

ASSEMBLY BILL NO. 418—ASSEMBLYMEN OHRENSCHALL,
KOIVISTO, CLABORN, MCCLAIN, LESLIE, BUCKLEY,
PRICE AND MANENDO

MARCH 8, 1999

JOINT SPONSORS: SENATORS CARE, CARLTON, TITUS AND WIENER

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to mobile homes. (BDR 10-515)

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 homes; providing additional requirements for the protection of their owners, purchasers and renters; 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 and 3 of this act.
3 **Sec. 2.** *An owner, manager or other person responsible for*
4 *maintaining the records of a mobile home park shall keep confidential*
5 *any information in his possession concerning the personal or financial*
6 *affairs of a tenant, including, without limitation, his social security*
7 *number and information regarding his credit cards or bank accounts.*
8 **Sec. 3.** 1. *Except as otherwise provided in subsection 2 or in an*
9 *emergency, the owner or manager of a mobile home park shall not enter*
10 *a mobile home in the park more than once a year, and shall give notice*
11 *of the date for entry. No other person may enter a mobile home without*
12 *the consent of the owner.*
13 2. *The owner or manager of a mobile home park may enter a mobile*
14 *home in the park at any time with the permission of the occupant, and*

1 *may enter under circumstances provided in the rental agreement if the*
2 *owner of the park is the lessor of the mobile home.*

3 **Sec. 4.** NRS 118B.024 is hereby amended to read as follows:

4 118B.024 1. The administrator shall adopt regulations to carry out
5 the provisions of this chapter. *The regulations must include an*
6 *economically reasonable method for calculating periodic increases in*
7 *rent under a rental agreement.*

8 2. In order to carry out the provisions of this chapter, the administrator
9 may, upon receiving a complaint alleging a violation of this chapter or any
10 regulation adopted pursuant thereto:

11 (a) Issue subpoenas for the production of books, papers and documents
12 which are strictly relevant to the complaint;

13 (b) Mediate grievances between landlords and tenants of mobile home
14 parks; and

15 (c) Make inspections and provide technical services necessary to
16 administer the provisions of this chapter.

17 3. The administrator or his representative may inspect at reasonable
18 times in a reasonable manner the premises and books, papers, records and
19 documents which are required to enforce the provisions of this chapter.

20 **Sec. 5.** NRS 118B.040 is hereby amended to read as follows:

21 118B.040 1. A rental agreement or lease between a landlord and
22 tenant to rent or lease any mobile home lot must be in writing. The
23 landlord shall give the tenant a copy of the agreement or lease at the time
24 the tenant signs it.

25 2. A rental agreement or lease must contain ~~but is not limited to~~
26 provisions relating to:

27 (a) The duration of the agreement.

28 (b) The amount of rent, the manner and time of its payment and the
29 amount of any charges for late payment and dishonored checks. *Any*
30 *provision for a periodic increase in rent must be calculated in a manner*
31 *prescribed by regulation of the division.*

32 (c) Restrictions on occupancy by children . ~~for pets.~~

33 (d) Services and utilities included with the rental of a lot and the
34 responsibility of maintaining or paying for them, including the charge, if
35 any, for cleaning the lots.

36 (e) Deposits which may be required and the conditions for their refund.

37 (f) Maintenance which the tenant is required to perform and any
38 appurtenances he is required to provide.

39 (g) The name and address of the owner of the mobile home park and his
40 authorized agent.

41 (h) Any restrictions on subletting.

42 (i) Any recreational facilities and other amenities provided to the tenant
43 and any deposits or fees required for their use.

- 1 (j) Any restriction of the park to older persons pursuant to federal law.
- 2 (k) The dimensions of the mobile home lot of the tenant.
- 3 (l) The amount to be charged each month to the tenant to reimburse the
- 4 landlord for the cost of a capital improvement to the mobile home park.
- 5 Such an amount must be stated separately and include the length of time
- 6 the charge will be collected and the total amount to be recovered by the
- 7 landlord from all tenants in the mobile home park.

8 **3. The administrator shall inspect the records of mobile home parks**
9 **at least annually to determine whether there is a rental agreement signed**
10 **by the tenant for each mobile home lot.**

11 **Sec. 6.** NRS 118B.050 is hereby amended to read as follows:

12 118B.050 Any provision in a rental agreement or lease for a mobile
13 home lot which provides that the tenant:

- 14 1. Agrees to waive or forego any rights or remedies afforded by this
- 15 chapter;
- 16 2. Authorizes any person to confess judgment on any claim arising out
- 17 of the rental agreement;
- 18 3. Agrees to pay the landlord's attorney's fees or costs, or both, except
- 19 that the agreement may provide that attorney's fees may be awarded to the
- 20 prevailing party in the event of court action;
- 21 4. Agrees to the exculpation or limitation of any liability of the
- 22 landlord arising under law or to indemnify the landlord for that liability or
- 23 costs connected therewith, if the liability is based upon an act or omission
- 24 of the landlord or any agent or employee of the landlord;
- 25 5. Agrees to a period within which he will give notice to the landlord
- 26 of the termination of his tenancy which is longer than the term of the lease;

27 ~~for~~
28 6. Agrees to pay any additional charge for children , ~~for pets,~~ unless
29 the landlord provides a special service regarding children ; or ~~pets,~~

30 **7. Agrees not to keep pets or entertain guests, except a requirement**
31 **that a guest register upon entering and leaving a secured park,**
32 is void. A tenant may recover his actual damages resulting from the
33 enforcement of such a provision.

34 **Sec. 7.** NRS 118B.075 is hereby amended to read as follows:

35 118B.075 If more than one rental agreement or lease is currently
36 offered to prospective tenants ~~it~~ **or more than one rent is charged,** the
37 landlord of a mobile home park consisting of 25 or more lots shall:

- 38 1. Post in a conspicuous and readily accessible place in the community
- 39 or recreation facility in the park, at or near the entrance of the park or other
- 40 common area in the park, a legible sign indicating in bold print and bearing
- 41 the caption "sample rental or lease agreements."

2. Under the sign indicating "sample rental or lease agreements" post a copy of each rental or lease agreement presently offered to prospective tenants ~~and~~ *and the amount of rent charged for each lot.*

3. Provide at the request of a prospective tenant or an existing tenant, a copy of any lease or rental agreement required to be posted pursuant to subsection 2.

4. Immediately correct or replace the posted copy of a lease or rental agreement if new provisions are added to the lease or rental agreement or if existing provisions are amended or deleted.

5. Provide a copy of the provisions of this section to a prospective tenant before he signs a rental agreement or lease for a lot.

Sec. 8. NRS 118B.080 is hereby amended to read as follows:

118B.080 1. The landlord shall disclose in *legible* writing to each tenant *, and post in a conspicuous location in the park,* the:

(a) Name, address and telephone number of the owner and manager or assistant manager of *, and any other agent with respect to,* the mobile home park; ~~and~~

(b) Name and address of a person authorized to receive service of process for the landlord ~~;~~ *and*

(c) Address and telephone number of each office of the division to which problems may be reported,
and any change thereof.

2. The information must be furnished in writing to each new tenant on or before the commencement of his tenancy and to each existing tenant.

Sec. 9. NRS 118B.086 is hereby amended to read as follows:

118B.086 1. Each manager and assistant manager of a mobile home park which has 25 or more lots shall complete annually 6 hours of continuing education relating to the management of a mobile home park.

One resident of each park, selected by the tenants, may attend each course of instruction without charge.

2. The administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.

3. The instruction must include ~~but is not limited to,~~ information relating to:

(a) The provisions of chapter 118B of NRS;

(b) Leases and rental agreements;

(c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive;

(d) The resolution of complaints and disputes concerning landlords and tenants of mobile home parks; and

(e) The adoption and enforcement of the rules and regulations of a mobile home

park.

1 4. Each course of instruction and the instructor of the course must be
2 approved by the administrator. The administrator shall adopt regulations
3 setting forth the procedure for applying for approval of an instructor and
4 course of instruction. The administrator may require submission of such
5 reasonable information by an applicant as he deems necessary to determine
6 the suitability of the instructor and the course. The administrator shall not
7 approve a course if the fee charged for the course is not reasonable. Upon
8 approval, the administrator shall designate the number of hours of credit
9 allowable for the course.

10 **Sec. 10.** NRS 118B.087 is hereby amended to read as follows:

11 118B.087 1. There are hereby created two regions to provide courses
12 of continuing education pursuant to NRS 118B.086. One region is the
13 northern region consisting of the counties of Washoe, Storey, Douglas,
14 Lyon, Churchill, Pershing, Humboldt, Lander, Elko, Eureka, Mineral,
15 White Pine and Carson City, and one region is the southern region
16 consisting of the counties of Lincoln, Nye, Esmeralda and Clark.

17 2. The person who applied for approval of a course or his designee
18 shall notify the administrator of the date and location each time the course
19 is offered, as soon as practicable after scheduling the course.

20 3. The administrator shall ensure that a course of continuing education
21 is offered at least every 6 months in each region. If the administrator finds
22 that no approved course will be offered to meet the requirements of this
23 subsection, he shall offer the course and , *except as otherwise provided in*
24 *NRS 118B.086*, charge a reasonable fee for each person enrolled in the
25 course.

26 4. If the fees collected by the administrator for the course do not cover
27 the cost of offering the course, the administrator shall determine the
28 difference between the fees collected and the cost of offering the course,
29 divide that amount by the number of mobile home parks which have 25
30 lots or more in the region in which the course was held and assess that
31 amount to each landlord of such a mobile home park. The landlord shall
32 pay the assessment within 30 days after it was mailed by the administrator.

33 **Sec. 11.** NRS 118B.110 is hereby amended to read as follows:

34 118B.110 1. The landlord shall meet with a representative group of
35 tenants occupying the park, chosen by the tenants, to hear any complaints
36 or suggestions which concern a matter relevant to the park within 45 days
37 after he receives a written request to do so which has been signed by
38 persons occupying at least 25 percent of the lots in the park. The 25
39 percent must be calculated on the basis of one signature per occupied lot.
40 The meeting must be held at a time and place which is convenient to the
41 landlord and the tenants. *The time must not be within the normal working*
42 *hours of a majority of the tenants.* The representative group of tenants

43 ~~must~~ *may* consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.

3. If the landlord is not a natural person, the landlord shall appoint a natural person, not the manager or assistant manager, who possesses a financial interest in the mobile home park to meet with the tenants.

4. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

Sec. 12. NRS 118B.120 is hereby amended to read as follows:

118B.120 1. The landlord or his agent or employee may:

(a) Require that the tenant landscape and maintain the tenant's lot if the landlord advises the tenant in writing of reasonable requirements for the landscaping.

(b) If the tenant does not comply with the provisions of paragraph (a), maintain the tenant's lot and charge the tenant a service fee for the actual cost of that maintenance.

(c) Require that the mobile home be removed from the park if it is unoccupied for more than 90 consecutive days and the tenant or dealer is not making good faith and diligent efforts to sell it.

2. *The lease of a mobile home lot may be assigned by the tenant to a person similarly qualified to reside in the park. If a lease is so assigned, any subsequent increase in rent must be calculated in the same manner as provided for the original lessee.*

3. The landlord shall maintain, in the manner required for the other tenants, any lot on which is located a mobile home within the park which has been repossessed, abandoned or held for rent or taxes. The landlord is entitled to reimbursement for the cost of that maintenance from the reposessor or lien holder or from the proceeds of any sale for taxes, as the case may be.

~~3.~~ 4. For the purposes of this section, a mobile home shall be deemed to be abandoned if:

(a) It is located on a lot in a mobile home park for which no rent has been paid for at least 60 days;

(b) It is unoccupied; and

(c) The manager of the mobile home park reasonably believes it to be abandoned.

Sec. 13. NRS 118B.150 is hereby amended to read as follows:

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

1. Increase rent or additional charges unless:

(a) The rent charged after the increase is the same rent charged for mobile homes of the same size *if the owner of the park is the lessor of the*

1 **mobile home**, or lots of the same size or of a similar location within the
2 park, except that a discount may be selectively given to persons who are:

3 (1) Handicapped;
4 (2) Fifty-five years of age or older; or
5 (3) Long-term tenants of the park if the landlord has specified in the
6 rental agreement or lease the period of tenancy required to qualify for such
7 a discount;

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

10 (c) Written notice advising a tenant of the increase is received by the
11 tenant 90 days before the first payment to be increased and written notice
12 of the increase is given to prospective tenants before commencement of
13 their tenancy. In addition to the notice provided to a tenant pursuant to this
14 paragraph, if the landlord or his agent or employee knows or reasonably
15 should know that the tenant receives assistance from the fund created
16 pursuant to NRS 118B.215, the landlord or his agent or employee shall
17 provide to the administrator written notice of the increase 90 days before
18 the first payment to be increased.

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

22 3. Require a tenant to pay for a capital improvement to the mobile
23 home park unless the tenant has notice of the requirement at the time he
24 enters into the rental agreement. A tenant may not be required to pay for a
25 capital improvement after the tenant enters into the rental agreement unless
26 the tenant consents to it in writing or is given 60 days' notice of the
27 requirement in writing. The landlord may not establish such a requirement
28 unless a meeting of the tenants is held to discuss the proposal and the
29 landlord provides each tenant with notice of the proposal and the date, time
30 and place of the meeting not less than 60 days before the meeting. The
31 notice must include a copy of the proposal. A notice in a periodic
32 publication of the park does not constitute notice for the purposes of this
33 subsection.

34 4. ***Require a tenant to obtain insurance for the rented lot.***

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

36 ~~5.1~~ 6. Require a tenant who pays his rent in cash to apply any change
37 to which he is entitled to the next periodic payment that is due. The
38 landlord or his agent or employee shall have an adequate amount of money
39 available to provide change to such a tenant.

40 ~~6.1~~ 7. Prohibit or require fees or deposits for any meetings held in the
41 park's community or recreational facility by the tenants or occupants of
42 any mobile home or recreational vehicle in the park to discuss the park's
43 affairs, or any political or social meeting sponsored by a tenant, if the

1 meetings are held at reasonable hours and when the facility is not
2 otherwise in use, or prohibit the distribution of notices of those meetings.

3 ~~[7.]~~ 8. Interrupt, with the intent to terminate occupancy, any utility
4 service furnished the tenant except for nonpayment of utility charges when
5 due. Any landlord who violates this subsection is liable to the tenant for
6 actual damages.

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

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

19 10. Prohibit a tenant from erecting a fence along the perimeter of ~~the~~
20 ~~tenant's~~ *his* lot if the fence complies with any standards for fences
21 established by the landlord, including limitations established for the height
22 of fences, the materials used for fences and the manner in which fences are
23 to be constructed.

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

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

31 **Sec. 14.** NRS 118B.153 is hereby amended to read as follows:

32 118B.153 The amount of rent charged a tenant for a service, utility or
33 amenity upon moving into the mobile home park must be reduced
34 proportionately when the service, utility or amenity is decreased or
35 eliminated by the landlord. *If a swimming pool or other amenity is open*
36 *for use but is not sanitary, the rent must be similarly reduced.* The
37 landlord may not increase the rent to recover the lost revenue.

38 **Sec. 15.** NRS 118B.157 is hereby amended to read as follows:

39 118B.157 A landlord must give his tenants at least 24 hours' notice in
40 writing when planned repairs of a utility or a service which the mobile
41 home park provides will cause interruption of the utility or service ~~H~~, *and*
42 *shall not interrupt the supply of water except in an emergency.*

1 **Sec. 16.** NRS 118B.170 is hereby amended to read as follows:

2 118B.170 1. The landlord may require approval of a prospective
3 buyer and tenant before the sale of a tenant's mobile home or recreational
4 vehicle, if the mobile home or vehicle will remain in the park. The
5 landlord shall not unreasonably withhold his consent. *The administrator*
6 *shall inspect the records of mobile homes sold within each park, at least*
7 *annually, to determine compliance with the provisions of this subsection.*

8 2. If a tenant sells his mobile home or recreational vehicle, the
9 landlord may require that the mobile home or recreational vehicle be
10 removed from the park if it is ~~deemed by~~ *shown under* the park's written
11 rules or regulations in the possession of the tenants to be in a run-down
12 condition or in disrepair or does not meet the safety standards set forth in
13 NRS 461A.120. If the mobile home must be inspected to determine
14 compliance with the standards, the person requesting the inspection shall
15 pay for it.

16 3. If the landlord requires approval of a prospective buyer and tenant,
17 he shall post and maintain a sign which is clearly readable at the entrance
18 to the park which advises the reader that before a mobile home in the park
19 is sold, the prospective buyer must be approved by the landlord.

20 **Sec. 17.** NRS 118B.260 is hereby amended to read as follows:

21 118B.260 ~~{Any}~~

22 **1. A** landlord who violates any of the provisions of this chapter:

23 ~~{1-}~~ **(a)** For the first violation, shall pay a civil penalty of not more than
24 \$1,000.

25 ~~{2-}~~ **(b)** For the second violation, shall pay a civil penalty of not more
26 than \$2,500.

27 ~~{3-}~~ **(c)** For the third or subsequent violation, shall pay a civil penalty
28 of not more than \$5,000 for each violation.

29 **2. The penalty must be calculated, up to the applicable limit provided**
30 **by subsection 1, at the rate of \$50 for each day of violation after written**
31 **notice of the violation from the division has been served.**

32 **3.** If a penalty is imposed pursuant to this section, the costs of the
33 proceeding, including investigative costs and attorney's fees, must be
34 recovered by the administrator, if possible.

35 **Sec. 18.** Chapter 489 of NRS is hereby amended by adding thereto a
36 new section to read as follows:

37 ***A contract for the sale of a mobile home in a mobile home park must***
38 ***state:***

39 ***1. That the lot on which it is located is not included in the purchase.***

40 ***2. In conspicuous type, that the buyer should obtain legal advice, and***
41 ***where that advice is available in the community without charge, if it is so***
42 ***available.***

1 ***3. The dates of last maintenance and of any required maintenance or***
2 ***cleaning of major equipment, including the furnace, chimney and water***
3 ***heater.***

4 ***4. If the owner of the park is the seller, a disclosure before the***
5 ***contract is signed of any known elements in the construction or***
6 ***connection of the mobile home to utilities that do not meet the standards***
7 ***required by statute or ordinance at the time of sale.***

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