

Amendment No. 925

Senate Amendment to Senate Bill No. 500	(BDR 18-909)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	
Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 500 (§ 46).	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

JFD/EGO



Date: 5/28/2017

S.B. No. 500—Revises provisions relating to the Housing Division of the Department of Business and Industry. (BDR 18-909)



SENATE BILL NO. 500—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2017

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the Housing Division of the Department of Business and Industry. (BDR 18-909)

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

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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; consolidating the Manufactured Housing Division of the Department of Business and Industry within the Housing Division of the Department; creating the Account for Housing Inspection and Compliance within the Housing Division; revising provisions governing the Account for Low-Income Housing; creating the position of Housing Advocate within the Housing Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Housing Division and the Manufactured Housing Division as divisions within the Department of Business and Industry. (NRS 232.510) The Director of the Department is required to appoint an Administrator of the Housing Division and an Administrator of the Manufactured Housing Division to serve as chiefs of each respective division. (NRS 232.520) **Sections 1, 2, 12, 13, 44 and 45** of this bill remove provisions of existing law referencing the Manufactured Housing Division and consolidate the functions of the Manufactured Housing Division under the Housing Division of the Department. **Sections 3-9, 14, 15, 21, 22, 29-33, 35, 36, 39, 41, 44, 45 and 53** of this bill make conforming changes.

~~Existing law requires each owner of a manufactured home park to pay to the Manufactured Housing Division an annual fee that must not exceed \$5 for each lot within that park. (NRS 118B.185) Section 17 of this bill instead requires each owner of a manufactured home park to pay to the Housing Division an annual fee that is established by the Administrator by regulation for each lot within that park.~~

~~Existing law requires the owner of a manufactured home park to also pay to the Manufactured Housing Division an annual fee of \$12 for each lot within the park. (NRS 118B.213) Section 18 of this bill instead requires the owner of a manufactured home park to pay to the Housing Division an annual fee that is established by the Administrator by regulation for each lot within the park.~~

Section 24 of this bill creates the Account for Housing Inspection and Compliance and requires this Account to be administered by the Housing Division. **Section 24** additionally requires the Administrator to adopt regulations concerning the management and operations of

the Account. **Sections 11, 16, 17, 20, 26, 27, 37, 38, 41-43, 46, 47 and 50-52** of this bill make conforming changes.

Existing law creates the Fund for Low-Income Owners of Manufactured Homes. (NRS 118B.215) **Section 19** of this bill eliminates this Fund and directs the money from the Account for Low-Income Housing created by NRS 319.500 to be used for purposes provided for by the Fund under existing law. ~~[Section 19 additionally authorizes the Administrator to adopt regulations concerning the procedure by which the Division will determine a person's eligibility to receive assistance from the Account.]~~

Existing law creates the Account for Low-Income Housing and establishes the purposes for which the Account must be used. (NRS 319.500, 319.510) **Section 28** of this bill ~~includes a provision which~~ requires that the Account for Low-Income Housing also be used to assist an eligible person by supplementing their monthly rent for the manufactured home lot on which their manufactured home is located. ~~[Section 28 further authorizes the Division to expend funds in an amount not to exceed \$75,000 annually from the Account for Low-Income Housing to fund such supplementing of monthly rents.]~~ but imposes a \$75,000 annual limit on the use of proceeds from the real property transfer tax which are deposited in the Account for this purpose.

Existing law requires that all money collected from administrative fines imposed on persons involved in the manufacture, sale, distribution, alteration, transportation and installation of manufactured homes, mobile homes and factory-built housing to be deposited in the State General Fund. **Section 46** of this bill requires all money collected from fees and administrative fines imposed on such persons to be deposited in the Account created in **section 24**.

Section 25 of this bill creates the position of Housing Advocate within the Housing Division and establishes the requirements a person must satisfy to be appointed to this office. **Section 25** further provides the duties for which the Housing Advocate is responsible and that the Administrator may remove the Housing Advocate from office for any reason not prohibited by law.

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) Division of Insurance.~~

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

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

~~(i) Taxicab Authority.~~

~~(j) Nevada Athletic Commission.~~

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

~~(l) Nevada Transportation Authority.~~

~~(m) 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 1. Shall appoint a chief or executive director, or both of them, of each of the
2 divisions, offices, commissions, boards, agencies or other entities of the
3 Department, unless the authority to appoint such a chief or executive director, or
4 both of them, is expressly vested in another person, board or commission by a
5 specific statute. In making the appointments, the Director may obtain lists of
6 qualified persons from professional organizations, associations or other groups
7 recognized by the Department, if any. The chief of the Consumer Affairs Division
8 is the Commissioner of Consumer Affairs, the chief of the Division of Financial
9 Institutions is the Commissioner of Financial Institutions, the chief of the Housing
10 Division is the Administrator of the Housing Division, ~~the chief of the~~
11 ~~Manufactured Housing Division is the Administrator of the Manufactured Housing~~
12 ~~Division.~~ the chief of the Real Estate Division is the Real Estate Administrator, the
13 chief of the Division of Insurance is the Commissioner of Insurance, the chief of
14 the Division of Industrial Relations is the Administrator of the Division of
15 Industrial Relations, the chief of the Office of Labor Commissioner is the Labor
16 Commissioner, the chief of the Taxicab Authority is the Taxicab Administrator, the
17 chief of the Nevada Transportation Authority is the Chair of the Authority, the chief
18 of the Division of Mortgage Lending is the Commissioner of Mortgage Lending
19 and the chief of any other entity of the Department has the title specified by the
20 Director, unless a different title is specified by a specific statute.

21 2. Is responsible for the administration of all provisions of law relating to the
22 jurisdiction, duties and functions of all divisions and other entities within the
23 Department. The Director may, if he or she deems it necessary to carry out his or
24 her administrative responsibilities, be considered as a member of the staff of any
25 division or other entity of the Department for the purpose of budget administration
26 or for carrying out any duty or exercising any power necessary to fulfill the
27 responsibilities of the Director pursuant to this subsection. This subsection does not
28 allow the Director to preempt any authority or jurisdiction granted by statute to any
29 division or other entity within the Department or to act or take on a function that
30 would contravene a rule of court or a statute.

31 3. May:

32 (a) Establish uniform policies for the Department, consistent with the policies
33 and statutory responsibilities and duties of the divisions and other entities within the
34 Department, relating to matters concerning budgeting, accounting, planning,
35 program development, personnel, information services, dispute resolution, travel,
36 workplace safety, the acceptance of gifts or donations, the management of records
37 and any other subject for which a uniform departmental policy is necessary to
38 ensure the efficient operation of the Department.

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

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

46 4. May, within the limits of the financial resources made available to the
47 Director, promote, participate in the operation of, and create or cause to be created,
48 any nonprofit corporation, pursuant to chapter 82 of NRS, which he or she
49 determines is necessary or convenient for the exercise of the powers and duties of
50 the Department. The purposes, powers and operation of the corporation must be
51 consistent with the purposes, powers and duties of the Department.

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

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

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

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

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

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

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

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

108.2679 “Registered owner” means:

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

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

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

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

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

108.272 1. Except as otherwise provided in subsection 2 and NRS 108.2723, the notice of a lien must be given by delivery in person or by registered or certified letter addressed to the last known place of business or abode of:

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

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

(c) If the lien is on a mobile home or manufactured home, each 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 home.

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

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

(a) Within 120 days after the person furnishes supplies or services; or

(b) Within 7 days after the person receives an order to release the property,

➤ whichever time is less, serve the legal owner by mailing a copy of the notice of the lien to the owner’s last known address, or if no address is known, by leaving a copy with the clerk of the court in the county where the notice is filed.

3. Except as otherwise provided in NRS 108.2723, the notice must contain:

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

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

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

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

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

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

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

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

108.273 1. The ~~Manufactured~~ Housing Division of the Department of Business and Industry shall provide a notice of lien on a mobile home or manufactured home and a notice of a sale by auction of a mobile home or manufactured home that complies with the requirements of NRS 108.270 to 108.367, inclusive.

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

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

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

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

108.310 Subject to the provisions of NRS 108.2723 and 108.315, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

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

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

3. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft,

motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper published in the place where the sale is to be held, but if no newspaper is published in that place, then in a newspaper 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 the 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 the lien claimant 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,
➤ and the state agency shall supply that information from its records. If the recreational vehicle, mobile home or manufactured home is registered in another state, territory or country, the landlord shall, before making the demand for payment, obtain the information from the appropriate agency of that state, territory or country.

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

(a) The amount of the unpaid rent;

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

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

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

4. No recreational vehicle, mobile home or manufactured home may be sold for delinquent rent or rent and utilities until 4 months have elapsed after the first default in payment, and a notice of lien has been served pursuant to subsection 1. At least 10 days but not more than 30 days before a sale, a written notice of sale by auction must be sent to the registered owner and tenant or subtenant and 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 the recreational vehicle, mobile home or manufactured home by registered or certified mail stating that a sale by auction of the recreational vehicle, mobile home or manufactured home is to be made pursuant to the provisions of NRS 108.310. The written notice of sale by auction must include the time and location of the sale, the amount necessary to satisfy the lien and a description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and 108.355.

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

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

2. Upon the filing of the notice of opposition to the lien, the justice of the peace shall schedule a hearing on the notice, which must be held as soon as practicable but not sooner than 5 days after service of the notice. The justice of the peace shall affix the date of the hearing to the notice and order that a copy be served upon the lien claimant within 5 days after the date of the order.

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

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

5. This section does not affect the rights of a secured party pursuant to chapter 104 of NRS.

Sec. 10. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

"Account" means the Account for Low-Income Housing created by NRS 319.500.

Sec. 11. NRS 118B.010 is hereby amended to read as follows:

118B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118B.011 to 118B.0195, inclusive, *and section 10 of this act*, have the meanings ascribed to them in those sections.

Sec. 12. NRS 118B.011 is hereby amended to read as follows:

118B.011 "Administrator" means the ~~chief~~ *Administrator* of the Division.

Sec. 13. NRS 118B.012 is hereby amended to read as follows:

118B.012 "Division" means the ~~Manufactured~~ Housing Division of the Department of Business and Industry.

Sec. 14. NRS 118B.070 is hereby amended to read as follows:

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

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

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

2. When the landlord provides a tenant with a copy of any provision of this chapter pursuant to subsection 1, the copy must contain a legible and typewritten statement 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)

Sec. 15. 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. 16. NRS 118B.150 is hereby amended to read as follows:

118B.150 1. Except as otherwise provided in subsections 2 and 3, the landlord or his or her agent or employee shall not:

(a) Increase rent or additional charges unless:

(1) The rent charged after the increase is the same rent charged for manufactured homes of the same size or lots of the same size or of a similar location within the park, including, without limitation, manufactured homes and lots which are held pursuant to a long-term lease, except that a discount may be selectively given to persons who:

(I) Are handicapped;

(II) Are 55 years of age or older;

(III) Are long-term tenants of the park if the landlord has specified in the rental agreement or lease the period of tenancy required to qualify for such a discount;

(IV) Pay their rent in a timely manner; or

(V) Pay their rent by check, money order or electronic means;

(2) Any increase in additional charges for special services is the same amount for each tenant using the special service; and

(3) Written notice advising a tenant of the increase is received by the tenant 90 days before the first payment to be increased and written notice of the increase is given to prospective tenants before commencement of their tenancy. In addition to the notice provided to a tenant pursuant to this subparagraph, if the landlord or his or her agent or employee knows or reasonably should know that the tenant receives assistance from the ~~Fund for Low Income Owners of Manufactured Homes created pursuant to NRS 118B.215.~~ **Account**, the landlord or his or her agent or employee shall provide to the Administrator written notice of the increase 90 days before the first payment to be increased.

(b) Require a tenant to pay for an improvement to the common area of a manufactured home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

(c) Require a tenant to pay for a capital improvement to the manufactured home park unless the tenant has notice of the requirement at the time the tenant enters into the rental agreement. A tenant may not be required to pay for a capital improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this paragraph.

(d) Require a tenant to pay the rent by check or money order.

(e) Require a tenant who pays the rent in cash to apply any change to which the tenant is entitled to the next periodic payment that is due. The landlord or his or her agent or employee shall have an adequate amount of money available to provide change to such a tenant.

(f) Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any manufactured home or recreational vehicle in the park to discuss the park's affairs, or any

political meeting sponsored by a tenant, if the meetings are held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

(g) Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this paragraph is liable to the tenant for actual damages.

(h) Prohibit a tenant from having guests, but the landlord may require the tenant to register the guest within 48 hours after his or her arrival, Sundays and legal holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

(i) Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a manufactured home lot who is living alone may allow one other person to live in his or her home without paying an additional charge or fee, unless such a living arrangement constitutes a violation of chapter 315 of NRS. No agreement between a tenant and his or her guest alters or varies the terms of the rental contract between the tenant and the landlord, and the guest is subject to the rules and regulations of the landlord.

(j) Prohibit a tenant from erecting a fence on the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the location and height of fences, the materials used for fences and the manner in which fences are to be constructed.

(k) Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this paragraph, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

(l) Prohibit a public officer, candidate for public office or the representative of a public officer or candidate for public office from walking through the park to talk with the tenants or distribute political material.

(m) If a tenant has voluntarily assumed responsibility to trim the trees on his or her lot, require the tenant to trim any particular tree located on the lot or dispose of the trimmings unless a danger or hazard exists.

2. The landlord is entitled to require a security deposit from a tenant who wants to use the manufactured home park's clubhouse, swimming pool or other park facilities for the tenant's exclusive use. The landlord may require the deposit at least 1 week before the use. The landlord shall apply the deposit to costs which occur due to damage or cleanup from the tenant's use within 1 week after the use, if any, and shall, on or before the eighth day after the use, refund any unused portion of the deposit to the tenant making the deposit. The landlord is not required to place such a deposit into a financial institution or to pay interest on the deposit.

3. The provisions of paragraphs (a), (b), (c), (j) and (m) of subsection 1 do not apply to a corporate cooperative park.

4. As used in this section, "long-term lease" means a rental agreement or lease the duration of which exceeds 12 months.

Sec. 17. NRS 118B.185 is hereby amended to read as follows:

118B.185 1. Each owner of a manufactured home park shall pay to the Division an annual fee established by ~~regulation of~~ the Administrator which must not exceed \$5 for each lot within that park.

2. *The Administrator shall notify the owner of each manufactured home park on or before July 1 of each year of the fee imposed pursuant to this section.*

3. If an owner fails to pay the fee ~~within 30 days after receiving written notice of its amount,~~ *on or before August 1 of each year,* a penalty of 50 percent of the amount of the fee must be added. The owner is not entitled to any reimbursement of this penalty from his or her tenants.

~~4. All fees collected by the Division pursuant to subsection 1 must be deposited in the State Treasury for credit to the Account for Regulating Manufactured Home Parks within the Fund for Manufactured Housing created pursuant to NRS 489.491 for Housing Inspection and Compliance created by section 24 of this act.~~ All expenses related to the regulation of manufactured home parks must be paid from the Account ~~for the Account must not be used for any other purpose. Claims against the Account must be paid as other claims against the State are paid.~~ for Housing Inspection and Compliance.

Sec. 18. NRS 118B.213 is hereby amended to read as follows:

118B.213 1. In addition to the fee established pursuant to NRS 118B.185, ~~except as otherwise provided in subsection 3,~~ the owner of a manufactured home park that is operated for profit shall pay to the Division an annual fee of \$12 ~~established by regulation of the Administrator~~ for each lot within the park. The owner shall not impose a fee or surcharge to recover from his or her tenants the costs resulting from the annual fee per lot paid pursuant to this subsection, or any related penalty.

2. The Administrator shall notify the owner of each manufactured home park that is operated for profit in this state on or before July 1 of each year of the fee imposed pursuant to this section.

3. ~~If on May 15 of that year the balance in the Fund which is attributable to deposits pursuant to this section exceeds \$1,000,000, the Administrator shall not charge or collect a fee pursuant to this section. The Administrator shall resume the collection in any year when the balance on May 15 is less than \$750,000. The Administrator shall request the State Treasurer to inform the Administrator of the applicable balance of the Fund on May 15 of each year.~~

~~4. If an owner fails to pay the fee within 30 days after receiving written notice from the Administrator to do so,~~ on or before August 1 of each year, a penalty of 50 percent of the amount of the fee must be added.

~~5. 4. All fees and penalties collected by the Division pursuant to this section must be deposited in the State Treasury for credit to the Fund.~~ Account.

Sec. 19. NRS 118B.215 is hereby amended to read as follows:

118B.215 1. ~~There is hereby created as a special revenue fund in the State Treasury the Fund for Low Income Owners of Manufactured Homes, to be administered by the Division. All money received for the use of the Fund pursuant to NRS 118B.213 or from any other source must be deposited in the Fund.~~

~~2. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.~~

~~3. The~~ In addition to the requirements set forth in NRS 319.510, money in the ~~Fund~~ Account may be used ~~only~~ to pay necessary administrative costs and to assist eligible persons by supplementing their monthly rent for the manufactured home lot on which their manufactured home is located. Except as otherwise provided in subsection 5, 3, to ~~for~~ be eligible for assistance from the ~~Fund~~ Account, a person must:

(a) Except as otherwise provided in this subsection, have been a tenant in the same manufactured home park in this State for at least 1 year immediately preceding his or her application for assistance;

(b) Be the registered owner of the manufactured home which is subject to the tenancy, as indicated on the certificate of ownership that is issued by the Division pursuant to NRS 489.541;

(c) Have a monthly household income, as determined by the Administrator in accordance with subsection 4, 2, which is at or below:

(1) The federally designated level signifying poverty or \$750, whichever is greater, if the person is the sole occupant of the manufactured home; or

(2) The federally designated level signifying poverty or \$1,125, whichever is greater, if the person is not the sole occupant of the manufactured home;

(d) Be a tenant in a manufactured home park that is operated for profit and maintain continuous tenancy in that park during the duration of the supplemental assistance; and

(e) Not have assets whose value is more than \$12,000, excluding the value of:

(1) The manufactured home which is subject to the tenancy;

(2) The contents of that manufactured home; and

(3) One motor vehicle.

↪ A person who has been a tenant of a manufactured home park in this State for at least 1 year, but has not been a tenant of the manufactured home park in which the tenant resides at the time the tenant applies for assistance for at least 1 year, is eligible for assistance from the ~~Fund~~ Account if the tenant moved to the manufactured home park in which the tenant resides at the time of his or her application because the tenant was unable to pay the rent at the manufactured home park from which the tenant moved or because that park was closed.

~~14.1 2.~~ In determining the monthly household income of an applicant pursuant to subsection ~~13.1 1~~, the Administrator shall exclude from the calculation:

(a) The value of any food stamps the applicant received pursuant to the Food Stamp Act of 1977, as amended, 7 U.S.C. §§ 2011 et seq., during the year immediately preceding his or her application for assistance; or

(b) If the applicant is receiving coverage pursuant to Medicare Part B, 42 U.S.C. §§ 1395j et seq., the value of the cost of that coverage during the year immediately preceding his or her application for assistance.

↪ whichever is greater.

~~15.1 3.~~ The Administrator may waive the requirements for eligibility set forth in subsection ~~13.1 1~~ upon the written request of an applicant if the applicant demonstrates to the satisfaction of the Administrator that the circumstances of the applicant warrant a waiver as a result of:

(a) Illness;

(b) Disability; or

(c) Extreme financial hardship based upon a significant reduction of income, when considering the applicant's current financial circumstances.

↪ An applicant shall include with his or her request for a waiver all medical and financial documents that support his or her request.

~~16.1 4.~~ The Administrator shall adopt regulations establishing:

(a) The annual reporting requirements for persons receiving assistance pursuant to this section. The regulations must require that each such person provide the Division with a written acknowledgment of his or her continued eligibility for assistance.

(b) The maximum amount of assistance which may be distributed to a person to supplement his or her monthly rent pursuant to this section.

~~17.1 5.~~ As used in this section:

(a) "Manufactured home" includes a travel trailer that is located on a manufactured home lot within a manufactured home park.

(b) "Monthly household income" means the combined monthly incomes of the occupants of a manufactured home which is subject to the tenancy for which assistance from the ~~Fund~~ Account is requested.

(c) "Travel trailer" has the meaning ascribed to it in NRS 489.150. ~~It comply with the requirements established by regulation of the Administrator.~~

~~2. The Administrator may adopt regulations to carry out the provisions of this section, including, without limitation:~~

~~(a) The information required to be included in the application;~~

~~(b) The grounds for denying an application or discontinuing assistance;~~

~~(c) The procedure by which an applicant may appeal a decision of the Administrator;~~

~~(d) The procedure by which the Division shall determine who is eligible to receive assistance from the Account if the amount of money in the Account is not sufficient to provide assistance to each eligible person; and~~

~~(e) The imposition of civil penalties in an amount not to exceed \$1,000 per violation.~~

Sec. 20. NRS 118B.255 is hereby amended to read as follows:

118B.255 1. Except as otherwise provided in ~~this section,~~ **NRS 118B.213**, all money collected from **fees and** administrative fines imposed pursuant to this chapter must be deposited ~~in the State General Fund.~~

~~2. The money collected from an administrative fine may be deposited~~ with the State Treasurer for credit to the ~~Fund for Manufactured Housing created pursuant to NRS 489.491 if:~~

~~(a) The person pays the administrative fine without exercising his or her right to a hearing to contest the administrative fine; or~~

~~(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.~~

~~3. Account for Housing Inspection and Compliance created by section 24 of this act.~~

2. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

~~4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.~~

Sec. 21. 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 the chief officer, and certain of its inspectors of solid waste management, building, housing and licensing inspectors, zoning enforcement officers, parking enforcement officers, animal control officers, traffic engineers, marshals and park rangers of units of specialized law enforcement established pursuant to NRS 280.125, and other persons charged with the enforcement of county or city ordinances, to prepare, sign and serve written citations on persons accused of violating a county or city ordinance.

2. The Chief Medical Officer and the health officer of each county, district and city may designate certain employees to prepare, sign and serve written citations on persons accused of violating any law, ordinance or regulation of a board of health that relates to public health.

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

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

5. An employee designated pursuant to this section:

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

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

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

Sec. 22. NRS 278.02095 is hereby amended to read as follows:

278.02095 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 6 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 45,000 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. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the ~~[Manufactured]~~ Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. 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.

6. As used in this section:

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

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

Sec. 23. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 and 25 of this act.

Sec. 24. 1. *The Account for Housing Inspection and Compliance is hereby created in the State General Fund.*

2. *The Account ~~will~~ must be administered by the Division. ~~It~~ Except as otherwise provided in NRS 118B.213 and 489.265, all money received by the Division pursuant to NRS 118B.185 or any other source must be deposited into the Account.*

3. *The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.*

4. *Claims against the Account must be paid as other claims against the State are paid.*

5. *The Administrator shall adopt regulations setting forth the use of the money in the Account, including, without limitation:*

(a) *Licensing, regulating and inspecting:*

(1) *Housing for persons of low-income that is financed pursuant to this chapter; and*

(2) *Manufactured homes, mobile homes, manufactured buildings, commercial coaches, factory-built housing or manufactured home parks pursuant to chapters 118B, 461, 461A and 489 of NRS;*

(b) *Licensing, regulating and inspecting manufacturers, general servicepersons, dealers, responsible managing employees, salespersons, distributors and specialty servicepersons pursuant to chapter 489 of NRS;*

(c) *Maintaining title records, and issuing certificates of ownership, property liens and conversions to real property of a mobile home or manufactured home;*

(d) *Investigating complaints, including, without limitation, complaints:*

(1) *Between a landlord and a tenant of a mobile home park; and*

(2) *Alleging unlicensed activity; and*

(e) *Administering any educational and training program for a provider of manufactured housing.*

6. *As used in this section:*

(a) *"Commercial coach" has the meaning ascribed to it in NRS 489.062.*

(b) *"Dealer" has the meaning ascribed to it in NRS 489.076.*

(c) *"Distributor" has the meaning ascribed to it in NRS 489.081.*

(d) *"Factory-built housing" has the meaning ascribed to it in NRS 461.080.*

(e) *"General serviceperson" has the meaning ascribed to it in NRS 489.102.*

(f) *"Manufactured building" has the meaning ascribed to it in NRS 461.132.*

(g) *"Manufactured home" has the meaning ascribed to it in NRS 489.113.*

(h) *"Manufactured home lot" has the meaning ascribed to it in NRS 118B.016.*

(i) *"Manufactured home park" has the meaning ascribed to it in NRS 118B.017.*

(j) *"Manufacturer" has the meaning ascribed to it in NRS 489.115.*

(k) *"Mobile home" has the meaning ascribed to it in NRS 489.120.*

(l) *"Mobile home park" has the meaning ascribed to "manufactured home park" in NRS 118B.017.*

(m) *"Responsible managing employee" has the meaning ascribed to it in NRS 489.1353.*

(n) *"Salesperson" has the meaning ascribed to it in NRS 489.137.*

(o) *"Specialty salesperson" has the meaning ascribed to it in NRS 489.147.*

1 **Sec. 25. 1. ~~The ~~position of~~ Housing Advocate is hereby created within~~**
2 **~~the Division.~~**

3 **2. The Administrator shall appoint a person to serve in the position of**
4 **Housing Advocate. The Housing Advocate is in the unclassified service of the**
5 **State and serves at the pleasure of the Administrator.**

6 **3. The person so appointed pursuant to subsection 2 ~~+~~**
7 **~~(a) ~~Must~~ must be knowledgeable about affordable housing and~~**
8 **~~manufactured housing. ~~+~~ and~~**

9 **~~(b) ~~Is in the unclassified service of the State.~~~~**

10 **4. The Housing Advocate shall:**

11 **(a) Respond to written and telephonic inquiries received from residents who**
12 **reside in affordable housing and manufactured housing and provide assistance to**
13 **such residents in understanding their rights and responsibilities;**

14 **(b) Conduct community outreach and provide information concerning**
15 **housing to residents who reside in affordable housing and manufactured**
16 **housing;**

17 **(c) Identify and investigate complaints of residents of affordable housing and**
18 **manufactured housing that relate to their housing and provide assistance to such**
19 **residents to resolve the complaints;**

20 **(d) Establish and maintain a system to collect and maintain information**
21 **pertaining to written and telephonic inquiries received by the Division; and**

22 **(e) Any other duties specified by the Administrator.**

23 **5. The Administrator may remove the Housing Advocate from the office for**
24 **any reason not prohibited by law.**

25 **Sec. 26.** NRS 319.170 is hereby amended to read as follows:

26 319.170 Except as otherwise provided in NRS 319.500, **and section 24 of this**
27 **act**, the Division may:

28 1. Establish such funds or accounts as may be necessary or desirable for
29 furtherance of the purposes of this chapter.

30 2. Invest or deposit its money, subject to any agreement with bondholders or
31 noteholders, and is not required to keep any of its money in the State Treasury. The
32 provisions of chapters 355 and 356 of NRS do not apply to such investments or
33 deposits.

34 **Sec. 27.** NRS 319.171 is hereby amended to read as follows:

35 319.171 Except as otherwise provided in NRS 319.500, **and section 24 of this**
36 **act**, the Division may invest its money in collateralized mortgage obligations or in
37 trusts created to finance, acquire or invest in collateralized mortgage obligations if
38 the collateralized mortgage obligations or trusts so created are:

39 1. In furtherance of the purposes of the Division; and

40 2. Rated within one of the top three rating categories of a national rating
41 service at the time the investment is made.

42 **Sec. 28.** NRS 319.510 is hereby amended to read as follows:

43 319.510 1. ~~Money~~ **Except as otherwise provided in subsection 2, money**
44 deposited in the Account for Low-Income Housing must be used:

45 (a) For the acquisition, construction or rehabilitation of housing for eligible
46 families by public or private nonprofit charitable organizations, housing authorities
47 or local governments through loans, grants or subsidies;

48 (b) To provide technical and financial assistance to public or private nonprofit
49 charitable organizations, housing authorities and local governments for the
50 acquisition, construction or rehabilitation of housing for eligible families;

51 (c) To provide funding for projects of public or private nonprofit charitable
52 organizations, housing authorities or local governments that provide assistance to or

1 guarantee the payment of rent or deposits as security for rent for eligible families,
2 including homeless persons;

3 (d) To reimburse the Division for the costs of administering the Account; ~~and~~

4 (e) *To assist eligible persons by supplementing their monthly rent for the*
5 *manufactured home lot, as defined by NRS 118B.016, on which their*
6 *manufactured home, as defined by NRS 118B.015, is located; and*

7 (f) In any other manner consistent with this section to assist eligible families in
8 obtaining or keeping housing, including use as the State's contribution to facilitate
9 the receipt of related federal money.

10 2. Except as otherwise provided in this subsection, the Division may expend
11 money from the Account as reimbursement for the necessary costs of efficiently
12 administering the Account and any money received pursuant to 42 U.S.C. §§ 12701
13 et seq. In no case may the Division expend more than \$40,000 per year or an
14 amount equal to 6 percent of any money made available to the State pursuant to 42
15 U.S.C. §§ 12701 et seq., whichever is greater. In addition, the Division may expend
16 not more than \$175,000 per year from the Account to create and maintain the
17 statewide low-income housing database required by NRS 319.143. *The Division*
18 *may expend funds in an amount not to exceed \$75,000 annually from the*
19 *Account for Low Income Housing for supplementing the monthly rent of an*
20 *eligible person for the manufactured home lot, as defined in NRS 118B.016, on*
21 *which their manufactured home, as defined in NRS 118B.015, is located; not*
22 *more than \$75,000 per year of the money deposited in the Account pursuant to*
23 *NRS 375.070 for the purpose set forth in paragraph (e) of subsection 1.* Of the
24 remaining money allocated from the Account:

25 (a) Except as otherwise provided in subsection 3, 15 percent must be
26 distributed to the Division of Welfare and Supportive Services of the Department of
27 Health and Human Services for use in its program developed pursuant to 45 C.F.R.
28 § 233.120 to provide emergency assistance to needy families with children, subject
29 to the following:

30 (1) The Division of Welfare and Supportive Services shall adopt
31 regulations governing the use of the money that are consistent with the provisions
32 of this section.

33 (2) The money must be used solely for activities relating to low-income
34 housing that are consistent with the provisions of this section.

35 (3) The money must be made available to families that have children and
36 whose income is at or below the federally designated level signifying poverty.

37 (4) All money provided by the Federal Government to match the money
38 distributed to the Division of Welfare and Supportive Services pursuant to this
39 section must be expended for activities consistent with the provisions of this
40 section.

41 (b) Eighty-five percent must be distributed to public or private nonprofit
42 charitable organizations, housing authorities and local governments for the
43 acquisition, construction and rehabilitation of housing for eligible families, subject
44 to the following:

45 (1) Priority must be given to those projects that qualify for the federal tax
46 credit relating to low-income housing.

47 (2) Priority must be given to those projects that anticipate receiving federal
48 money to match the state money distributed to them.

49 (3) Priority must be given to those projects that have the commitment of a
50 local government to provide assistance to them.

51 (4) All money must be used to benefit families whose income does not
52 exceed 60 percent of the median income for families residing in the same county, as
53 defined by the United States Department of Housing and Urban Development.

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Sec. 29. 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) The assessor 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 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 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.

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

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

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

10 (b) A mobile home park; or

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

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

15 **Sec. 30.** NRS 361.2445 is hereby amended to read as follows:

16 361.2445 1. A mobile or manufactured home which has been converted to
17 real property pursuant to NRS 361.244 may not be removed from the real property
18 to which it is affixed unless, at least 30 days before removing the mobile or
19 manufactured home:

20 (a) The owner:

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

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

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

29 (b) The county tax receiver certifies in writing that all taxes for the fiscal year
30 on the mobile or manufactured home and the real property to which the mobile or
31 manufactured home is affixed have been paid.

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

34 (a) The county assessor has received verification that there is no security
35 interest in the mobile or manufactured home or the holders of security interests
36 have agreed in writing to the conversion of the mobile or manufactured home to
37 personal property; and

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

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

45 4. The Department shall adopt:

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

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

49 5. Before the owner of a mobile or manufactured home that has been
50 converted to personal property pursuant to this section may transfer ownership of
51 the mobile or manufactured home, he or she must obtain a certificate of ownership
52 from the Division.

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

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

8. As used in this section:

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

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

Sec. 31. NRS 372.383 is hereby amended to read as follows:

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

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

Sec. 32. NRS 374.388 is hereby amended to read as follows:

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

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

Sec. 33. NRS 461.065 is hereby amended to read as follows:

461.065 "Division" means the ~~Manufactured~~ Housing Division of the Department of Business and Industry.

Sec. 34. NRS 461.183 is hereby amended to read as follows:

461.183 Except as otherwise provided in NRS 489.265, all fees collected pursuant to this chapter must be deposited in the State Treasury for credit to the ~~Fund for Manufactured Housing~~ *Account for Housing Inspection and Compliance created by section 24 of this act*. All expenses for the enforcement of this chapter must be paid from the ~~Fund~~ *Account*.

Sec. 35. NRS 461A.020 is hereby amended to read as follows:

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

Sec. 36. NRS 461A.040 is hereby amended to read as follows:

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

Sec. 37. NRS 461A.220 is hereby amended to read as follows:

461A.220 1. A person shall not:

1 (a) Construct a mobile home park; or
2 (b) Construct or alter lots, roads or other facilities in a mobile home park,
3 unless the person has obtained a construction permit from the agency for
4 enforcement.

5 2. Each agency for enforcement may charge and collect reasonable fees,
6 specified by ordinance or regulation, for its services.

7 3. Except as otherwise provided in NRS ~~{461A.260 and}~~ 489.265, money
8 collected by the Division pursuant to this chapter must be deposited in the State
9 Treasury for credit to the ~~{Fund for Manufactured Housing created pursuant to NRS~~
10 ~~489.491}~~ *Account for Housing Inspection and Compliance created by section 24*
11 *of this act.* Expenses of enforcement of this chapter must be paid from the ~~{Fund}~~
12 *Account.*

13 **Sec. 38.** NRS 461A.260 is hereby amended to read as follows:

14 461A.260 1. ~~{Except as otherwise provided in this section, all}~~ All money
15 collected from *fees and* administrative fines imposed pursuant to this chapter must
16 be deposited ~~{in the State General Fund}~~.

17 ~~—2. The money collected from an administrative fine may be deposited}~~ with
18 the State Treasurer for credit to the ~~{Fund for Manufactured Housing created~~
19 ~~pursuant to NRS 489.491 if}~~.

20 ~~—(a) The person pays the administrative fine without exercising his or her right~~
21 ~~to a hearing to contest the administrative fine; or~~

22 ~~—(b) The administrative fine is imposed in a hearing conducted by a hearing~~
23 ~~officer or panel appointed by the Administrator.~~

24 ~~—3.}~~ *Account for Housing Inspection and Compliance created by section 24 of*
25 *this act.*

26 2. The Administrator may appoint one or more hearing officers or panels and
27 may delegate to those hearing officers or panels the power of the Administrator to
28 conduct hearings and other proceedings, determine violations, impose fines and
29 penalties and take other disciplinary action authorized by the provisions of this
30 chapter.

31 ~~{4. If money collected from an administrative fine is deposited in the State~~
32 ~~General Fund, the Administrator may present a claim to the State Board of~~
33 ~~Examiners for recommendation to the Interim Finance Committee if money is~~
34 ~~needed to pay attorney's fees or the costs of an investigation, or both.}~~

35 **Sec. 39.** NRS 487.007 is hereby amended to read as follows:

36 487.007 As used in this chapter, the term "state agency" means:

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

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

41 **Sec. 40.** NRS 487.100 is hereby amended to read as follows:

42 487.100 1. Except as otherwise provided in subsections 2 and 3, any
43 automobile wrecker purchasing from any person other than a licensed operator of a
44 salvage pool any vehicle subject to registration pursuant to the laws of this State
45 shall forward to the Department the certificates of title and registration last issued
46 therefor.

47 2. The certificate of ownership last issued for a mobile home or commercial
48 coach must be sent by the wrecker to the ~~{Manufactured}~~ Housing Division of the
49 Department of Business and Industry.

50 3. An automobile wrecker is not required to:

51 (a) Provide the Department with a certificate of title, salvage title or a
52 nonrepairable vehicle certificate and certificate of registration last issued; or

(b) Obtain from the Department a certificate of title, salvage title, nonrepairable vehicle certificate or certificate of registration, for a motor vehicle that is to be processed as parts or scrap metal by the automobile wrecker pursuant to NRS 487.105.

Sec. 41. NRS 487.230 is hereby amended to read as follows:

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

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

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

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

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

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

Sec. 42. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

"Account" means the Account for Housing Inspection and Compliance created by section 24 of this act.

Sec. 43. NRS 489.031 is hereby amended to read as follows:

489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, *and section 42 of this act* have the meanings ascribed to them in those sections.

Sec. 44. NRS 489.036 is hereby amended to read as follows:

489.036 "Administrator" means the ~~Chief~~ *Administrator* of the ~~Manufactured Housing~~ Division.

Sec. 45. NRS 489.091 is hereby amended to read as follows:

489.091 "Division" means the ~~Manufactured~~ Housing Division of the Department of Business and Industry.

Sec. 46. NRS 489.233 is hereby amended to read as follows:

489.233 1. ~~Except as otherwise provided in this section, all~~ *All* money collected from *fees and* administrative fines imposed pursuant to this chapter must be deposited ~~in the State General Fund.~~

~~2. The money collected from an administrative fine may be deposited} with the State Treasurer for credit to the {Fund for Manufactured Housing created pursuant to NRS 489.491 if:~~

~~(a) The person pays the administrative fine without exercising his or her right to a hearing to contest the administrative fine; or~~

~~(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.~~

~~3.} Account.~~

2. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

~~{4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.}~~

Sec. 47. NRS 489.4971 is hereby amended to read as follows:

489.4971 1. ~~{The Account for Education and Recovery Relating to Manufactured Housing is hereby created within the Fund for Manufactured Housing to satisfy the claims of purchasers of manufactured homes, mobile homes, manufactured buildings, commercial coaches or factory built housing against persons} Any person who entered into an agreement for the sale, purchase, lease, distribution, alteration, repair, remodeling or manufacture of a manufactured home, mobile home, manufactured building or commercial coach or factory-built housing may file a claim against a person~~ licensed pursuant to the provisions of this chapter. ~~{Any balance in the Account over \$500,000 at the end of any fiscal year must be set aside and used by the Administrator for education relating to manufactured homes, mobile homes, travel trailers, manufactured buildings, commercial coaches or factory built housing.} Such a claim may be satisfied by the Account.~~

2. Upon the issuance or renewal of the following licenses by the Division, the licensee must pay, in addition to the original or renewal license fee, a fee:

(a) For a dealer's, distributor's or manufacturer's original license, or for any original limited dealer's license which authorizes a limited dealer to act as a repossessor or liquidator, of \$1,000.

(b) For a dealer's, distributor's or manufacturer's renewal license, or a renewal of any limited dealer's license which authorizes a limited dealer to act as a repossessor or liquidator, of \$600.

(c) For an original or renewal license for:

(1) A general serviceperson or specialty serviceperson, of \$150.

(2) A salesperson, of \$75.

(3) A responsible managing employee, of \$100.

↪ Except as otherwise provided in NRS 489.265, fees collected pursuant to this section must be deposited in the State Treasury for credit to the Account.

3. A payment from the Account to satisfy the claim of a ~~{purchaser} person~~ specified in subsection 1 against a person who is licensed pursuant to this chapter must be made only upon an appropriate court order that is issued in an action for fraud, misrepresentation or deceit relating to an act for which a license is required pursuant to this chapter.

4. If a ~~{purchaser} person~~ specified in subsection 1 commences an action specified in subsection 3 against a person who is licensed pursuant to this chapter,

1 the ~~{purchaser}~~ *person specified in subsection 1* must serve a copy of the complaint
2 upon the Administrator within 30 days after the action is commenced.

3 **Sec. 48.** NRS 489.4987 is hereby amended to read as follows:

4 489.4987 The failure of a person to comply with any of the provisions of
5 NRS ~~{489.497}~~ *489.4971* to 489.4989, inclusive, constitutes a waiver of any rights
6 under those sections.

7 **Sec. 49.** NRS 489.4989 is hereby amended to read as follows:

8 489.4989 Nothing contained in NRS ~~{489.497}~~ *489.4971* to 489.4989,
9 inclusive, limits the authority of the Administrator to take disciplinary action
10 against a licensee for a violation of any of the provisions of this chapter or of the
11 regulations of the Division, nor does the repayment in full of obligations to the
12 Account by any licensee nullify or modify the effect of any other disciplinary
13 proceeding brought pursuant to the provisions of this chapter or the regulations
14 adopted under it.

15 **Sec. 50.** NRS 489.596 is hereby amended to read as follows:

16 489.596 1. The Division, in cooperation with manufacturers and
17 organizations concerned with manufactured homes and mobile homes, shall
18 conduct one or more training programs each year regarding appropriate methods
19 and techniques for conducting any inspections necessary for the issuance of
20 certificates of installation and labels of installation for manufactured homes and
21 mobile homes.

22 2. The Division shall pay for the expenses of conducting the programs from
23 money in the Account . ~~{for Education and Recovery Relating to Manufactured~~
24 ~~Housing.}~~

25 **Sec. 51.** NRS 489.651 is hereby amended to read as follows:

26 489.651 1. The Division shall provide each county assessor with a sufficient
27 quantity of application and permit forms.

28 2. The assessor or an appropriate officer shall remit one-half of the fee
29 collected for the trip permit monthly to the Division for deposit in the ~~{Fund for~~
30 ~~Manufactured Housing.}~~ *Account.*

31 **Sec. 52.** NRS 489.811 is hereby amended to read as follows:

32 489.811 1. Except as otherwise provided in subsection 5, any person who
33 violates any of the provisions of this chapter is liable to the State for a civil penalty
34 of not more than \$1,000 for each violation. Each violation of this chapter or any
35 regulation or order issued under it constitutes a separate violation with respect to
36 each manufactured home, mobile home, manufactured building, commercial coach
37 or factory-built housing and with respect to each failure or refusal to allow or
38 perform an act required by this chapter or regulation or order, except that the
39 maximum civil penalty is \$1,000,000 for any related series of violations occurring
40 within 1 year after the first violation.

41 2. Before the adoption of any regulation for whose violation a civil penalty
42 may be imposed, the Administrator shall give at least 30 days' written notice to
43 every licensed manufacturer, dealer, distributor, general serviceperson and specialty
44 serviceperson, and every other interested party who has requested the notice.

45 3. An action to enforce a civil penalty must be brought in a court of
46 competent jurisdiction in the county in which the defendant has his or her principal
47 place of business.

48 4. All money collected as civil penalties pursuant to the provisions of this
49 chapter must be deposited in the ~~{State General Fund.}~~ *Account.*

50 5. This section does not apply to a manufacturer, distributor or dealer of travel
51 trailers.

1 **Sec. 53.** NRS 704.920 is hereby amended to read as follows:

2 704.920 1. The provisions of NRS 704.905 to 704.960, inclusive, apply to
3 company towns, utilities and alternative sellers which provide utility services to
4 company towns, and persons who own and operate company towns.

5 2. The Commission shall require a public utility or an alternative seller, as
6 appropriate, which provides utility services to a manufactured home park, mobile
7 home park or company town, or an independent person who is qualified, to conduct
8 examinations to examine and test the lines and equipment for distributing electricity
9 and gas within the park or town at the request of the ~~Manufactured~~ Housing
10 Division of the Department of Business and Industry or a city or county which has
11 responsibility for the enforcement of the provisions of chapter 118B or 461A of
12 NRS. The utility or alternative seller, the person selected to conduct the
13 examination and the Commission may enter a manufactured home park, mobile
14 home park or company town at reasonable times to examine and test the lines and
15 equipment, whether or not they are owned by a utility or an alternative seller.

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

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

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

28 6. If the Commission finds:

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

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

38 **Sec. 54.** 1. Any administrative regulations adopted by the Manufactured
39 Housing Division of the Department of Business and Industry or the Administrator
40 or Chief of the Manufactured Housing Division remain in force until amended by
41 the Housing Division of the Department of Business and Industry.

42 2. Any contracts or other agreements entered into by the Manufactured
43 Housing Division or the Administrator or Chief of the Manufactured Housing
44 Division are binding upon and may be enforced by the Housing Division of the
45 Department of Business and Industry.

46 3. Any action taken by the Manufactured Housing Division or the
47 Administrator or Chief of the Manufactured Housing Division remains in effect as
48 if taken by the Housing Division of the Department of Business and Industry.

49 **Sec. 55.** The Legislative Counsel shall, in preparing supplements to the
50 Nevada Administrative Code, substitute appropriately the name of any agency,
51 officer or instrumentality of the State whose name is changed by this act for the
52 name which the agency, officer or instrumentality previously used.

1 **Sec. 56.** NRS 118B.211, 118B.2155, 118B.216, 118B.217, 118B.218,
2 118B.2185, 118B.219, 489.211, 489.491 and 489.497 are hereby repealed.

3 **Sec. 57.** This act becomes effective:

4 1. Upon passage and approval for the purpose of adopting regulations and
5 performing any other preparatory tasks that are necessary to carry out the
6 provisions of this act; and

7 2. On July 1, 2017, for all other purposes.

LEADLINES OF REPEALED SECTIONS

118B.211 “Fund” defined.

118B.2155 Contents of application for assistance from Fund.

**118B.216 Denial or termination of assistance: Notice; hearing; judicial
review.**

**118B.217 Duties of Division: Preparation of list of eligible persons;
determination of sufficiency of amount of money in Fund; equal allocation of
assistance.**

118B.218 Notice of change in eligibility for assistance.

118B.2185 Recovery of assistance.

118B.219 Civil penalties.

489.211 Administrator: Qualifications; conflicts of interest prohibited.

489.491 Fund for Manufactured Housing.

489.497 “Account” defined.