

ASSEMBLY BILL NO. 619—COMMITTEE ON COMMERCE AND LABOR

MARCH 26, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions relating to mobile home parks. (BDR 10-1090)

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; authorizing the landlord of a mobile home park to require written consent before a person occupies a mobile home or recreational vehicle or moves a mobile home or recreational vehicle into the mobile home park; providing that a person who does not obtain such consent is an unlawful occupant; requiring the landlord of a mobile home park to post periodically a report on the quality of water supplied to the mobile home park; authorizing the landlord of a mobile home park to impose certain requirements pertaining to the occupancy of mobile homes; providing that certain prohibitions pertaining to increases in rent for mobile homes and mobile home lots apply to long-term leases; reducing certain periods of notice required before a landlord may bring an action for an unlawful detainer or terminate a written agreement; authorizing the landlord or manager of a mobile home park to resell certain mobile homes without being licensed as a dealer in certain circumstances; 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, 3 and 4 of this act.
3 **Sec. 2.** *“Unlawful occupant” means a person described in*
4 *subsection 5 of section 3 of this act.*
5 **Sec. 3. 1.** *The landlord of a mobile home park may require that a*
6 *person submit a written application to and receive written consent from*
7 *the landlord before the person:*
8 *(a) Occupies a mobile home or recreational vehicle in the mobile*
9 *home park; or*
10 *(b) Moves or causes to be moved a mobile home or recreational*
11 *vehicle into the mobile home park.*
12 **2.** *In addition to the provisions of subsection 1, if a person who*
13 *intends to occupy a mobile home or recreational vehicle in a mobile*
14 *home park is not the owner of the mobile home or recreational vehicle,*



1 the landlord of the mobile home park may require that the person receive
2 written consent from the owner of the mobile home or recreational
3 vehicle before the person occupies that mobile home or recreational
4 vehicle.

5 3. If the landlord of a mobile home park requires written consent
6 pursuant to subsection 1 or 2, the landlord shall post and maintain a sign
7 which is clearly readable at the entrance to the mobile home park which
8 advises the reader of the consent that is required before a person may:

9 (a) Occupy a mobile home or recreational vehicle in the mobile home
10 park; or

11 (b) Move or cause to be moved a mobile home or recreational vehicle
12 into the mobile home park.

13 4. If the landlord of a mobile home park requires written consent
14 pursuant to subsection 1, the landlord may deny an application submitted
15 pursuant to that subsection on one or more of the following grounds:

16 (a) The application is to move or cause to be moved a mobile home or
17 recreational vehicle into the mobile home park and the applicant does
18 not hold title to the mobile home or recreational vehicle on the date of
19 application or will not hold title to the mobile home or recreational
20 vehicle on the date that the mobile home or recreational vehicle is moved
21 into the mobile home park.

22 (b) The landlord requires the approval of prospective buyers and
23 tenants pursuant to NRS 118B.170 and the applicant is a prospective
24 buyer or tenant to whom the landlord has not granted such approval.

25 (c) The condition of the mobile home or recreational vehicle that the
26 applicant proposes to occupy or move into the mobile home park is such
27 that the mobile home or recreational vehicle would be subject to removal
28 from the mobile home park pursuant to subsection 2 of NRS 118B.170.

29 (d) The applicant proposes to occupy a mobile home or recreational
30 vehicle in the mobile home park pursuant to the sublease or assignment
31 of a mobile home lot, and the rental agreement used by the landlord for
32 renting lots in the mobile home park specifies that such a sublease or
33 assignment is prohibited.

34 (e) The applicant is unable or unwilling to comply with any other
35 rules and regulations which the landlord has adopted and set forth in the
36 rental agreement used by the landlord for renting mobile home lots in the
37 mobile home park.

38 5. A person is an unlawful occupant if that person, with the intent to
39 reside in a mobile home park:

40 (a) Occupies a mobile home or recreational vehicle in the mobile
41 home park for a period of 1 day or more without the written consent of
42 the landlord, if the landlord requires such consent pursuant to paragraph
43 (a) of subsection 1;

44 (b) Moves or causes to be moved a mobile home or recreational
45 vehicle into the mobile home park without the written consent of the
46 landlord, if the landlord requires such consent pursuant to paragraph (b)
47 of subsection 1; or

48 (c) Occupies a mobile home or recreational vehicle in the mobile
49 home park for a period of 1 day or more without the written consent of



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1 *the owner of the mobile home, if the landlord requires such consent*
2 *pursuant to subsection 2.*

3 *6. If an unlawful occupant is occupying a mobile home or*
4 *recreational vehicle in a mobile home park, the landlord of that mobile*
5 *home park may:*

6 *(a) After providing at least 5 days' written notice to the unlawful*
7 *occupant, bring an action for an unlawful detainer in the manner*
8 *prescribed in chapter 40 of NRS; or*

9 *(b) Require the unlawful occupant to sign a rental agreement. If the*
10 *unlawful occupant refuses to sign the rental agreement within 5 days*
11 *after such a request, the landlord may, after providing at least 5 days'*
12 *written notice to the unlawful occupant, bring an action for an unlawful*
13 *detainer in the manner provided in chapter 40 of NRS.*

14 *7. For the purposes of NRS 40.251, an unlawful occupant shall be*
15 *deemed a tenant at will and a lessee of the mobile home park.*

16 **Sec. 4.** *1. The landlord of a mobile home park shall post in a*
17 *conspicuous and readily accessible place in the community or*
18 *recreational facility in the mobile home park, at or near the entrance of*
19 *the mobile home park or other common area in the mobile home park, a*
20 *current report on the quality of the water that is supplied to the mobile*
21 *home park.*

22 *2. The report must be obtained from:*

23 *(a) The health division of the department of human resources;*

24 *(b) The health authority, as that term is defined in NRS 445A.820; or*

25 *(c) The supplier of water, as that term is defined in NRS 445A.845.*

26 *3. The landlord shall post the report at least once each year and at*
27 *such other times as one of the entities described in subsection 2 may*
28 *provide an updated report to the landlord.*

29 **Sec. 5.** NRS 118B.010 is hereby amended to read as follows:

30 118B.010 As used in this chapter, unless the context otherwise
31 requires, the words and terms defined in NRS 118B.011 to 118B.0195,
32 inclusive, *and section 2 of this act* have the meanings ascribed to them in
33 those sections.

34 **Sec. 6.** NRS 118B.0185 is hereby amended to read as follows:

35 118B.0185 "Tenant" means the owner of a mobile home which is
36 located on a mobile home lot in a mobile home park. *The term does not*
37 *include an unlawful occupant.*

38 **Sec. 7.** NRS 118B.100 is hereby amended to read as follows:

39 118B.100 1. The landlord may adopt rules or regulations concerning
40 the tenant's use and occupancy of the mobile home lot and the grounds,
41 areas and facilities of the mobile home park held out for the use of tenants
42 generally.

43 2. All such rules or regulations must be:

44 (a) Reasonably related to the purpose for which they are adopted;

45 (b) Sufficiently explicit in their prohibition, direction or limitation to
46 inform the tenant of what he must do or not do for compliance;

47 (c) Adopted in good faith and not for the purpose of evading any
48 obligation of the landlord arising under the law;



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1 (d) Consistent with the provisions of this chapter and a general plan of
2 operation, construction or improvement, and must not arbitrarily restrict
3 conduct or require any capital improvement by the tenant which is not
4 specified in the rental agreement or unreasonably require a change in any
5 capital improvement made by the tenant and previously approved by the
6 landlord unless the landlord can show that it is in the best interest of the
7 other tenants; and

8 (e) Uniformly enforced against all tenants in the park, including the
9 managers. Any rule or regulation which is not so uniformly enforced may
10 not be enforced against any tenant.

11 3. No rule or regulation may be used to impose any additional charge
12 for occupancy of a mobile home lot or modify the terms of a rental
13 agreement.

14 4. Except as otherwise provided in subsection 5, a rule or regulation is
15 enforceable against the tenant only if he has notice of it at the time he
16 enters into the rental agreement. A rule or regulation adopted or amended
17 after the tenant enters into the rental agreement is not enforceable unless
18 the tenant consents to it in writing or is given 60 days' notice of it in
19 writing. The landlord may not adopt or amend a rule or regulation of the
20 park unless a meeting of the tenants is held to discuss the proposal and the
21 landlord provides each tenant with notice of the proposal and the date, time
22 and place of the meeting not less than 60 days before the meeting. The
23 notice must include a copy of the proposed adoption or amendment of the
24 rule or regulation. A notice in a periodic publication of the park does not
25 constitute notice for the purposes of this subsection.

26 5. A rule or regulation pertaining to recreational facilities in the mobile
27 home park must be in writing to be enforceable.

28 6. *The landlord of a mobile home park may adopt rules or*
29 *regulations which limit the number of occupants of a mobile home that is*
30 *located within the mobile home park based upon considerations of safety*
31 *and the capacity of infrastructure and utility services pertinent to the*
32 *mobile home park or the mobile homes within that mobile home park.*
33 *Unless those considerations require otherwise, the landlord may establish*
34 *a general limitation of two persons per bedroom and one infant per*
35 *mobile home.*

36 7. As used in this section, "capital improvement" means an addition or
37 betterment made to a mobile home located on a lot in a mobile home park
38 which is leased by the landlord that:

39 (a) Consists of more than the repair or replacement of an existing
40 facility;

41 (b) Is required by federal law to be amortized over its useful life for the
42 purposes of income tax; and

43 (c) Has a useful life of 5 years or more.

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

45 118B.150 The landlord or his agent or employee shall not:

46 1. Increase rent or additional charges unless:

47 (a) The rent charged after the increase is the same rent charged for
48 mobile homes of the same size or lots of the same size or of a similar
49 location within the park, *including, without limitation, mobile homes and*



- 1 *lots which are held pursuant to a long-term lease*, except that a discount
2 may be selectively given to persons who:
3 (1) Are handicapped;
4 (2) Are 55 years of age or older;
5 (3) Are long-term tenants of the park if the landlord has specified in
6 the rental agreement or lease the period of tenancy required to qualify for
7 such a discount;
8 (4) Pay their rent in a timely manner; or
9 (5) Pay their rent by check, money order or electronic means;
10 (b) Any increase in additional charges for special services is the same
11 amount for each tenant using the special service; and
12 (c) Written notice advising a tenant of the increase is received by the
13 tenant 90 days before the first payment to be increased and written notice
14 of the increase is given to prospective tenants before commencement of
15 their tenancy. In addition to the notice provided to a tenant pursuant to this
16 paragraph, if the landlord or his agent or employee knows or reasonably
17 should know that the tenant receives assistance from the fund created
18 pursuant to NRS 118B.215, the landlord or his agent or employee shall
19 provide to the administrator written notice of the increase 90 days before
20 the first payment to be increased.
21 2. Require a tenant to pay for an improvement to the common area of a
22 mobile home park unless the landlord is required to make the improvement
23 pursuant to an ordinance of a local government.
24 3. Require a tenant to pay for a capital improvement to the mobile
25 home park unless the tenant has notice of the requirement at the time he
26 enters into the rental agreement. A tenant may not be required to pay for a
27 capital improvement after the tenant enters into the rental agreement unless
28 the tenant consents to it in writing or is given 60 days' notice of the
29 requirement in writing. The landlord may not establish such a requirement
30 unless a meeting of the tenants is held to discuss the proposal and the
31 landlord provides each tenant with notice of the proposal and the date, time
32 and place of the meeting not less than 60 days before the meeting. The
33 notice must include a copy of the proposal. A notice in a periodic
34 publication of the park does not constitute notice for the purposes of this
35 subsection.
36 4. Require a tenant to pay his rent by check or money order.
37 5. Require a tenant who pays his rent in cash to apply any change to
38 which he is entitled to the next periodic payment that is due. The landlord
39 or his agent or employee shall have an adequate amount of money
40 available to provide change to such a tenant.
41 6. Prohibit or require fees or deposits for any meetings held in the
42 park's community or recreational facility by the tenants or occupants of
43 any mobile home or recreational vehicle in the park to discuss the park's
44 affairs, or any political or social meeting sponsored by a tenant, if the
45 meetings are held at reasonable hours and when the facility is not otherwise
46 in use, or prohibit the distribution of notices of those meetings.
47 7. Interrupt, with the intent to terminate occupancy, any utility service
48 furnished the tenant except for nonpayment of utility charges when due.



1 Any landlord who violates this subsection is liable to the tenant for actual
2 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 legal
5 holidays excluded, and if the park is a secured park, a guest may be
6 required to 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 lot if the fence complies with any standards for fences established
17 by the landlord, including limitations established for the height of fences,
18 the materials used for fences and the manner in which fences are to be
19 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 13. If a tenant has voluntarily assumed responsibility to trim the trees
28 on his lot, require the tenant to trim any particular tree located on the lot or
29 dispose of the trimmings unless a danger or hazard exists.

30 *14. As used in this section, "long-term lease" means a rental*
31 *agreement or lease, the duration of which exceeds 12 months.*

32 **Sec. 9.** NRS 118B.170 is hereby amended to read as follows:

33 118B.170 1. The landlord may require approval of a prospective
34 buyer and tenant before the sale of a tenant's mobile home or recreational
35 vehicle, if the mobile home or vehicle will remain in the park. The landlord
36 shall consider the record, if any, of the prospective buyer and tenant
37 concerning the payment of rent. The landlord shall not unreasonably
38 withhold his consent.

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

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



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1 4. If the landlord requires the approval of a prospective buyer and
2 tenant of a mobile home or recreational vehicle and the mobile home or
3 recreational vehicle is sold without the approval of the landlord, the
4 landlord may:

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

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

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

14 (a) Purchases a mobile home or recreational vehicle from a tenant of a
15 mobile home park which will remain in the park;

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

18 (c) Was not approved by the landlord before he purchased that mobile
19 home or recreational vehicle,
20 shall be deemed a tenant at will and a lessee of the mobile home park.

21 **Sec. 10.** NRS 118B.190 is hereby amended to read as follows:

22 118B.190 1. A written agreement between a landlord and tenant for
23 the rental or lease of a mobile home lot in a mobile home park in this state,
24 or for the rental or lease of a lot for a recreational vehicle in an area of a
25 mobile home park in this state other than an area designated as a
26 recreational vehicle lot pursuant to the provisions of subsection 6 of NRS
27 40.215, must not be terminated by the landlord except upon notice in
28 writing to the tenant served in the manner provided in NRS 40.280:

29 (a) Five days in advance if the termination is because ~~the~~ :

30 (1) *The* conduct of the tenant constitutes a nuisance as described in
31 subsection 6 of NRS 118B.200 ~~1~~; or

32 (2) *The mobile home or recreational vehicle is occupied by an*
33 *unlawful occupant.*

34 (b) Ten days in advance if the termination is because of failure of the
35 tenant to pay rent, utility charges or reasonable service fees.

36 (c) One hundred eighty days in advance if the termination is because of
37 a change in the use of the land by the landlord pursuant to NRS 118B.180.

38 (d) Forty-five days in advance if the termination is for any other reason.

39 2. The landlord shall specify in the notice the reason for the
40 termination of the agreement. The reason relied upon for the termination
41 must be set forth with specific facts so that the date, place and
42 circumstances concerning the reason for the termination can be determined.
43 The termination must be in accordance with the provisions of NRS
44 118B.200 and reference alone to a provision of that section does not
45 constitute sufficient specificity pursuant to this subsection.

46 3. The service of such a notice does not enhance the landlord's right, if
47 any, to enter the tenant's mobile home. Except in an emergency, the
48 landlord shall not enter the mobile home of the tenant served with such a
49 notice without the tenant's permission or a court order allowing the entry.



1 4. If a tenant remains in possession of the mobile home lot after
2 expiration of the term of the rental agreement, the tenancy is from week to
3 week in the case of a tenant who pays weekly rent, and in all other cases
4 the tenancy is from month to month. The tenant's continued occupancy is
5 on the same terms and conditions as were contained in the rental agreement
6 unless specifically agreed otherwise in writing.

7 5. The landlord and tenant may agree to a specific date for termination
8 of the agreement. If any provision of this chapter specifies a period of
9 notice which is longer than the period of a particular tenancy, the required
10 length of the period of notice is controlling.

11 **Sec. 11.** NRS 40.251 is hereby amended to read as follows:

12 40.251 A tenant of real property, a recreational vehicle or a mobile
13 home for a term less than life is guilty of an unlawful detainer when having
14 leased:

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

- 19 (a) For tenancies from week to week, at least 7 days;
20 (b) For all other periodic tenancies, at least 30 days; or
21 (c) For tenancies at will, at least 5 days.

22 2. A dwelling unit subject to the provisions of chapter 118A of NRS,
23 he continues in possession, in person or by subtenant, without the
24 landlord's consent after expiration of:

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

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

31 3. A mobile home lot subject to the provisions of chapter 118B of
32 NRS, or a lot for a recreational vehicle in an area of a mobile home park
33 other than an area designated as a recreational vehicle lot pursuant to the
34 provisions of subsection 6 of NRS 40.215, he continues in possession, in
35 person or by subtenant, without the landlord's consent, after notice has
36 been given pursuant to NRS 118B.170 ~~to~~, 118B.190 *or section 3 of this*
37 *act* and the period of the notice has expired.

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

41 **Sec. 12.** Chapter 489 of NRS is hereby amended by adding thereto a
42 new section to read as follows:

43 *1. A landlord or manager who:*

44 *(a) Is in compliance with or exempt from the requirements for*
45 *continuing education set forth in NRS 118B.086; and*

46 *(b) Purchases a mobile home that is sold to enforce a lien pursuant to*
47 *NRS 108.270 to 108.360, inclusive,*



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- 1 *may resell the mobile home without being licensed as a dealer pursuant*
- 2 *to this chapter but in reselling the mobile home shall comply with all*
- 3 *other applicable provisions of this chapter which pertain to dealers.*
- 4 2. *As used in this section:*
- 5 (a) *“Landlord” has the meaning ascribed to it in NRS 118B.014.*
- 6 (b) *“Manager” has the meaning ascribed to it in NRS 118B.0145.*

