

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 thereto
2 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 landlord
23 shall give the tenant a copy of the agreement or lease at the time the tenant
24 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 the
6 charge will be collected and the total amount to be recovered by the
7 landlord from all tenants in the mobile home park.

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

9 118B.050 Any provision in a rental agreement or lease for a mobile
10 home lot which provides that the tenant:

11 1. Agrees to waive or forego any rights or remedies afforded by this
12 chapter;

13 2. Authorizes any person to confess judgment on any claim arising out
14 of the rental agreement;

15 3. Agrees to pay the landlord's attorney's fees or costs, or both, except
16 that the agreement may provide that attorney's fees may be awarded to the
17 prevailing party in the event of court action;

18 4. Agrees to the exculpation or limitation of any liability of the
19 landlord arising under law or to indemnify the landlord for that liability or
20 costs connected therewith, if the liability is based upon an act or omission
21 of the landlord or any agent or employee of the landlord;

22 5. Agrees to a period within which he will give notice to the landlord
23 of the termination of his tenancy which is longer than the term of the lease;

24 ~~for~~

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

27 ***7. Agrees not to entertain guests, except a requirement that a guest***
28 ***register upon entering and leaving a secured park,***

29 is void. A tenant may recover his actual damages resulting from the
30 enforcement of such a provision.

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

32 118B.075 If more than one rental agreement or lease is currently
33 offered to prospective tenants ~~and~~ ***or more than one rent is charged,*** the
34 landlord of a mobile home park consisting of 25 or more lots shall:

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

39 2. Under the sign indicating "sample rental or lease agreements" post a
40 copy of each rental or lease agreement presently offered to prospective

41 tenants ~~and~~ ***and the amount of rent charged for each lot.***

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

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

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

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

10 118B.080 1. The landlord shall disclose in *legible* writing to each
11 tenant, *and post in a conspicuous location in the park*, the:

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

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

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

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

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

23 118B.086 1. Each manager and assistant manager of a mobile home
24 park which has 25 or more lots shall complete annually 6 hours of
25 continuing education relating to the management of a mobile home park.

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

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

30 3. The instruction must include ~~[-but is not limited to,]~~ information
31 relating to:

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

33 (b) Leases and rental agreements;

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

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

38 (e) The adoption and enforcement of the rules and regulations of a
39 mobile home park.

40 4. Each course of instruction and the instructor of the course must be
41 approved by the administrator. The administrator shall adopt regulations
42 setting forth the procedure for applying for approval of an instructor and
43 course of instruction. The administrator may require submission of such

1 reasonable information by an applicant as he deems necessary to determine
2 the suitability of the instructor and the course. The administrator shall not
3 approve a course if the fee charged for the course is not reasonable. Upon
4 approval, the administrator shall designate the number of hours of credit
5 allowable for the course.

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

7 118B.087 1. There are hereby created two regions to provide courses
8 of continuing education pursuant to NRS 118B.086. One region is the
9 northern region consisting of the counties of Washoe, Storey, Douglas,
10 Lyon, Churchill, Pershing, Humboldt, Lander, Elko, Eureka, Mineral,
11 White Pine and Carson City, and one region is the southern region
12 consisting of the counties of Lincoln, Nye, Esmeralda and Clark.

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

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

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

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

30 118B.110 1. The landlord shall meet with a representative group of
31 tenants occupying the park, chosen by the tenants, to hear any complaints
32 or suggestions which concern a matter relevant to the park within 45 days
33 after he receives a written request to do so which has been signed by
34 persons occupying at least 25 percent of the lots in the park. The 25 percent
35 must be calculated on the basis of one signature per occupied lot. The
36 meeting must be held at a time and place which is convenient to the
37 landlord and the tenants. *The time must not be within the normal working*
38 *hours of a majority of the tenants.* The representative group of tenants
39 ~~must~~ *may* consist of no more than five persons.

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

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

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

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

8 118B.120 1. The landlord or his agent or employee may:

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

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

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

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

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

28 ~~13.1~~ 4. For the purposes of this section, a mobile home shall be deemed
29 to be abandoned if:

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

32 (b) It is unoccupied; and

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

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

36 118B.150 The landlord or his agent or employee shall not:

37 1. Increase rent or additional charges unless:

38 (a) The rent charged after the increase is the same rent charged for
39 mobile homes of the same size or lots of the same size or of a similar
40 location within the park, except that a discount may be selectively given to
41 persons who are:

42 (1) Handicapped;

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

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

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

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

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

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

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

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

32 ~~15.1~~ 6. Require a tenant who pays his rent in cash to apply any change
33 to which he is entitled to the next periodic payment that is due. The
34 landlord or his agent or employee shall have an adequate amount of money
35 available to provide change to such a tenant.

36 ~~16.1~~ 7. Prohibit or require fees or deposits for any meetings held in the
37 park's community or recreational facility by the tenants or occupants of any
38 mobile home or recreational vehicle in the park to discuss the park's
39 affairs, or any political or social meeting sponsored by a tenant, if the
40 meetings are held at reasonable hours and when the facility is not otherwise
41 in use, or prohibit the distribution of notices of those meetings.

42 ~~17.1~~ 8. Interrupt, with the intent to terminate occupancy, any utility
43 service furnished the tenant except for nonpayment of utility charges when

1 due. Any landlord who violates this subsection is liable to the tenant for
2 actual damages.

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

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

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

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

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

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

28 118B.153 The amount of rent charged a tenant for a service, utility or
29 amenity upon moving into the mobile home park must be reduced
30 proportionately when the service, utility or amenity is decreased or
31 eliminated by the landlord. *If a swimming pool or other amenity is open*
32 *for use but is not sanitary, the rent must be similarly reduced.* The
33 landlord may not increase the rent to recover the lost revenue.

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

35 118B.157 A landlord must give his tenants at least 24 hours' notice in
36 writing when planned repairs of a utility or a service which the mobile
37 home park provides will cause interruption of the utility or service ~~{}~~, *and*
38 *shall not interrupt the supply of water except in an emergency.*

39 **Sec. 16.** (Deleted by amendment.)

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

41 118B.260 ~~{Any}~~

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

1 ~~11.1~~ (a) For the first violation, shall pay a civil penalty of not more than
2 \$1,000.

3 ~~12.1~~ (b) For the second violation, shall pay a civil penalty of not more
4 than \$2,500.

5 ~~13.1~~ (c) For the third or subsequent violation, shall pay a civil penalty of
6 not more than \$5,000 for each violation.

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

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

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

15 *A contract for the sale of a mobile home in a mobile home park must
16 state:*

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

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

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

24 *4. If the owner of the park is the seller and the mobile home was
25 constructed before 1975, a disclosure before the contract is signed of any
26 known elements in the construction or connection of the mobile home to
27 utilities that do not meet the standards required by statute or ordinance at
28 the time of sale. If such a seller discloses that the mobile home does not
29 comply with the safety standards set forth in NRS 461A.120, the seller
30 shall disclose specifically the manner in which the mobile home does not
31 comply with the standards.*