

ASSEMBLY BILL NO. 341—ASSEMBLYMEN BUCKLEY, MANENDO,
OHRENSCHALL, MCCLAIN, CLABORN, ANDERSON, ARBERRY,
BACHE, CHOWNING, COLLINS, FREEMAN, GIUNCHIGLIANI,
KOIVISTO, NOLAN, OCEGUERA, PARKS, PRICE AND WILLIAMS

MARCH 13, 2001

JOINT SPONSORS: SENATORS TITUS, CARE AND WIENER

Referred to Committee on Commerce and Labor

SUMMARY—Creates state board to review certain increases in rent relating to mobile home parks. (BDR 10-1087)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 park rent review board within the manufactured housing division of the department of business and industry; prescribing the powers and duties of the board; prohibiting the landlord of a mobile home park, or his agent or employee, from imposing certain increases in rent unless such increases in rent are first approved by the board; 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 to 8, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 8, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3 and*
5 *4 of this act have the meanings ascribed to them in those sections.*
6 **Sec. 3.** *“Board” means the mobile home park rent review board*
7 *created pursuant to section 5 of this act.*
8 **Sec. 4.** *“Rent” means the consideration, including, without*
9 *limitation, money and deposits, demanded or paid for the use of a mobile*
10 *home lot. The term does not include an amount of money paid for:*
11 1. *The use of the mobile home; or*
12 2. *Water, gas, electricity or any other utility service that is metered*
13 *and billed separately to the tenant.*



- 1 **Sec. 5.** 1. *The mobile home park rent review board is hereby*
2 *created within the division.*
- 3 2. *The board consists of five members who are appointed as follows:*
4 (a) *Two members appointed by the Manufactured Home Community*
5 *Owners Association or its successor;*
6 (b) *Two members appointed by the Nevada Association of*
7 *Manufactured Home Owners or its successor; and*
8 (c) *One member appointed by the Nevada Manufactured Housing*
9 *Association or its successor.*
- 10 3. *The administrator shall serve ex officio as a nonvoting member of*
11 *the board.*
- 12 4. *After the initial appointments, the term of each member appointed*
13 *to the board is 3 years. A member of the board may be removed for good*
14 *cause by the association that appointed him to the board. A vacancy on*
15 *the board must be filled for the remainder of the unexpired term in the*
16 *same manner as the original appointment. A member may be reappointed*
17 *to the board.*
- 18 **Sec. 6.** 1. *The voting members of the board shall select a chairman*
19 *from among their membership. The term of the chairman is 1 year. If a*
20 *vacancy occurs in the chairmanship, the vacancy must be filled for the*
21 *remainder of the unexpired term in the same manner as the original*
22 *selection.*
- 23 2. *A majority of the voting members of the board constitutes a*
24 *quorum, and a quorum may exercise all the power and authority*
25 *conferred on the board.*
- 26 3. *The appointed members of the board serve without compensation*
27 *and are not entitled to the per diem and travel expenses provided for state*
28 *officers and employees generally.*
- 29 4. *The administrator shall provide the board with administrative and*
30 *clerical support and with such other assistance, including, without*
31 *limitation, making arrangements for facilities, equipment and other*
32 *services in preparation for meetings, as may be necessary for the board to*
33 *carry out its duties pursuant to sections 2 to 8, inclusive, of this act.*
- 34 **Sec. 7.** 1. *A landlord who wishes to increase rent:*
35 (a) *By more than 5 percent within 1 year; or*
36 (b) *To an amount which exceeds \$400 per month,*
37 *must submit an application for approval of the increase to the board.*
- 38 2. *The application must include, without limitation:*
39 (a) *The amount of the current rent;*
40 (b) *The amount by which the landlord proposes to increase the rent;*
41 (c) *The reason for the proposed increase;*
42 (d) *The name and mailing address of each tenant whose rent the*
43 *landlord proposes to increase; and*
44 (e) *Any other information that the board determines to be necessary.*
- 45 3. *The board shall, within 10 days after receiving such an*
46 *application:*
47 (a) *Set a date for a public hearing. The date of the public hearing*
48 *must not be more than 40 days after the date on which the board receives*
49 *the application.*



1 (b) Mail a written notice by certified mail, return receipt requested, to
2 the landlord. The notice must include, without limitation, the date, time,
3 place and purpose of the public hearing. Within 2 calendar days after
4 receiving the notice, the landlord shall deliver a copy of the notice to
5 each tenant whose rent the landlord proposes to increase.

6 4. In reviewing an application for an increase in rent, the board shall
7 consider:

- 8 (a) The operating expenses of the mobile home park;
9 (b) The current rent;
10 (c) The debt service, including, without limitation, the debt service for
11 capital improvements to the mobile home park; and
12 (d) A reasonable rate of return on investment by the owner of the
13 mobile home park.

14 5. Within 20 days after the public hearing, the board shall approve or
15 disapprove the application in whole or in part and mail a written notice
16 of its decision and the reason for its decision to the landlord and to each
17 tenant of the mobile home park to whom notice was required to be
18 delivered pursuant to subsection 3. If the board approves the application,
19 the board shall include in the notice the amount of the increase in rent
20 that the board has approved.

21 6. An increase in rent described in subsection 1 is void unless it has
22 been approved by the board pursuant to the provisions of this section.

23 7. The decision of the board to approve or disapprove an application
24 for an increase in rent is a final decision for the purposes of judicial
25 review.

26 Sec. 8. The administrator shall adopt such regulations as the
27 administrator determines are necessary to carry out the provisions of
28 sections 2 to 8, inclusive, of this act.

29 Sec. 9. NRS 118B.150 is hereby amended to read as follows:

30 118B.150 The landlord or his agent or employee shall not:

- 31 1. Increase rent or additional charges ~~unless:~~

32 ~~—(a) The:~~

33 (a) Unless the rent charged after the increase is the same rent charged
34 for mobile homes of the same size or lots of the same size or of a similar
35 location within the park, except that a discount may be selectively given to
36 persons who are:

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

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

44 ~~—(c) Written~~

45 (c) More than 5 percent in 1 year, or to an amount which exceeds
46 \$400 per month, unless the increase has been approved pursuant to the
47 provisions of section 7 of this act by the mobile home park rent review
48 board created pursuant to the provisions of section 5 of this act; and



- 1 (d) *Unless written* notice advising a tenant of the increase is received by
2 the tenant 90 days before the first payment to be increased and written
3 notice of the increase is given to prospective tenants before commencement
4 of their tenancy. In addition to the notice provided to a tenant pursuant to
5 this paragraph, if the landlord or his agent or employee knows or
6 reasonably should know that the tenant receives assistance from the fund
7 created pursuant to NRS 118B.215, the landlord or his agent or employee
8 shall provide to the administrator written notice of the increase 90 days
9 before 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
29 available 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
32 any 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
35 ~~otherwise~~ 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 holidays
42 excluded, and if the park is a secured park, a guest may be required to
43 register upon entering and leaving.
- 44 9. Charge a fee for a guest who does not stay with the tenant for more
45 than a total of 60 days in a calendar year. The tenant of a mobile home lot
46 who is living alone may allow one other person to live in his home without
47 paying an additional charge or fee, unless such a living arrangement
48 constitutes a violation of chapter 315 of NRS. No agreement between a
49 tenant and his guest alters or varies the terms of the rental contract between



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1 the tenant and the landlord , and the guest is subject to the rules and
2 regulations of the landlord.

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

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

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

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

16 118B.251 1. ~~The~~ *Except as otherwise provided in subsection 2,*
17 *the* administrator may impose a fine of not more than \$1,000 against any
18 person who violates any of the provisions of this chapter.

19 2. *The administrator may impose a fine of \$1,000 against a landlord*
20 *for each month or fraction thereof during which the landlord, or his*
21 *agent or employee, has increased rent in violation of paragraph (c) of*
22 *subsection 1 of NRS 118B.150.*

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

26 ~~3-~~ 4. If a hearing is requested, the administrator shall hold a hearing
27 pursuant to the provisions of NRS 233B.121 to 233B.150, inclusive.

28 ~~4-~~ 5. If a hearing is not requested within the prescribed period and
29 the matter is not otherwise resolved, the administrator shall impose the fine
30 and notify the person by certified mail.

31 ~~5-~~ 6. The decision of the administrator to impose a fine pursuant to
32 this section is a final decision for the purposes of judicial review.

33 **Sec. 11.** On or before June 15, 2001:

34 1. The Manufactured Home Community Owners Association and the
35 Nevada Association of Manufactured Home Owners shall each appoint to
36 the mobile home park rent review board created pursuant to section 5 of
37 this act:

38 (a) One member whose term expires on June 30, 2002.

39 (b) One member whose term expires on June 30, 2003.

40 2. The Nevada Manufactured Housing Association shall appoint to the
41 mobile home park rent review board created pursuant to section 5 of this
42 act one member whose term expires on June 30, 2002.

43 **Sec. 12.** Not later than September 1, 2001, the chief of the
44 manufactured housing division of the department of business and industry
45 shall adopt the regulations required pursuant to section 8 of this act.

46 **Sec. 13.** 1. This section and sections 1 to 6, inclusive, 8, 11 and 12
47 of this act become effective upon passage and approval.



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1 2. Sections 7, 9 and 10 of this act become effective on October 1,
2 2001.

