

ASSEMBLY BILL NO. 156—ASSEMBLYMEN KOIVISTO, FREEMAN,
GIUNCHIGLIANI, BUCKLEY, SEGERBLOM, CHOWNING, BACHE, MANENDO,
OHRENSCHALL, MCCLAIN, PRICE, PARKS, MORTENSON, COLLINS, CLABORN
AND PARNELL

FEBRUARY 8, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning increases in rent by landlords of mobile home parks. (BDR 10-1351)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 mobile home parks; creating the mobile home commission within the manufactured housing division of the department of business and industry; prescribing the powers and duties of the commission; prohibiting a landlord of a mobile home park from increasing rent for the second or subsequent time within certain period unless the increase is approved by the commission; 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.** Chapter 118B of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms described in sections 3*
5 *and 4 of this act have the meanings ascribed to them in those sections.*
6 **Sec. 3.** *“Commission” means the mobile home commission created*
7 *pursuant to the provisions of section 5 of this act.*
8 **Sec. 4.** *“Rent” means the consideration, including, without*
9 *limitation, money, benefits, gratuities and deposits, demanded or paid for*
10 *the use of a mobile home lot. The term does not include an amount paid*
11 *for:*

- 1 1. *The use of the mobile home; or*
- 2 2. *Water, gas, electricity or any other utility service that is separately*
- 3 *metered and billed to the tenant.*

4 **Sec. 5. 1.** *There is hereby created within the division the mobile*
5 *home commission consisting of three members appointed by the*
6 *governor.*

7 2. *The governor shall appoint to the commission:*

8 (a) *One member who is a landlord.*

9 (b) *One member who is a tenant.*

10 (c) *One member who is a representative of the general public.*

11 3. *After the initial terms, each member of the commission must be*
12 *appointed to a term of 3 years and may be removed by the governor for*
13 *cause.*

14 4. *While engaged in the business of the commission, each member of*
15 *the commission is entitled to:*

16 (a) *A salary of not more than \$80 per day, as fixed by the commission;*
17 *and*

18 (b) *The per diem allowance and travel expenses provided for state*
19 *officers and employees generally,*
20 *which must be paid from the fund for low-income owners of mobile*
21 *homes created pursuant to NRS 118B.215.*

22 **Sec. 6. 1.** *A landlord who wishes to increase rent for the second or*
23 *subsequent time within 1 year must submit an application for approval of*
24 *the increase to the commission.*

25 2. *The application must include, without limitation:*

26 (a) *The amount of the present rent;*

27 (b) *The amount that the landlord proposes to increase the rent;*

28 (c) *The reason for the proposed increase;*

29 (d) *The name and mailing address of each tenant whose rent the*
30 *landlord proposes to increase; and*

31 (e) *Any other information that the commission determines is*
32 *necessary.*

33 3. *The commission shall, upon receiving an application, set a date*
34 *for a public hearing. The date of the public hearing must not be more*
35 *than 40 days after the commission receives the application.*

36 4. *Within 10 days after the commission receives the application, the*
37 *commission shall mail a written notice to the landlord and each tenant of*
38 *the mobile home park whose rent may be increased. The notice must*
39 *include, without limitation, the time, date and place of the public hearing*
40 *and the reason for the hearing.*

41 5. *Within 20 days after the public hearing, the commission shall*
42 *approve or disapprove the application and mail a written notice of its*
43 *decision and the reason for the decision to the landlord and each tenant*

1 *of the mobile home park to whom the notice required by subsection 4 was*
2 *mailed. If the commission approves the application, it shall include in the*
3 *notice the amount of the increase in the rent that the commission has*
4 *approved.*

5 *6. An increase in rent that is not authorized by the commission*
6 *pursuant to the provisions of this section is void.*

7 *7. The decision of the commission is a final decision for the purposes*
8 *of judicial review.*

9 **Sec. 7. The administrator shall:**

10 *1. Adopt regulations to carry out the provisions of sections 2 to 7,*
11 *inclusive, of this act; and*

12 *2. Provide such assistance as is necessary for the commission to*
13 *carry out its duties pursuant to sections 2 to 7, inclusive, of this act.*

14 **Sec. 8.** NRS 118B.150 is hereby amended to read as follows:

15 118B.150 The landlord or his agent or employee shall not:

16 1. Increase rent or additional charges ~~unless:~~

17 ~~—(a) The~~ :

18 *(a) Unless the* rent charged after the increase is the same rent charged
19 for mobile homes of the same size or lots of the same size or of a similar
20 location within the park, except that a discount may be selectively given to
21 persons who are:

22 (1) Handicapped;

23 (2) Fifty-five years of age or older; or

24 (3) Long-term tenants of the park if the landlord has specified in the
25 rental agreement or lease the period of tenancy required to qualify for such
26 a discount;

27 (b) ~~Any~~ *Unless the* increase in ~~additional~~ *the* charges for special
28 services is the same amount for each tenant using the special service; ~~and~~

29 ~~—(c) Written~~

30 *(c) For the second or subsequent time within 1 year, unless the*
31 *increase has been approved pursuant to the provisions of section 6 of this*
32 *act by the mobile home commission created pursuant to the provisions of*
33 *section 5 of this act; and*

34 *(d) Unless written* notice advising a tenant of the increase is received by
35 the tenant 90 days before the first payment to be increased and written
36 notice of the increase is given to prospective tenants before

37 commencement of their tenancy. In addition to the notice provided to a
38 tenant pursuant to this paragraph, if the landlord or his agent or employee
39 knows or reasonably should know that the tenant receives assistance from
40 the fund created pursuant to NRS 118B.215, the landlord or his agent or
41 employee shall provide to the administrator written notice of the increase

42 90 days before the first payment to be increased.

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

3. Require a tenant to pay for a capital improvement to the mobile home park unless the tenant has notice of the requirement at the time he 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 subsection.

4. Require a tenant to pay his rent by check or money order.

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

6. 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 mobile home or recreational vehicle in the park to discuss the park's affairs, or any political or social 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.

7. 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 subsection is liable to the tenant for actual damages.

8. Prohibit a tenant from having guests, but he may require the tenant to register the guest within 48 hours after his arrival, Sundays and holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

9. 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 mobile home lot who is living alone may allow one other person to live in his 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 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.

1 10. Prohibit a tenant from erecting a fence along the perimeter of the
2 tenant's lot if the fence complies with any standards for fences established
3 by the landlord, including limitations established for the height of fences,
4 the materials used for fences and the manner in which fences are to be
5 constructed.

6 11. Prohibit any tenant from soliciting membership in any association
7 which is formed by the tenants who live in the park. As used in this
8 subsection, "solicit" means to make an oral or written request for
9 membership or the payment of dues or to distribute, circulate or post a
10 notice for payment of those dues.

11 12. Prohibit a public officer or candidate for public office from
12 walking through the park to talk with the tenants.

13 **Sec. 9.** NRS 118B.215 is hereby amended to read as follows:

14 118B.215 1. There is hereby created as a special revenue fund in the
15 state treasury the fund for low-income owners of mobile homes, to be
16 administered by the division. All money received for the use of the fund
17 pursuant to NRS 118B.213 or from any other source must be deposited in
18 the fund.

19 2. The interest and income earned on the money in the fund, after
20 deducting any applicable charges, must be credited to the fund. All claims
21 against the fund must be paid as other claims against the state are paid.

22 3. The money in the fund may be used only to pay necessary *the*
23 administrative costs *of the fund and the salaries, per diem allowances and*
24 *travel expenses of the members of the mobile home commission created*
25 *pursuant to the provisions of section 5 of this act* and to assist eligible
26 persons by supplementing their monthly rent for the mobile home lot on
27 which their mobile home is located. To be eligible for assistance from the
28 fund a person must:

29 (a) Except as otherwise provided in this subsection, have been a tenant
30 in the same mobile home park in this state for at least 1 year immediately
31 preceding his application for assistance;

32 (b) Be the registered owner of the mobile home which is subject to the
33 tenancy, as indicated on the certificate of ownership that is issued by the
34 division pursuant to NRS 489.541;

35 (c) Have a monthly household income which is at or below:

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

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

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

4 (e) Not have assets whose value is more than \$10,000, excluding the
5 value of the mobile home which is subject to the tenancy, the contents of
6 that mobile home and one motor vehicle.

7 A person who has been a tenant of a mobile home park in this state for at
8 least 1 year, but has not been a tenant of the mobile home park in which he
9 resides at the time he applies for assistance for at least 1 year, is eligible for
10 assistance from the fund if he moved to the mobile home park in which he
11 resides at the time of his application because he was unable to pay the rent
12 at the mobile home park from which he moved or because that park was
13 closed.

14 4. The administrator shall adopt regulations establishing:

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

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

21 5. As used in this section:

22 (a) "Mobile home" includes a travel trailer that is located on a mobile
23 home lot within a mobile home park.

24 (b) "Monthly household income" means the combined monthly
25 incomes of the occupants of a mobile home which is subject to the tenancy
26 for which assistance from the fund is requested.

27 (c) "Travel trailer" has the meaning ascribed to it in NRS 489.150.

28 **Sec. 10.** NRS 118B.251 is hereby amended to read as follows:

29 118B.251 1. ~~{The}~~ *Except as otherwise provided in subsection 2,*
30 *the* administrator may impose a fine of not more than \$1,000 against any
31 person who violates any of the provisions of this chapter.

32 2. *The administrator may impose a fine of \$1,000 against a landlord*
33 *for each month or fraction thereof during which the landlord has*
34 *increased rent in violation of the provisions of section 6 of this act.*

35 3. The administrator shall, before imposing the fine, notify the person
36 by certified mail that he will impose a fine for the violation unless the
37 person requests a hearing within 20 days after the notice is mailed.

38 ~~{3-}~~ 4. If a hearing is requested, the administrator shall hold a hearing
39 pursuant to the provisions of NRS 233B.121 to 233B.150, inclusive.

40 ~~{4-}~~ 5. If a hearing is not requested within the prescribed period and
41 the matter is not otherwise resolved, the administrator shall impose the fine
42 and notify the person by certified mail.

1 ~~15.1~~ 6. The decision of the administrator to impose a fine pursuant to
2 this section is a final decision for the purposes of judicial review.

3 **Sec. 11.** As soon as practicable after July 1, 1999, the governor shall
4 appoint to the mobile home commission created pursuant to the provisions
5 of section 5 of this act:

6 1. One member whose term expires on September 30, 2000.

7 2. One member whose term expires on September 30, 2001.

8 3. One member whose term expires on September 30, 2002.

9 **Sec. 12.** Notwithstanding the provisions of section 6 of this act, a
10 landlord of a mobile home park is not required to obtain the approval of
11 the mobile home commission created pursuant to the provisions of section
12 5 of this act to increase rent for the second or subsequent time within 1
13 year before October 1, 1999.

14 **Sec. 13.** This act becomes effective on July 1, 1999.

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