 money in the trust account, less any amount deducted to pay for  
23 applicable charges, must be credited to the trust account. Any  
24 balance remaining in the account at the end of a fiscal year may be:

25       (a) Carried forward to the next fiscal year for use in covering the  
26 expense for which it was originally received; or

27       (b) Returned to any person entitled thereto in accordance with  
28 agreements or regulations of the Director relating to those bond  
29 programs.

30       **Sec. 3.** NRS 108.2679 is hereby amended to read as follows:

31       108.2679 "Registered owner" means:

32       1. A person whose name appears in the files of the  
33 ~~[Manufactured]~~ Housing Division of the Department of Business  
34 and Industry as the person to whom the mobile home or  
35 manufactured home is registered, but does not include:

36       (a) A creditor who holds title to the mobile home or  
37 manufactured home; or

38       (b) The owner or holder of a lien encumbering the mobile home  
39 or manufactured home.

40       2. A person whose name appears in the files of the Department  
41 of Motor Vehicles as the person to whom the vehicle is registered.

42       **Sec. 4.** NRS 108.272 is hereby amended to read as follows:

43       108.272 1. Except as otherwise provided in subsection 2, the  
44 notice of a lien must be given by delivery in person or by registered



1 or certified letter addressed to the last known place of business or  
2 abode of:

3 (a) The legal owner and registered owner of the property.

4 (b) Each person who holds a security interest in the property.

5 (c) If the lien is on a mobile home or manufactured home, each  
6 person who is listed in the records of the [Manufactured] Housing  
7 Division of the Department of Business and Industry as holding an  
8 ownership or other interest in the home.

9 ➔ If no address is known, the notice must be addressed to that  
10 person at the place where the lien claimant has his place of business.

11 2. Any person who claims a lien on aircraft, aircraft equipment  
12 or parts shall:

13 (a) Within 120 days after he furnishes supplies or services; or

14 (b) Within 7 days after he receives an order to release the  
15 property,

16 ➔ whichever time is less, serve the legal owner by mailing a copy  
17 of the notice of the lien to his last known address, or if no address is  
18 known, by leaving a copy with the clerk of the court in the county  
19 where the notice is filed.

20 3. The notice must contain:

21 (a) An itemized statement of the claim, showing the sum due at  
22 the time of the notice and the date when it became due.

23 (b) A brief description of the motor vehicle, airplane,  
24 motorcycle, motor or airplane equipment, trailer, recreational  
25 vehicle, mobile home or manufactured home against which the lien  
26 exists.

27 (c) A demand that the amount of the claim as stated in the  
28 notice, and of any further claim as may accrue, must be paid on or  
29 before a day mentioned.

30 (d) A statement that unless the claim is paid within the time  
31 specified the motor vehicle, aircraft, motorcycle, motor or aircraft  
32 equipment, trailer, recreational vehicle, mobile home or  
33 manufactured home will be advertised for sale, and sold by auction  
34 at a specified time and place.

35 4. The lienholder shall determine a day for the purposes of the  
36 demand in paragraph (c) of subsection 3. The day mentioned must  
37 be:

38 (a) Not less than 10 days after the delivery of the notice if it is  
39 personally delivered; or

40 (b) Not less than 10 days after the time when the notice should  
41 reach its destination, according to the due course of post, if the  
42 notice is sent by mail.

43 **Sec. 5.** NRS 108.273 is hereby amended to read as follows:

44 108.273 1. The [Manufactured] Housing Division of the  
45 Department of Business and Industry shall provide a notice of lien



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1 on a mobile home or manufactured home and a notice of a sale by  
2 auction of a mobile home or manufactured home that complies with  
3 the requirements of NRS 108.270 to 108.367, inclusive.

4 2. A notice of lien on a mobile home or manufactured home or  
5 a notice of a sale by auction of a mobile home or manufactured  
6 home must be made on a form provided by the ~~Manufactured~~  
7 Housing Division of the Department of Business and Industry.

8 **Sec. 6.** NRS 108.2735 is hereby amended to read as follows:

9 108.2735 A lien asserted against a mobile home or  
10 manufactured home expires 1 year after it is filed with the  
11 ~~Manufactured~~ Housing Division of the Department of Business  
12 and Industry.

13 **Sec. 7.** NRS 108.310 is hereby amended to read as follows:

14 108.310 Subject to the provisions of NRS 108.315, the lien  
15 created in NRS 108.270 to 108.367, inclusive, may be satisfied as  
16 follows:

17 1. The lien claimant shall give written notice to the person on  
18 whose account the storing, maintaining, keeping, repairing, labor,  
19 fuel, supplies, facilities, services or accessories were made, done or  
20 given, and to any other person known to have or to claim an interest  
21 in the motor vehicle, aircraft, motorcycle, motor or aircraft  
22 equipment, aircraft parts, trailer, recreational vehicle, mobile home  
23 or manufactured home, upon which the lien is asserted, and to the:

24 (a) ~~Manufactured~~ Housing Division of the Department of  
25 Business and Industry with regard to mobile homes, manufactured  
26 homes and commercial coaches as defined in chapter 489 of NRS;  
27 or

28 (b) Department of Motor Vehicles with regard to all other items  
29 included in this section.

30 2. In accordance with the terms of a notice so given, a sale by  
31 auction may be held to satisfy any valid claim which has become a  
32 lien on the motor vehicle, aircraft, motorcycle, motor or aircraft  
33 equipment, aircraft parts, trailer, recreational vehicle, mobile home  
34 or manufactured home. The sale must be held in the place where the  
35 lien was acquired or, if that place is manifestly unsuitable for the  
36 purpose, at the nearest suitable place.

37 3. After the time for the payment of the claim specified in the  
38 notice has elapsed, an advertisement of the sale, describing the  
39 motor vehicle, aircraft, motorcycle, motor or aircraft equipment,  
40 aircraft parts, trailer, recreational vehicle, mobile home or  
41 manufactured home to be sold, and stating the name of the owner or  
42 person on whose account it is held, and the time and place of the  
43 sale, must be published once a week for 3 consecutive weeks in a  
44 newspaper published in the place where the sale is to be held, but if  
45 no newspaper is published in that place, then in a newspaper



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published in this State that has a general circulation in that place. The sale must not be held less than 22 days after the time of the first publication.

4. From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom he would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

**Sec. 8.** NRS 108.315 is hereby amended to read as follows:

108.315 1. Any landlord who desires to enforce a lien for unpaid rent or rent and utilities under the provisions of NRS 108.270 to 108.367, inclusive, must within 15 days after the rent is 30 days past due, make a demand in writing upon the registered owner of the recreational vehicle, mobile home or manufactured home, for the amount due, stating that a lien is claimed on the recreational vehicle, mobile home or manufactured home. A copy of the demand must be sent to every holder of a security interest and every person who is listed in the records of the ~~Manufactured~~ Housing Division of the Department of Business and Industry as holding an ownership or other interest in, and every tenant or subtenant of, the recreational vehicle, mobile home or manufactured home, and to the:

(a) ~~Manufactured~~ Housing Division, ~~of the Department of Business and Industry,~~ with regard to mobile homes and manufactured homes; or

(b) Department of Motor Vehicles, with regard to recreational vehicles,

↳ by registered or certified mail.

2. To obtain the name and address of a holder of a security interest or a person who is listed in the records of the ~~Manufactured~~ Housing Division ~~of the Department of Business and Industry~~ as holding an ownership or other interest in the recreational vehicle, mobile home or manufactured home, the landlord shall, before making the demand for payment, request that information from the:

(a) ~~Manufactured~~ Housing Division, ~~of the Department of Business and Industry,~~ with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles, with regard to all other vehicles,



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1    ➡ and the state agency shall supply that information from its  
2 records. If the recreational vehicle, mobile home or manufactured  
3 home is registered in another state, territory or country, the landlord  
4 shall, before making the demand for payment, obtain the  
5 information from the appropriate agency of that state, territory or  
6 country.

7    3. A landlord who enforces a lien for unpaid rent may recover  
8 an amount equal to:

9    (a) The amount of the unpaid rent;

10    (b) The cost of any advertising and notices required pursuant to  
11 NRS 108.270 to 108.367, inclusive;

12    (c) The cost and fees ordered by a court in any action contesting  
13 the validity of a lien; and

14    (d) The cost of a sale, if a sale by auction is made pursuant to  
15 the provisions of NRS 108.310.

16    4. No recreational vehicle, mobile home or manufactured home  
17 may be sold for delinquent rent or rent and utilities until 4 months  
18 have elapsed after the first default in payment, and a notice of lien  
19 has been served pursuant to subsection 1. At least 10 days but not  
20 more than 30 days before a sale, a written notice of sale by auction  
21 must be sent to the registered owner and tenant or subtenant and to  
22 every holder of a security interest and every person who is listed in  
23 the records of the ~~Manufactured~~ Housing Division ~~of the~~  
24 ~~Department of Business and Industry~~ as holding an ownership or  
25 other interest in the recreational vehicle, mobile home or  
26 manufactured home by registered or certified mail stating that a sale  
27 by auction of the recreational vehicle, mobile home or manufactured  
28 home is to be made pursuant to the provisions of NRS 108.310. The  
29 written notice of sale by auction must include the time and location  
30 of the sale, the amount necessary to satisfy the lien and a description  
31 of the legal proceeding available to contest the lien pursuant to NRS  
32 108.350 and 108.355.

33    **Sec. 9.** NRS 108.355 is hereby amended to read as follows:

34    108.355 1. A person contesting the validity of a lien on a  
35 mobile home or manufactured home may file a notice of opposition  
36 to the lien in the Justice Court in whose jurisdiction the mobile  
37 home or manufactured home is located. The notice of opposition  
38 must be filed within 5 days after the person filing the notice receives  
39 the notice of sale by auction, must be made on a form provided  
40 by the clerk of the Justice Court and must include the facts  
41 supporting the notice. The person filing the notice shall serve  
42 certified copies of it upon the lien claimant and the ~~Manufactured~~  
43 Housing Division of the Department of Business and Industry.

44    2. Upon the filing of the notice of opposition to the lien, the  
45 justice of the peace shall schedule a hearing on the notice, which





1 must be held as soon as practicable but not sooner than 5 days after  
2 service of the notice. The justice of the peace shall affix the date of  
3 the hearing to the notice and order that a copy be served upon the  
4 lien claimant within 5 days after the date of the order.

5 3. The justice of the peace shall either dismiss the objections to  
6 the lien claim, declare the lien invalid or declare the amount of the  
7 lien if it is different from that described by the lien claimant.

8 4. After receipt of a notice of opposition to a lien or other  
9 notice pursuant to any proceeding to contest the validity of a lien,  
10 the [Manufactured] Housing Division of the Department of Business  
11 and Industry shall not transfer the title to the mobile home or  
12 manufactured home that is the subject of the lien until the matter has  
13 been adjudicated.

14 **Sec. 10.** NRS 118B.012 is hereby amended to read as follows:

15 118B.012 "Division" means the [Manufactured] Housing  
16 Division of the Department of Business and Industry.

17 **Sec. 11.** NRS 118B.070 is hereby amended to read as follows:

18 118B.070 1. The landlord shall deliver to:

19 (a) Each new tenant a copy of the current text of the provisions  
20 of this chapter with the rental agreement at the time the tenant signs  
21 the agreement.

22 (b) Each tenant a copy of each provision of this chapter which is  
23 added, amended or repealed within 180 days after the provision  
24 becomes effective.

25 2. When the landlord provides a tenant with a copy of any  
26 provision of this chapter pursuant to subsection 1, the copy must  
27 contain a legible and typewritten statement that contains the  
28 following contact information regarding the Division in  
29 substantially the following form:

30  
31 **TENANTS OF MANUFACTURED HOME PARKS ARE**  
32 **ENTITLED TO CERTAIN RIGHTS UNDER**  
33 **NEVADA REVISED STATUTES**  
34

35 To obtain information regarding your rights as a tenant  
36 under Nevada Revised Statutes, you may contact the  
37 [Manufactured] Housing Division of the Department of  
38 Business and Industry as follows:  
39

40 ***SOUTHERN NEVADA:***

41 (The address of the Division in Southern Nevada)

42 (The local telephone number of the Division in Southern Nevada)



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***NORTHERN NEVADA:***

(The address of the Division in Northern Nevada)

(The local telephone number of the Division in Northern Nevada)

***INTERNET:***

(The Internet address of the Division)

**Sec. 12.** NRS 118B.071 is hereby amended to read as follows:

118B.071 1. The landlord of a manufactured home park shall post in a conspicuous and readily accessible place in the community or recreational facility in the manufactured home park, at or near the entrance of the manufactured home park or in another common area in the manufactured home park, a legible and typewritten sign that contains the following contact information regarding the Division in substantially the following form:

**TENANTS OF MANUFACTURED HOME PARKS ARE  
ENTITLED TO CERTAIN RIGHTS UNDER  
NEVADA REVISED STATUTES**

To obtain information regarding your rights as a tenant under Nevada Revised Statutes, you may contact the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry as follows:

***SOUTHERN NEVADA:***

(The address of the Division in Southern Nevada)

(The local telephone number of the Division in Southern Nevada)

***NORTHERN NEVADA:***

(The address of the Division in Northern Nevada)

(The local telephone number of the Division in Northern Nevada)

***INTERNET:***

(The Internet address of the Division)

2. The Division shall notify each landlord if any of the contact information regarding the Division changes. Not later than 30 days after receiving such a notice from the Division, the landlord shall replace the existing sign with a new sign that contains the new contact information regarding the Division.

**Sec. 13.** NRS 171.17751 is hereby amended to read as follows:

171.17751 1. Any board of county commissioners or governing body of a city may designate the chief officer of the organized fire department or any employees designated by him, and



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1 certain of its inspectors of solid waste management, building,  
2 housing and licensing inspectors, zoning enforcement officers,  
3 parking enforcement officers, animal control officers, traffic  
4 engineers, marshals and park rangers of units of specialized law  
5 enforcement established pursuant to NRS 280.125, and other  
6 persons charged with the enforcement of county or city ordinances,  
7 to prepare, sign and serve written citations on persons accused of  
8 violating a county or city ordinance.

9 2. The State Health Officer and the health officer of each  
10 county, district and city may designate certain of his employees to  
11 prepare, sign and serve written citations on persons accused of  
12 violating any law, ordinance or regulation of a board of health that  
13 relates to public health.

14 3. The ~~Chief~~ **Administrator** of the ~~Manufactured~~ Housing  
15 Division of the Department of Business and Industry may designate  
16 certain of his employees to prepare, sign and serve written citations  
17 on persons accused of violating any law or regulation of the  
18 Division relating to the provisions of chapters 118B, 461, 461A and  
19 489 of NRS.

20 4. The State Contractors' Board may designate certain of its  
21 employees to prepare, sign and serve written citations on persons  
22 pursuant to subsection 2 of NRS 624.115.

23 5. An employee designated pursuant to this section:

24 (a) May exercise the authority to prepare, sign and serve  
25 citations only within the field of enforcement in which he works;

26 (b) May, if he is employed by a city or county, prepare, sign and  
27 serve a citation only to enforce an ordinance of the city or county by  
28 which he is employed; and

29 (c) Shall comply with the provisions of NRS 171.1773.

30 **Sec. 14.** NRS 278.02095 is hereby amended to read as  
31 follows:

32 278.02095 1. Except as otherwise provided in this section, in  
33 an ordinance relating to the zoning of land adopted or amended by a  
34 governing body, the definition of "single-family residence" must  
35 include a manufactured home.

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

40 (a) The manufactured home:

41 (1) Be permanently affixed to a residential lot;

42 (2) Be manufactured within the 6 years immediately  
43 preceding the date on which it is affixed to the residential lot;

44 (3) Have exterior siding and roofing which is similar in  
45 color, material and appearance to the exterior siding and roofing



1 primarily used on other single-family residential dwellings in the  
2 immediate vicinity of the manufactured home, as established by the  
3 governing body;

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

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

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

14 ➡ The governing body of a local government in a county whose  
15 population is less than 40,000 may adopt standards that are less  
16 restrictive than the standards set forth in this subsection.

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

22 4. Before a building department issues a permit to place a  
23 manufactured home on a lot pursuant to this section, other than a  
24 new manufactured home, the owner must surrender the certificate of  
25 ownership to the ~~Manufactured~~ Housing Division of the  
26 Department of Business and Industry. The *Housing* Division shall  
27 provide proof of such a surrender to the owner who must submit that  
28 proof to the building department.

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

38 6. As used in this section:

39 (a) "Manufactured home" has the meaning ascribed to it in  
40 NRS 489.113.

41 (b) "New manufactured home" has the meaning ascribed to it in  
42 NRS 489.125.



**Sec. 15.** NRS 361.244 is hereby amended to read as follows:

361.244 1. A mobile or manufactured home is eligible to become real property if it becomes permanently affixed to land which is:

(a) Owned by the owner of the mobile or manufactured home; or

(b) Leased by the owner of the mobile or manufactured home if the home is being financed in accordance with the guidelines of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the United States Department of Agriculture, or any other entity that requires as part of its financing program restrictions on ownership and actions affecting title and possession similar to those required by the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association and the United States Department of Agriculture.

2. A mobile or manufactured home becomes real property when the assessor of the county in which the mobile or manufactured home is located has placed it on the tax roll as real property. Except as otherwise provided in subsection 5, the assessor shall not place a mobile or manufactured home on the tax roll until:

(a) He has received verification from the ~~Manufactured~~ Housing Division of the Department of Business and Industry that the mobile or manufactured home has been converted 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 or manufactured home from personal to real property has been recorded in the county recorder's office of the county in which the mobile or manufactured home is located; and

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

3. A mobile or manufactured 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:

(a) Owned by the owner of the factory-built housing; or

(b) Leased by the owner of the factory-built housing if the factory-built housing is being financed in accordance with the guidelines of the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the United States Department of Agriculture, or any other entity that requires as part



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1 of its financing program restrictions on ownership and actions  
2 affecting title and possession similar to those required by the  
3 Federal Home Loan Mortgage Corporation, the Federal National  
4 Mortgage Association and the United States Department of  
5 Agriculture.

6 5. The assessor of the county in which a manufactured home is  
7 located shall, without regard to the conditions set forth in subsection  
8 2, place the manufactured home on the tax roll as real property if, on  
9 or after July 1, 2001, the manufactured home is permanently affixed  
10 to a residential lot pursuant to an ordinance required by  
11 NRS 278.02095.

12 6. The provisions of subsection 5 do not apply to a  
13 manufactured home located in:

14 (a) An area designated by local ordinance for the placement of a  
15 manufactured home without conversion to real property;

16 (b) A mobile home park; or

17 (c) Any other area to which the provisions of NRS 278.02095 do  
18 not apply.

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

22 **Sec. 16.** NRS 361.2445 is hereby amended to read as follows:

23 361.2445 1. A mobile or manufactured home which has been  
24 converted to real property pursuant to NRS 361.244 may not be  
25 removed from the real property to which it is affixed unless, at least  
26 30 days before removing the mobile or manufactured home:

27 (a) The owner:

28 (1) Files with the Division an affidavit stating that the sole  
29 purpose for converting the mobile or manufactured home from real  
30 to personal property is to effect a transfer of the title to the mobile or  
31 manufactured home;

32 (2) Files with the Division the affidavit of consent to the  
33 removal of the mobile or manufactured home of each person who  
34 holds any legal interest in the real property to which the mobile or  
35 manufactured home is affixed; and

36 (3) Gives written notice to the county assessor of the county  
37 in which the real property is situated; and

38 (b) The county assessor certifies in writing that all taxes for the  
39 fiscal year on the mobile or manufactured home and the real  
40 property to which the mobile or manufactured home is affixed have  
41 been paid.

42 2. The county assessor shall not remove a mobile or  
43 manufactured home from the tax rolls until:

44 (a) He has received verification that there is no security interest  
45 in the mobile or manufactured home or the holders of security



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1 interests have agreed in writing to the conversion of the mobile or  
2 manufactured home to personal property; and

3 (b) An affidavit of conversion of the mobile or manufactured  
4 home from real to personal property has been recorded in the county  
5 recorder's office of the county in which the real property to which  
6 the mobile or manufactured home was affixed is situated.

7 3. A mobile or manufactured home which is physically  
8 removed from real property pursuant to this section shall be deemed  
9 to be personal property immediately upon its removal.

10 4. The Department shall adopt:

11 (a) Such regulations as are necessary to carry out the provisions  
12 of this section; and

13 (b) A standard form for the affidavits required by this section.

14 5. Before the owner of a mobile or manufactured home that has  
15 been converted to personal property pursuant to this section may  
16 transfer ownership of the mobile or manufactured home, he must  
17 obtain a certificate of ownership from the Division.

18 6. For the purposes of this section, the removal of a mobile or  
19 manufactured home from real property includes the detachment of  
20 the mobile or manufactured home from its foundation, other than  
21 temporarily for the purpose of making repairs or improvements to  
22 the mobile or manufactured home or the foundation.

23 7. An owner who physically removes a mobile or  
24 manufactured home from real property in violation of this section is  
25 liable for all legal costs and fees, plus the actual expenses, incurred  
26 by a person who holds any interest in the real property to restore the  
27 real property to its former condition. Any judgment obtained  
28 pursuant to this section may be recorded as a lien upon the mobile or  
29 manufactured home so removed.

30 8. As used in this section:

31 (a) "Division" means the ~~Manufactured~~ Housing Division of  
32 the Department of Business and Industry.

33 (b) "Owner" means any person who holds an interest in the  
34 mobile or manufactured home or the real property to which the  
35 mobile or manufactured home is affixed evidenced by a conveyance  
36 or other instrument which transfers that interest to him and is  
37 recorded in the office of the county recorder of the county in which  
38 the mobile or manufactured home and real property are situated, but  
39 does not include the owner or holder of a right-of-way, easement or  
40 subsurface property right appurtenant to the real property.

41 **Sec. 17.** NRS 372.383 is hereby amended to read as follows:

42 372.383 1. If a certificate of ownership has been issued for a  
43 used manufactured home or used mobile home by the Department of  
44 Motor Vehicles or the ~~Manufactured~~ Housing Division of the  
45 Department of Business and Industry, it is presumed that the taxes



1 imposed by this chapter have been paid with respect to that  
2 manufactured home or mobile home.

3 2. As used in this section, “manufactured home” and “mobile  
4 home” have the meanings ascribed to them in NRS 372.316.

5 **Sec. 18.** NRS 374.388 is hereby amended to read as follows:

6 374.388 1. If a certificate of ownership has been issued for a  
7 used manufactured home or used mobile home by the Department of  
8 Motor Vehicles or the ~~[Manufactured]~~ Housing Division of the  
9 Department of Business and Industry, it is presumed that the taxes  
10 imposed by this chapter have been paid with respect to that  
11 manufactured home or mobile home.

12 2. As used in this section, “manufactured home” and “mobile  
13 home” have the meanings ascribed to them in NRS 374.321.

14 **Sec. 19.** Chapter 461 of NRS is hereby amended by adding  
15 thereto a new section to read as follows:

16 *“Administrator” means the Administrator of the Division.*

17 **Sec. 20.** NRS 461.040 is hereby amended to read as follows:

18 461.040 As used in this chapter, unless the context otherwise  
19 requires, the words and terms defined in NRS 461.050 to 461.160,  
20 inclusive, *and section 19 of this act* have the meanings ascribed to  
21 them in ~~[such]~~ *those* sections.

22 **Sec. 21.** NRS 461.065 is hereby amended to read as follows:

23 461.065 “Division” means the ~~[Manufactured]~~ Housing  
24 Division of the Department of Business and Industry.

25 **Sec. 22.** NRS 461.250 is hereby amended to read as follows:

26 461.250 1. The Administrator ~~[of the Division]~~ or any person  
27 authorized by him may institute any appropriate action to enforce  
28 this chapter, or to prevent, restrain, correct or abate any violation of  
29 this chapter.

30 2. In order properly to carry out the provisions of this chapter,  
31 the Administrator ~~[of the Division]~~ or any person authorized by him  
32 may:

- 33 (a) Conduct hearings;  
34 (b) Issue subpoenas; and  
35 (c) Administer oaths.

36 **Sec. 23.** NRS 461.260 is hereby amended to read as follows:

37 461.260 1. In a county whose population is 400,000 or more,  
38 local enforcement agencies shall enforce and inspect the installation  
39 of factory-built housing and manufactured buildings.

40 2. In a county whose population is less than 400,000, local  
41 enforcement agencies may enforce and inspect the installation of  
42 factory-built housing and manufactured buildings. If a local  
43 enforcement agency fails or refuses to enforce and inspect the  
44 installation of any factory-built housing or manufactured building in





1 its jurisdiction within 10 days after receipt of a request to inspect the  
2 installation, the Division shall enforce and inspect the installation.

3 3. Local use zone requirements, local fire zones, building  
4 setback, side and rear yard requirements, site development and  
5 property line requirements, as well as the review and regulation of  
6 architectural and aesthetic requirements are hereby specifically and  
7 entirely reserved to local jurisdictions notwithstanding any other  
8 requirement of this chapter.

9 4. If, upon a final inspection conducted pursuant to subsection  
10 2, the Division determines that the factory-built housing or  
11 manufactured building meets all requirements established for the  
12 installation of the factory-built housing or manufactured building  
13 and all applicable requirements described in subsection 3, the  
14 Division shall issue a certificate of occupancy for the factory-built  
15 housing or manufactured building. The Division may adopt such  
16 regulations as it determines necessary to carry out its duties pursuant  
17 to this section. The regulations may establish fees for inspections  
18 and the issuance of certificates of occupancy.

19 5. A local government authority may inspect Nevada  
20 manufacturers of factory-built housing or manufactured buildings to  
21 ensure compliance with all the provisions of NRS 461.170. Before  
22 conducting an initial inspection of any such manufacturer, a local  
23 government authority must give 10 days' written notice to the  
24 Administrator . ~~of the Division.~~ The local government authority is  
25 not required to give notice to the Administrator before conducting  
26 subsequent inspections of the manufacturer.

27 **Sec. 24.** NRS 461A.020 is hereby amended to read as follows:

28 461A.020 "Administrator" means the ~~chief~~ *Administrator* of  
29 the ~~Manufactured~~ Housing Division.

30 **Sec. 25.** NRS 461A.040 is hereby amended to read as follows:

31 461A.040 "Division" means the ~~Manufactured~~ Housing  
32 Division of the Department of Business and Industry.

33 **Sec. 26.** NRS 487.007 is hereby amended to read as follows:

34 487.007 As used in this chapter, the term "state agency"  
35 means:

36 1. The ~~Manufactured~~ Housing Division of the Department of  
37 Business and Industry with regard to mobile homes and commercial  
38 coaches.

39 2. The Department of Motor Vehicles with regard to all other  
40 vehicles subject to registration under the laws of this State.

41 **Sec. 27.** NRS 487.100 is hereby amended to read as follows:

42 487.100 1. Except as otherwise provided in subsection 2, any  
43 automobile wrecker purchasing from any person other than a  
44 licensed operator of a salvage pool any vehicle subject to  
45 registration pursuant to the laws of this State shall forward to the



1 Department the certificates of title and registration last issued  
2 therefor.

3 2. The certificate of ownership last issued for a mobile home or  
4 commercial coach must be sent by the wrecker to the  
5 ~~[Manufactured]~~ Housing Division of the Department of Business  
6 and Industry.

7 **Sec. 28.** NRS 487.230 is hereby amended to read as follows:

8 487.230 1. Except as otherwise provided in NRS 487.235,  
9 any sheriff or his designee, constable, member of the Nevada  
10 Highway Patrol, officer of the Legislative Police, investigator of the  
11 Division of Compliance Enforcement of the Department, personnel  
12 of the Capitol Police Division of the Department of Public Safety,  
13 designated employees of the ~~[Manufactured]~~ Housing Division of  
14 the Department of Business and Industry, special investigator  
15 employed by the office of a district attorney, marshal or policeman  
16 of a city or town or his designee, a marshal or park ranger who is  
17 part of a unit of specialized law enforcement established pursuant to  
18 NRS 280.125, or any other person charged with the enforcement of  
19 county or city ordinances who has reason to believe that a vehicle  
20 has been abandoned on public property in his jurisdiction may  
21 remove the vehicle from that property or cause the vehicle to be  
22 removed from that property. At the request of the owner or person in  
23 possession or control of private property who has reason to believe  
24 that a vehicle has been abandoned on his property, the vehicle may  
25 be removed by the operator of a tow car or an automobile wrecker  
26 from that private property.

27 2. A person who authorizes the removal of an abandoned  
28 vehicle pursuant to subsection 1 shall:

29 (a) Have the vehicle taken to the nearest garage or other place  
30 designated for storage by:

31 (1) The state agency or political subdivision making the  
32 request if the vehicle is removed from public property.

33 (2) The owner or person in possession or control of the  
34 property if the vehicle is removed from private property.

35 (b) Make all practical inquiries to ascertain if the vehicle is  
36 stolen by checking the license plate number, vehicle identification  
37 number and other available information which will aid in identifying  
38 the registered and legal owner of the vehicle and supply the  
39 information to the person who is storing the vehicle.

40 **Sec. 29.** NRS 489.036 is hereby amended to read as follows:

41 489.036 "Administrator" means the ~~[Chief]~~ *Administrator* of  
42 the ~~[Manufactured]~~ Housing Division.

43 **Sec. 30.** NRS 489.091 is hereby amended to read as follows:

44 489.091 "Division" means the ~~[Manufactured]~~ Housing  
45 Division of the Department of Business and Industry.



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**Sec. 31.** NRS 704.920 is hereby amended to read as follows:

704.920 1. The provisions of NRS 704.920 to 704.960, inclusive, apply to company towns, utilities and alternative sellers which provide utility services to company towns, and persons who own and operate company towns.

2. The Commission shall require a public utility or an alternative seller, as appropriate, which provides utility services to a mobile home park or to a company town, or an independent person who is qualified, to conduct examinations to examine and test the lines and equipment for distributing electricity and gas within the park or town at the request of the ~~Manufactured~~ Housing Division of the Department of Business and Industry or a city or county which has responsibility for the enforcement of the provisions of chapter 461A of NRS. The utility or alternative seller, the person selected to conduct the examination and the Commission may enter a mobile home park or company town at reasonable times to examine and test the lines and equipment, whether or not they are owned by a utility or an alternative seller.

3. The utility or alternative seller, as appropriate, or the person selected to conduct the examination, shall conduct the examination and testing to determine whether any line or equipment is unsafe for service under the safety standards adopted by the Commission for the maintenance, use and operation of lines and equipment for distributing electricity and gas, and shall report the results of the examination and testing to the Commission.

4. The owner of the mobile home park or company town shall pay for the costs of the examination and testing.

5. If the landlord of a mobile home park or owner of a company town refuses to allow the examination and testing to be made as provided in this section, the Commission shall deem the unexamined lines and equipment to be unsafe for service.

6. If the Commission finds:

(a) Or deems any lines or equipment within a mobile home park or company town to be unsafe for service, it shall take appropriate action to protect the safety of the residents of the park or town.

(b) Such lines or equipment to be unsafe for service or otherwise not in compliance with its safety standards, it may, after a hearing, order the landlord or owner to repair or replace such lines and equipment. For this purpose, the landlord or owner may expend some or all of the money in his account for service charges for utilities, which he is required to keep under NRS 704.940.

**Sec. 32.** 1. Any regulation adopted by the Manufactured Housing Division of the Department of Business and Industry or the Administrator of the Manufactured Housing Division before July 1, 2009:



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1 (a) Remains in force until repealed or replaced by the Housing  
2 Division of the Department or the Administrator of the Housing  
3 Division, respectively; and

4 (b) May be enforced by the Housing Division or the  
5 Administrator of the Housing Division, respectively.

6 2. Any contract or other agreement entered into by the  
7 Manufactured Housing Division or the Administrator of the  
8 Manufactured Housing Division is binding upon the Housing  
9 Division or the Administrator of the Housing Division, respectively.  
10 Any such contract or other agreement may be enforced by the  
11 Housing Division or the Administrator of the Housing Division,  
12 respectively.

13 3. Any license, permit, certificate, notice of violation or order  
14 issued by the Manufactured Housing Division or the Administrator  
15 of the Manufactured Housing Division shall be deemed to have been  
16 issued by the Housing Division or the Administrator of the Housing  
17 Division, respectively.

18 **Sec. 33.** The Manufactured Housing Division of the  
19 Department of Business and Industry and the Administrator of the  
20 Manufactured Housing Division shall cooperate fully and take all  
21 reasonable steps before July 1, 2009, to ensure that the provisions of  
22 this act are carried out in an orderly fashion.

23 **Sec. 34.** This act becomes effective on July 1, 2009.

