

ASSEMBLY BILL NO. 477—COMMITTEE ON COMMERCE AND LABOR

MARCH 11, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning mobile home parks. (BDR 10-1290)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to mobile home parks; requiring a landlord of a mobile home park to remove snow from certain areas of the park; requiring a landlord to trim the trees within the park and dispose of the trimmings from those trees; increasing the fee for a late monthly rental payment; authorizing a landlord to give a discount on the monthly rental payment to a tenant who pays his rent in a timely manner or pays his rent by check, money order or electronic means; prohibiting a tenant from harassing a landlord, manager or assistant manager of a mobile home park, or an employee or agent of a landlord; providing remedies for failure of the buyer and tenant of a mobile home to gain prior approval of landlord where required; providing a civil penalty; 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 118B.090 is hereby amended to read as follows:
2
3 118B.090 The landlord shall:
4 1. Maintain all common areas of the park in a clean and safe condition;
5 2. Maintain in good working order all electrical, plumbing and sanitary
6 facilities, appliances and recreational facilities which he furnishes;
7 3. Maintain in a safe and secure location individual mail boxes for the
8 tenants if the mail is delivered to the landlord for distribution to the tenants;
9 ~~and~~
10 4. Maintain all driveways within the park and sidewalks adjacent to the
11 street ~~[-]; and~~
12 5. *Remove snow from the sidewalks and streets within the park, and*
13 *from sidewalks adjacent to the street.*

1 **Sec. 2.** NRS 118B.120 is hereby amended to read as follows:

2 118B.120 1. The landlord or his agent or employee may:

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

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

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

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

18 3. *The landlord shall trim all the trees located within the park and*
19 *dispose of the trimmings from those trees absent a voluntary assumption*
20 *of that duty by the tenant for trees on the tenant's lot.*

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

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

25 (b) It is unoccupied; and

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

28 **Sec. 3.** NRS 118B.140 is hereby amended to read as follows:

29 118B.140 The landlord or his agent or employee shall not:

30 1. Require a person to purchase a mobile home from him or any other
31 person as a condition to renting a mobile home lot to the purchaser or give
32 an adjustment of rent or fees, or provide any other incentive to induce the
33 purchase of a mobile home from him or any other person.

34 2. Charge or receive:

35 (a) Any entrance or exit fee for assuming or leaving occupancy of a
36 mobile home lot.

37 (b) Any transfer or selling fee or commission as a condition to
38 permitting a tenant to sell his mobile home or recreational vehicle within
39 the mobile home park even if the mobile home or recreational vehicle is to
40 remain within the park, unless the landlord is licensed as a dealer of mobile
41 homes pursuant to NRS 489.311 and has acted as the tenant's agent in the
42 sale pursuant to a written contract.

43 (c) Any fee for the tenant's spouse or children.

(d) Any fee for pets kept by a tenant in the park. If special facilities or services are provided, the landlord may also charge a fee reasonably related to the cost of maintenance of the facility or service and the number of pets kept in the facility.

(e) Any additional service fee unless the landlord provides an additional service which is needed to protect the health and welfare of the tenants, and written notice advising each tenant of the additional fee is sent to the tenant 90 days in advance of the first payment to be made, and written notice of the additional fee is given to prospective tenants on or before commencement of their tenancy. A tenant may only be required to pay the additional service fee for the duration of the additional service.

(f) Any fee for a late monthly rental payment within 4 days ~~to~~ *after* the date the rental payment is due or which exceeds ~~to~~ *\$5* for each day , *excluding Saturdays, Sundays and legal holidays*, which the payment is overdue, beginning on the day after the payment was due. Any fee for late payment of charges for utilities must be in accordance with the requirements prescribed by the public utilities commission of Nevada.

(g) Any fee, surcharge or rent increase to recover from his tenants the costs resulting from converting from a master-metered water system to individual water meters for each mobile home lot.

(h) Any fee, surcharge or rent increase to recover from his tenants any amount that exceeds the amount of the cost for a governmentally mandated service or tax that was paid by the landlord.

Sec. 4. 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 or lots of the same size or of a similar location within the park, except that a discount may be selectively given to persons who ~~are:~~

~~(1) Handicapped;~~

~~(2) Fifty-five;~~

(1) Are handicapped;

(2) Are 55 years of age or older; ~~or~~

~~(3) Long-term;~~

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

(4) Pay their rent in a timely manner; or

(5) Pay their rent by check, money order or electronic means;

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

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

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

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

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

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

30 6. Prohibit or require fees or deposits for any meetings held in the
31 park's community or recreational facility by the tenants or occupants of any
32 mobile home or recreational vehicle in the park to discuss the park's
33 affairs, or any political or social meeting sponsored by a tenant, if the
34 meetings are held at reasonable hours and when the facility is not otherwise
35 in use, or prohibit the distribution of notices of those meetings.

36 7. Interrupt, with the intent to terminate occupancy, any utility service
37 furnished the tenant except for nonpayment of utility charges when due.
38 Any landlord who violates this subsection is liable to the tenant for actual
39 damages.

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

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

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

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

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

21 *13. If a tenant has voluntarily assumed responsibility to trim the*
22 *trees on his lot, require the tenant to trim any particular tree located on*
23 *the lot or dispose of the trimmings unless a danger or hazard exists.*

24 **Sec. 5.** NRS 118B.170 is hereby amended to read as follows:

25 118B.170 1. The landlord may require approval of a prospective
26 buyer and tenant before the sale of a tenant's mobile home or recreational
27 vehicle, if the mobile home or vehicle will remain in the park. *The landlord*
28 *shall consider the record, if any, of the prospective buyer and tenant*
29 *concerning the payment of rent.* The landlord shall not unreasonably
30 withhold his consent.

31 2. If a tenant sells his mobile home or recreational vehicle, the landlord
32 may require that the mobile home or recreational vehicle be removed from
33 the park if it is deemed by the park's written rules or regulations in the
34 possession of the tenants to be in a run-down condition or in disrepair or
35 does not meet the safety standards set forth in NRS 461A.120. If the mobile
36 home must be inspected to determine compliance with the standards, the
37 person requesting the inspection shall pay for it.

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

42 *4. If the landlord requires the approval of a prospective buyer and*
43 *tenant of a mobile home or recreational vehicle and the mobile home or*

1 *recreational vehicle is sold without the approval of the landlord, the*
2 *landlord may:*

3 *(a) After providing at least 10 days' written notice to the buyer and*
4 *tenant, bring an action for an unlawful detainer in the manner*
5 *prescribed in chapter 40 of NRS; or*

6 *(b) Require the buyer and tenant to sign a rental agreement. If the*
7 *buyer and tenant refuse to sign the rental agreement within 5 days after*
8 *such a request, the landlord may, after providing at least 10 days' written*
9 *notice to the buyer and tenant, bring an action for an unlawful detainer*
10 *in the manner provided in chapter 40 of NRS.*

11 *5. For the purposes of NRS 40.251, a person who:*

12 *(a) Purchases a mobile home or recreational vehicle from a tenant of*
13 *a mobile home park which will remain in the park;*

14 *(b) Was required to be approved by the landlord of the mobile home*
15 *park before the sale of the mobile home or recreational vehicle; and*

16 *(c) Was not approved by the landlord before he purchased that mobile*
17 *home or recreational vehicle,*

18 *shall be deemed a tenant at will and a lessee of the mobile home park.*

19 **Sec. 6.** NRS 118B.210 is hereby amended to read as follows:

20 118B.210 1. The landlord shall not terminate a tenancy, refuse to
21 renew a tenancy, increase rent or decrease services he normally supplies, or
22 bring or threaten to bring an action for possession of a mobile home lot as
23 retaliation upon the tenant because:

24 (a) He has complained in good faith about a violation of a building,
25 safety or health code or regulation pertaining to a mobile home park to the
26 governmental agency responsible for enforcing the code or regulation.

27 (b) He has complained to the landlord concerning the maintenance,
28 condition or operation of the park or a violation of any provision of NRS
29 118B.040 to 118B.220, inclusive, and 118B.240.

30 (c) He has organized or become a member of a tenants' league or similar
31 organization.

32 (d) He has requested the reduction in rent required by:

33 (1) NRS 118.165 as a result of a reduction in property taxes.

34 (2) NRS 118B.153 when a service, utility or amenity is decreased or
35 eliminated by the landlord.

36 (e) A citation has been issued to the landlord as the result of a complaint
37 of the tenant.

38 (f) In a judicial proceeding or arbitration between the landlord and the
39 tenant, an issue has been determined adversely to the landlord.

40 2. A landlord, manager or assistant manager of a mobile home park
41 shall not willfully harass a tenant.

42 3. *A tenant shall not willfully harass a landlord, manager, assistant*
43 *manager of a mobile home park or an employee or agent of the landlord.*

1 **4.** As used in this section, “harass” means to threaten or intimidate,
2 through words or conduct, with the intent to affect the terms or conditions
3 of a tenancy or ~~the tenant’s~~ **a person’s** exercise of his rights pursuant to
4 this chapter.

5 **Sec. 7.** NRS 118B.260 is hereby amended to read as follows:

6 118B.260 Any landlord who violates any of the provisions of this
7 chapter ~~118B.260~~ **and any other person who violates NRS 118B.210:**

8 1. For the first violation, shall pay a civil penalty of not more than
9 \$1,000.

10 2. For the second violation, shall pay a civil penalty of not more than
11 \$2,500.

12 3. For the third or subsequent violation, shall pay a civil penalty of not
13 more than \$5,000 for each violation.

14 If a **civil** penalty is imposed pursuant to this section, the costs of the
15 proceeding, including investigative costs and attorney’s fees, must be
16 recovered by the administrator, if possible.

17 **Sec. 8.** NRS 40.251 is hereby amended to read as follows:

18 40.251 A tenant of real property, a recreational vehicle or a mobile
19 home for a term less than life is guilty of an unlawful detainer when having
20 leased:

21 1. Real property, except as otherwise provided in this section, or a
22 mobile home for an indefinite time, with monthly or other periodic rent
23 reserved, he continues in possession thereof, in person or by subtenant,
24 without the landlord’s consent after the expiration of a notice of:

25 (a) For tenancies from week to week, at least 7 days;

26 (b) For all other periodic tenancies, at least 30 days; or

27 (c) For tenancies at will, at least 5 days.

28 2. A dwelling unit subject to the provisions of chapter 118A of NRS,
29 he continues in possession, in person or by subtenant, without the
30 landlord’s consent after expiration of:

31 (a) The term of the rental agreement or its termination and, except as
32 otherwise provided in paragraph (b), the expiration of a notice of at least 7
33 days for tenancies from week to week and 30 days for all other periodic
34 tenancies; or

35 (b) A notice of at least 5 days where the tenant has failed to perform his
36 basic or contractual obligations under chapter 118A of NRS.

37 3. A mobile home lot subject to the provisions of chapter 118B of
38 NRS, or a lot for a recreational vehicle in an area of a mobile home park
39 other than an area designated as a recreational vehicle lot pursuant to the
40 provisions of subsection 6 of NRS 40.215, he continues in possession, in
41 person or by subtenant, without the landlord’s consent, after notice has
42 been given pursuant to NRS **118B.170 or** 118B.190 and the period of the
43 notice has expired.

- 1 4. A recreational vehicle lot, he continues in possession, in person or
- 2 by subtenant, without the landlord's consent, after the expiration of a notice
- 3 of at least 5 days.

~