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ASSEMBLY BILL NO. 262—ASSEMBLYMEN MANENDO, GIUNCHIGLIANI, KOIVISTO, MCCLAIN, CHOWNING, ANDERSON, ARBERRY, ATKINSON, BUCKLEY, CARPENTER, CHRISTENSEN, CLABORN, COLLINS, CONKLIN, GEDDES, GIBBONS, GOICOECHEA, GOLDWATER, GRADY, HORNE, KNECHT, LESLIE, MCCLEARY, MORTENSON, OCEGUERA, OHRENSCHALL, PARKS, PERKINS, PIERCE, SHERER AND WILLIAMS

MARCH 7, 2003

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Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing manufactured housing and mobile homes. (BDR 40-844)

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.

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AN ACT relating to housing; providing for the inspection of, and the issuance of certificates of occupancy for, factory-built housing and manufactured buildings by the Manufactured Housing Division of the Department of Business and Industry under certain circumstances; authorizing the Division to establish certain fees; providing for the classification of mobile, manufactured and factory-built homes on leased land as real property for purposes of property taxes under certain circumstances; establishing liability for the unlawful removal of a mobile or manufactured home which has been converted to real property; authorizing dealers of new manufactured homes to contract with licensed providers of services to perform work pertinent to the sale, installation and occupancy of manufactured homes; revising provisions governing the licensure of limited servicemen who provide services relating to the installation and repair of manufactured



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homes; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 461.260 is hereby amended to read as follows:  
2 461.260 1. ~~[Local enforcement agencies shall]~~ *Each city and*  
3 *county may* enforce and inspect the installation of factory-built  
4 housing and manufactured buildings. *If any city or county fails to*  
5 *enforce and inspect the installation of factory-built housing and*  
6 *manufactured buildings, the Division shall enforce and inspect*  
7 *such installation in the territory of that city or county.*

8 2. Local use zone requirements, local fire zones, building  
9 setback, side and rear yard requirements, site development and  
10 property line requirements, as well as the review and regulation of  
11 architectural and aesthetic requirements are hereby specifically and  
12 entirely reserved to local jurisdictions notwithstanding any other  
13 requirement of this chapter.

14 3. *If, upon a final inspection conducted pursuant to*  
15 *subsection 1, the Division determines that the factory-built*  
16 *housing or manufactured building meets all requirements*  
17 *established for the installation of the factory-built housing or*  
18 *manufactured building and all applicable requirements described*  
19 *in subsection 2, the Division shall issue a certificate of occupancy*  
20 *for the factory-built housing or manufactured building. The*  
21 *Division may adopt such regulations as it determines necessary to*  
22 *carry out its duties pursuant to this section. The regulations may*  
23 *establish fees for inspections and the issuance of certificates of*  
24 *occupancy.*

25 4. A local government authority may inspect Nevada  
26 manufacturers of factory-built housing or manufactured buildings to  
27 ensure compliance with all the provisions of NRS 461.170. Before  
28 conducting an initial inspection of any such manufacturer, a local  
29 government authority must give 10 days' written notice to the  
30 Administrator of the Division. The local government authority is not  
31 required to give notice to the Administrator before conducting  
32 subsequent inspections of the manufacturer.

33 **Sec. 2.** NRS 361.244 is hereby amended to read as follows:

34 361.244 1. A mobile or manufactured home is eligible to  
35 become real property if it becomes permanently affixed to land  
36 which is ~~owned~~:

37 (a) *Owned* by the owner of the mobile or manufactured home  
38 ~~[ ]~~; or



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

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

15       (a) He has received verification from the Manufactured Housing  
16 Division of the Department of Business and Industry that the mobile  
17 or manufactured home has been converted to real property;

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

20       (c) An affidavit of conversion of the mobile or manufactured  
21 home from personal to real property has been recorded in the county  
22 recorder's office of the county in which the mobile or manufactured  
23 home is located; and

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

28       3. A mobile or manufactured home which is converted to real  
29 property pursuant to this section shall be deemed to be a fixture and  
30 an improvement to the real property to which it is affixed.

31       4. Factory-built housing, as defined in NRS 461.080,  
32 constitutes real property if it becomes, on or after July 1, 1979,  
33 permanently affixed to land which is **owned** :

34       ***(a) Owned*** by the owner of the factory-built housing **[-]** ; or

35       ***(b) Leased by the owner of the factory-built housing if the***  
36 ***factory-built housing is being financed in accordance with the***  
37 ***guidelines of the Federal Home Loan Mortgage Corporation,***  
38 ***the Federal National Mortgage Association, the United States***  
39 ***Department of Agriculture, or any other entity that requires as***  
40 ***part of its financing program restrictions on ownership and***  
41 ***actions affecting title and possession similar to those required by***  
42 ***the Federal Home Loan Mortgage Corporation, the Federal***  
43 ***National Mortgage Association and the United States Department***  
44 ***of Agriculture.***



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

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

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

11 (b) A mobile home park; or

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

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

17 **Sec. 3.** NRS 361.2445 is hereby amended to read as follows:

18 361.2445 1. A mobile or manufactured home which has been  
19 converted to real property pursuant to NRS 361.244 may not be  
20 removed from the real property to which it is affixed unless, at least  
21 30 days before removing the mobile or manufactured home:

22 (a) The owner:

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

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

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

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

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

39 (a) He has received verification that there is no security interest  
40 in the mobile or manufactured home or the holders of security  
41 interests have agreed in writing to the conversion of the mobile or  
42 manufactured home to personal property; and

43 (b) An affidavit of conversion of the mobile or manufactured  
44 home from real to personal property has been recorded in the county



1 recorder's office of the county in which the real property to which  
2 the mobile or manufactured home was affixed is situated.

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

6 4. The Department shall adopt:

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

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

10 5. Before the owner of a mobile or manufactured home that has  
11 been converted to personal property pursuant to this section may  
12 transfer ownership of the mobile or manufactured home, he must  
13 obtain a certificate of ownership from the Division.

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

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

26 8. As used in this section:

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

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

37 **Sec. 4.** Chapter 489 of NRS is hereby amended by adding  
38 thereto a new section to read as follows:

39 1. *A dealer of new manufactured homes may enter into*  
40 *written agreements pursuant to which appropriately licensed*  
41 *providers of service agree to perform work pertinent to the sale,*  
42 *installation and occupancy of a manufactured home.*

43 2. *If a dealer of new manufactured homes enters into a*  
44 *written agreement pursuant to subsection 1, the dealer is*  
45 *responsible for the workmanship and completion of all parts of a*



1 *project involving the sale, installation and occupancy of a*  
2 *manufactured home, including, without limitation, any work*  
3 *performed by a provider of service pursuant to the written*  
4 *agreement.*

5 *3. A dealer of new manufactured homes shall not require a*  
6 *buyer of a manufactured home to obtain services to be performed*  
7 *pertinent to the sale, installation or occupancy of the*  
8 *manufactured home from a specific provider. The dealer shall*  
9 *disclose to the buyer in writing the fact that the dealer is*  
10 *prohibited from requiring the buyer to obtain such services from a*  
11 *specific provider of services.*

12 *4. As used in this section, "provider of services" means any*  
13 *person who performs work pertinent to the sale, installation and*  
14 *occupancy of a new manufactured home.*

15 **Sec. 5.** NRS 489.325 is hereby amended to read as follows:

16 489.325 1. The Administrator may adopt regulations which  
17 provide for the creation of a subclass of licensure for servicemen. A  
18 person licensed as a limited serviceman pursuant to this section  
19 must be limited in the scope of the work he may perform to  
20 installation or repair in one of the following categories:

- 21 (a) Awnings, roofing or skirting;
- 22 (b) Plumbing;
- 23 (c) Heating and air-conditioning systems; ~~or~~
- 24 (d) Electrical systems ~~or~~; *or*
- 25 (e) *Any other category that may be similarly licensed by the*  
26 *State Contractors' Board.*

27 2. The Administrator shall provide in those regulations for:

- 28 (a) The imposition of reasonable fees for application,  
29 examination and licensure.
- 30 (b) The creation and administration of a written or oral  
31 examination for each category of limited licensure.
- 32 (c) Minimum qualifications for such a license, including,  
33 without limitation, the passage of the applicable examination.

34 3. A person who is licensed as a limited serviceman shall  
35 comply with each statute and regulation which applies to  
36 servicemen, including, without limitation, the payment of a fee  
37 required pursuant to subparagraph 1 of paragraph (c) of subsection 2  
38 of NRS 489.4971.

39 **Sec. 6.** This act becomes effective on July 1, 2003.

