

LCB File No. R060-01

**PROPOSED REGULATION
OF THE MANUFACTURED HOUSING DIVISION
OF THE DEPARTMENT OF BUSINESS AND INDUSTRY**

(This proposed regulation was previously adopted as LCB File No. T024-01)

NOTICE OF WORKSHOP

**Notice of Workshop to Solicit Comments on Proposed Regulations
Which Were Adopted as Temporary Regulations After Hearings February 2001**

The Manufactured Housing Division is proposing to convert to permanent regulations the temporary regulations pertaining to chapters 489 and 461 of Nevada Administrative Code that were adopted after hearings February 2001. A workshop will be held at 10:00 am, on October 5, 2001, at 2501 E Sahara Avenue, 2nd Floor Conference Room, Las Vegas, Nevada 89104 with participation from Northern Nevada via teleconference at the Hearing Room, Department of Business and Industry, 788 Fairview Drive, Carson City, Nevada 89701. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

The proposed amendments to Nevada Administrative Code Chapters 461 and 489 increase the fees charged by the Division for various services in order to adequately fund the Division to provide those services. **No new or additional fee was added since the Temporary Regulation was adopted.**

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Manufactured Housing Division, 2501 E Sahara Avenue, #204, Las Vegas, Nevada 89104 (702-486-4135 ext 280). A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Manufactured Housing Division, 2501 E Sahara Avenue, Las Vegas, Nevada 89104;
Manufactured Housing Division, 1923 North Carson Street #203, Frontier Plaza, Carson City, Nevada 89701; Manufactured Housing Division, 850 Elm Street, Elko, Nevada 89801; State Library, 100 Stewart Street, Carson City, Nevada 89701; Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101; Bradley Building, 2501 East Sahara Avenue, Las Vegas, Nevada 89104; Legislative Building, 401 South Carson Street, Carson City, Nevada, 89701; Clark County Library, 833 North Las Vegas Blvd, Las Vegas, Nevada 89101; Department of Business & Industry, 788 Fairview Drive, Carson City, Nevada 89701.

Renee Diamond, Administrator

Date

**NOTICE OF INTENT TO CONVERT
A TEMPORARY REGULATION TO A PERMANENT REGULATION**

Notice of Hearing for the Amendment of Regulations of
the Manufactured Housing Division
Department of Business and Industry

The Manufactured Housing Division will hold a hearing at 10:30 am, on October 5, 2001, at 2501 E Sahara Avenue, 2nd Floor Conference Room, Las Vegas, Nevada 89104 with participation from Northern Nevada via teleconference at the Hearing Room, Department of Business and Industry, 788 Fairview Drive, Carson City, Nevada 89701. The purpose of the hearing is to receive comments from all interested persons **regarding the conversion to a permanent regulation of the Amendment of Regulations pertaining to chapters 489 and 461 of the Nevada Administrative Code (NAC) that were adopted following hearings in February 2001.**

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. Amendments to Nevada Administrative Code Chapters 461 and 489 increase the fees charged by the Division for various services in order to adequately fund the Division to provide those services.
2. The text of the proposed amendments to NAC 489.360, NAC 489.370, NAC 489.380, and NAC 461.210 is attached and included as a part of this notice
3. The fee increases proposed in NAC Chapters 489 and 461 are minimal and will have little impact on the general public and small businesses. A statement regarding the impact on small businesses is attached.

The economic effect on manufactured housing dealers, salesmen, servicemen and installers for licenses (NAC 489.360, NAC 489.370) is minimal because renewal fees are imposed biennially. Increased original application fees affect only new applicants with no effect on current licensees. The economic effect of increases for certificates of ownership, labels of compliance and inspections (NAC 489.380) and other services (NAC 461.210) create only a small impact on the consumer and result in fees that remain significantly less than comparable fees for site-built housing.

1. There will be no additional costs of enforcing regulations because staff is currently in place to enforce them.
2. These regulations do not duplicate other regulations.
3. The proposed regulation amendments are not required pursuant to federal law.
4. The proposed regulations are not more stringent than federal requirements and regulations.
5. The proposed amendments to NAC 489.360, NAC 489.370, NAC 489.380, and NAC 461.210 increase existing fees. NAC 489.380(h) establishes one (1) additional fee for inspection of a commercial coach without a plumbing system and one (1) additional fee for filing a notice of sale by auction upon a manufactured home or commercial coach.

Persons wishing to comment upon the proposed action of the Manufactured Housing Division may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Renee Diamond, Administrator, Manufactured Housing Division, 2501 East Sahara Avenue, # 204, Las Vegas, Nevada 89104. Written submissions must be received by the Manufactured Housing Division on or before October 1, 2001. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Manufactured Housing Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the offices of the Manufactured Housing Division located at the following addresses: 2501 E Sahara Avenue, #204, Las Vegas, Nevada 89104; 1923 North Carson Street #203, Frontier Plaza, Carson City, Nevada 89701; and 850 Elm Street, Elko, Nevada 89801, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. Copies of this notice and the proposed regulation amendment will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Manufactured Housing Division, 2501 E Sahara Avenue, Las Vegas, Nevada 89104; Manufactured Housing Division, 1923 North Carson Street #203, Frontier Plaza, Carson City, Nevada 89701; Manufactured Housing Division, 850 Elm Street, Elko, Nevada 89801; State Library, 100 Stewart Street, Carson City, Nevada 89701; Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101; Bradley Building, 2501 East Sahara Avenue, Las Vegas, Nevada 89104; Legislative Building, 401 South Carson Street, Carson City, Nevada, 89701; Clark County Library, 833 N Las Vegas Blvd, Las Vegas Nevada 89101; Department of Business and Industry, 788 Fairview Drive, Carson City, Nevada 89701.

Renee Diamond, Administrator

Date

NAC 489.360 is hereby amended to read as follows:

NAC 489.360 Issuance and renewal of license; late renewal; investigating and hearing complaints. (NRS 489.481)

1. The following fees for the issuance and renewal of a license will be charged:

- (a) Biennially, for a license as a dealer ~~[\$385]~~ \$500
 - For each additional officer or partner ~~[35]~~ 75
 - Biennially, for each branch office..... ~~[95]~~ 125
- (b) Biennially, for a license as a limited dealer ~~[35]~~ 150
- (c) Biennially, to do business as a manufacturer of manufactured homes, mobile homes, commercial coaches or travel trailers ~~[440]~~ 600
- (d) Biennially, for a rebuilder's license 385
 - For each additional officer or partner ~~[35]~~ 75
 - Biennially, for each branch office ~~[95]~~ 125
- (e) Biennially, for a serviceman's or an installer's license ~~[110]~~ 150
 - For each additional officer or partner ~~[35]~~ 75
 - Biennially, for each serviceman's or installer's branch office ~~[95]~~ 125
- (f) Biennially, for a license as a salesman of manufactured homes, mobile homes or commercial coaches ~~[60]~~ 75
- (g) Biennially, for a responsible managing employee's license ~~[70]~~ 100
- (h) For each examination of an applicant for a license ~~[25]~~ 50
- (i) For a change of address by a licensee 25
- (j) For a change of name by a licensee 25
- (k) To activate a license from inactive or suspended status 50

2. If a licensee fails to apply for the renewal of his license before the license expires, he must pay a fee equal to one and one-half times the fee otherwise required for renewal. If a licensee does not apply for the renewal of his license within 30 days after the license expires, he must retake and pass the applicable oral or written examination and submit the application and all of the fees required for an original license.

3. The division may collect a fee from any licensee who is involved in a complaint from a consumer to recover the costs of investigating and hearing the complaint. The fee will be based upon the rates established in this section.

NAC 489.370 is hereby amended to read as follows:

NAC 489.370 Additional fees for original application. In addition to the fees for a license required by the provisions of NAC 489.360, the division will charge the following fees for processing an original application for a license:

- 1. As a dealer ~~[\$115]~~ \$250
 - For each additional officer or partner ~~[15]~~ 25
 - For each branch office ~~[15]~~ 25
- 2. As a limited dealer ~~[\$15]~~ \$100
- 3. To do business as a manufacturer of manufactured homes, mobile homes, commercial coaches or travel trailers ~~[\$115]~~ \$400
- 4. As a rebuilder \$115
 - For each additional officer or partner ~~[15]~~ 25
 - For each branch office ~~[15]~~ 25
- 5. As a serviceman or installer ~~[\$50]~~ \$100
 - For each additional officer or partner ~~[15]~~ 25
 - For each branch office ~~[15]~~ 25
- 6. As a salesman ~~[\$15]~~ \$25
- 7. As a responsible managing employee ~~[\$25]~~ \$50

NAC 489.380 is hereby amended to read as follows:

NAC 489.380 Certificates and labels; inspections; miscellaneous fees.

- 1. The following fees will be charged:
 - (a) For each certificate and label of compliance ~~[\$30.00]~~ \$50
 - (b) For each certificate and label of installation ~~[30.00]~~ 40
 - (c) For each original or duplicate certificate of ownership issued. ~~[20.00]~~ 30

- (d) For each notice of conversion of real property issued~~[20.00]~~ 30
- (e) For a replacement of a label of compliance, label of installation or license ~~[30.00]~~ 50, 40, 30
- (f) For the inspection and approval of a set of plans:
 - For the first hour~~[50.00]~~ 70
 - For each additional half hour or fraction thereof~~[25.00]~~ 35
- (g) For the inspection and approval of a modification of an approved plan,
 - per hour or fraction thereof~~[50.00]~~ 70
- (h) For the inspection at the site and approval of the installation of a manufactured home, mobile home or commercial coach with a plumbing system conducted within 25 miles of the inspector's station of duty~~[75.00]~~ 100
 - Commercial Coach without a plumbing system75
- (i) For the reinspection and approval of the installation of a manufactured home, mobile home or commercial coach, in addition to the original fee for inspection~~[50.00]~~ 75
- (j) For inspection or reinspection at the site of a manufactured home, mobile home, mobile home park, commercial coach or travel trailer, or of the installation of a device which burns solid fuel or for any other inspection or service for which a fee is not prescribed:
 - For the first hour~~[50.00]~~ 70
 - For each additional 30 minutes or fractional part thereof ...~~[25.00]~~ 35
- (k) For an inspection of a plant used to manufacture manufactured homes, commercial coaches or travel trailers~~[200.00]~~ 600
- (l) For each search conducted to determine title~~[\$5.00]~~ 10
- (m) For the sale of printed material:
 - For each page of a copy0.25
 - For each study guide for an examination~~[10.00]~~ 10
 - For each copy of a regulation~~[5.00]~~ 5
- (n) For filing a lien asserted upon a manufactured home, mobile home or commercial coach~~[20.00]~~ 30
- (o) For collecting a fee after a check given for payment is dishonored~~[25.00]~~ 35
- (p) For the inspection and approval of a set of plans for an attachment pursuant to NAC 489.470:
 - For the first hour~~[50.00]~~ 70

For each additional half hour or fraction thereof ~~[25.00]~~ 35

(q) For filing an affidavit of the sale of a manufactured home, mobile home or commercial coach to satisfy a lien ~~[20.00]~~ 30

(r) For recording the sale of a manufactured home, mobile home or commercial coach without the immediate transfer of the certificate of title or certificate of ownership ~~[20.00]~~ 30

(s) For filing a notice of sale by auction upon a manufactured home, mobile home or commercial coach30

~~[(s)]~~ (t) For a copy of the monthly report prepared by the division on the record of sales of a dealer printed on:

Paper ~~[75.00]~~ 75

~~[Magnetic tape 50.00]~~

~~[(+)]~~ (u) For a list of the certificates of ownership issued by the division for a period of:

Less than 2 years ~~[75.00]~~ 75

Two years but not more than 5 years ~~[125.00]~~ 150

More than 5 years ~~[375.00]~~ 375

~~[(+)]~~ (v) For a list of all licenses issued by the division ~~[75.00]~~ 75

~~[(+)]~~ (w) For a list of all mobile home parks or for a history of a mobile home park ~~[75.00]~~ 75

2. For each inspection or reinspection conducted more than 25 miles from the inspector's station of duty the division will charge, in addition to the fee listed, the inspector's:

- (a) Actual expenses for travel;
- (b) Salary; and
- (c) Allowance for per diem.

3. The division will collect a fee for the sale of reports not listed in subsection 1 based upon the cost to the division to produce these reports, plus a minimum fee for handling of \$40 for the first report.

4. The division will collect a fee for inspection, pursuant to a schedule established by the Secretary of Housing and Urban Development, from each manufacturer of manufactured homes who has a plant located in this state. The division will pay the fee to the Secretary of Housing and Urban Development.

NAC 461.210 is hereby amended to read as follows:

461.210 Fees.

1. The division will charge and collect fees for its services as follows:

For inspecting a plant	[\$500] <u>\$600</u>
For performing any other kind of inspection or service	[\$50] <u>\$70</u> , or [\$25] <u>\$35</u> per half hour or fraction thereof, whichever amount is greater.
For checking plans for an approved system of construction	[\$50] <u>\$70</u> , or [\$25] <u>\$35</u> per half hour or fraction thereof, whichever amount is greater.
For considering and approving a system of construction	[\$400] <u>\$500</u>
For issuing each insigne of approval for each module	\$50
For replacing an insigne	\$50
For recording a change in the name of a manufacturer or owner	\$50

2. In addition to the listed fee for performing an inspection, the division will charge for each inspection the inspector's:

- (a) Actual expenses for travel;
- (b) Salary; and
- (c) Allowance for per diem.

3. The division will not refund any fee it has collected unless:

- (a) The division has not incurred the expense for which the fee is charged;
- (b) The fee was paid in error; or
- (c) A written request for a refund which is justifiable is submitted to the division.

4. For the sale of copies of documents, the division will charge and collect:

For each page of a copy	\$0.25
For each copy of a regulation	[\$5.00] <u>\$5</u>

LCB File No. R060-01

PROPOSED REGULATION OF THE MANUFACTURED HOUSING DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY

Proposed Amendment to Regulations IMPACT ON SMALL BUSINESSES

Before conducting a workshop on a proposed regulation, an agency must consider whether the regulation will “impose a direct and significant economic burden upon small business” or “directly restrict the formation, operation or expansion of a small business.” The following is the small business impact statement relating to the proposed amending of NAC 489 and NAC 461:

1. The Division consulted with the Nevada Manufactured Housing Association. The Association’s membership includes seventy-seven (77) dealers representing 85% of sales in Nevada, fifteen (15) servicemen/installers as well as all lenders and manufacturers doing business in Nevada. The Director and Board of the Association approved the proposed fee increases.

The Division included a solicitation of comment from all licensees in the Notice of Hearing for the proposed regulations that was mailed to all licensees. No comments were submitted to the Division prior to the workshops and hearings.

2. The economic effect on manufactured housing dealer, salesman, serviceman and installer for licenses (NAC 489.360, NAC 489.370) is minimal because renewal fees are imposed biennially. Increased original application fees affect only new applicants with no effect on current licensees. The economic effect of increases for certificates of ownership, labels of compliance and inspections (NAC 489.380) and other services (NAC 461.210) will be passed through to the consumer with no impact on licensees.

A sustained level of quality services will benefit small businesses.

3. In an effort to keep fee increases to a minimum, the Division eliminated two (2) full-time positions within the agency. Additional reductions in service were considered; however, the negative impact on the industry, licensees and consumers were not consistent with agency goals for high service levels.
4. There will be no additional costs of enforcing regulations because staff is currently in place to enforce them.
5. The proposed increased and new fees will generate an estimated \$291,884 annually.
6. The proposed regulations do not duplicate federal, state or local regulations. The proposed regulations are not more stringent than federal, state or local regulations.

Pursuant to NRS 233B.0609, a small business that is adversely affected by a regulation may object to all or a part of the regulation by filing a petition with the agency within 90 days after the date on which the regulation was adopted. Grounds for petition may include: (1) the agency failed to prepare a required small business impact statement; or (2) the small business impact statement prepared by the agency did not consider or significantly underestimated the economic effect of the regulation on small businesses.