

ASSEMBLY BILL NO. 216—ASSEMBLYMEN OHRENSCHALL,
MANENDO, BUCKLEY, MCCLAIN, CLABORN, DENIS,
KIRKPATRICK, KOIVISTO, MUNFORD, OCEGUERA, PARKS
AND PIERCE

MARCH 17, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Requires landlord to reduce rent for certain older persons who are tenants of manufactured home parks. (BDR 10-201)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 manufactured home parks; requiring landlords to reduce the rent for certain older persons who are tenants of manufactured home parks; establishing the eligibility and procedural requirements which must be satisfied before such a person receives a reduction in rent; establishing the procedures by which a landlord may object to a reduction in rent; providing remedies and administrative civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the rights and obligations of landlords and tenants of certain manufactured home parks. (Chapter 118B of NRS) The Manufactured Housing Division of the Department of Business and Industry has the responsibility of administering the laws and regulations governing those parks. (NRS 118B.022, 118B.024)

This bill requires a landlord of a manufactured home park that is operated for profit to reduce the rent of tenants who meet certain eligibility requirements and who request the rent reduction. To be eligible for the rent reduction, the tenant must be at least 55 years of age, be the resident and registered owner of the manufactured home, have resided in the same park for at least 5 years and have a household adjusted gross income of less than \$40,000. The maximum amount of rent the landlord may charge the tenant is determined using an incremental scale based on the household adjusted gross income of the tenant.



14 This bill establishes procedures for the tenant to request the rent reduction and
15 for the landlord to object to the request. The Manufactured Housing Division has
16 the responsibility of resolving disputes over whether the tenant is eligible for the
17 rent reduction, and the landlord and tenant have a right to request a hearing to
18 challenge the decision of the Division.

19 This bill gives the landlord a right to apply to the Division for permission to
20 increase the amount of rent he may charge the tenants receiving the rent reduction.
21 The Division must authorize the rent increase if it is necessary to ensure a fair and
22 reasonable return on the investment of the landlord.

23 This bill creates civil remedies for violations of the provisions governing rent
24 reductions. The civil remedies are in addition to the administrative fines and civil
25 penalties that may be imposed for violations of Chapter 118B of NRS under
26 existing law. (NRS 118B.251, 118B.260)

27 Under existing law, a landlord must give tenants a copy of the statutes
28 governing manufactured home parks and a statement informing the tenants that
29 they are entitled to certain rights under Nevada law. (NRS 118B.070) A landlord
30 must also post a sign containing the statement of rights in a conspicuous place in
31 the manufactured home park. (NRS 118B.071)

32 This bill requires the statement of rights and the sign posted by the landlord to
33 inform the tenants that they may be entitled to a rent reduction under the provisions
34 of this bill.

35 Existing law prohibits a landlord from taking retaliatory action against a tenant
36 who exercises his statutory rights. (NRS 118B.210)

37 This bill provides that the landlord is also prohibited from taking retaliatory
38 action against a tenant who exercises his right to request a rent reduction under the
39 provisions of this bill.

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 to 12, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 12, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3, 4 and 5 have the meanings ascribed to them in those*
7 *sections.*

8 **Sec. 3.** *“Household adjusted gross income” means the*
9 *combined annual adjusted gross incomes, as reported to the*
10 *Internal Revenue Service of the United States Department of*
11 *the Treasury, of the occupants of a manufactured home which is*
12 *subject to the tenancy for which a reduction in rent is requested.*

13 **Sec. 4.** *“Manufactured home” includes a travel trailer that is*
14 *located on a manufactured home lot within a manufactured home*
15 *park.*

16 **Sec. 5.** *“Travel trailer” has the meaning ascribed to it in*
17 *NRS 489.150.*

18 **Sec. 6. 1.** *Except as otherwise provided in section 10 of this*
19 *act, if a tenant satisfies the eligibility requirements set forth in this*



1 *section, a landlord or his agent or employee shall not charge a*
2 *tenant monthly rent for a manufactured home lot in an amount*
3 *which:*

4 *(a) Exceeds \$300, if the household adjusted gross income is*
5 *less than \$20,000;*

6 *(b) Exceeds \$350, if the household adjusted gross income is*
7 *\$20,000 or more but less than \$30,000; and*

8 *(c) Exceeds \$400, if the household adjusted gross income is*
9 *\$30,000 or more but less than \$40,000.*

10 *2. A tenant is eligible for a reduction in rent pursuant to this*
11 *section if the tenant:*

12 *(a) Is 55 years of age or older;*

13 *(b) Meets the household adjusted gross income requirements*
14 *set forth in subsection 1;*

15 *(c) Has resided in the same manufactured home park that is*
16 *operated for profit in this State for at least 5 years immediately*
17 *preceding his request for a reduction in rent pursuant to section 7*
18 *of this act; and*

19 *(d) Is the resident and registered owner of the manufactured*
20 *home which is subject to the tenancy for which he requests a*
21 *reduction in rent, as indicated on the certificate of ownership that*
22 *is issued by the Division pursuant to NRS 489.541.*

23 *3. If a tenant requests a reduction in rent pursuant to section*
24 *7 of this act and satisfies the eligibility requirements set forth in*
25 *this section, the landlord shall charge the appropriate amount of*
26 *rent as set forth in subsection 1:*

27 *(a) If the landlord does not object to the request, within 45*
28 *days after receipt of the request; or*

29 *(b) If the landlord objects to the request, on the date specified*
30 *by the Division, hearing officer or court.*

31 *4. A tenant who pays a reduction in rent pursuant to this*
32 *section shall:*

33 *(a) Notify the landlord of any change in his eligibility within*
34 *10 days after the change; and*

35 *(b) Maintain continuous tenancy in the same manufactured*
36 *home park during the period he receives the reduction in rent.*

37 *5. A landlord may not increase the amount charged for*
38 *services, utilities or amenities to recover any revenue lost in rent*
39 *due to the provisions of this section.*

40 **Sec. 7.** *To request a reduction in rent pursuant to section 6*
41 *of this act, the tenant must provide to the landlord:*

42 *1. Evidence that the tenant satisfies the eligibility*
43 *requirements set forth in section 6 of this act, including, without*
44 *limitation, copies of the birth certificate or driver's license of the*



1 *tenant and copies of the most recent federal income tax returns of*
2 *the tenant and all other occupants of the manufactured home; and*

3 2. *Written notice, on a form prescribed by the Division,*
4 *which:*

5 (a) *States that the tenant satisfies the eligibility requirements*
6 *set forth in section 6 of this act;*

7 (b) *Acknowledges that the tenant may be personally liable for*
8 *the damages caused to the landlord if the tenant:*

9 (1) *Submits information in the written notice or evidence to*
10 *the landlord which is not true and accurate; or*

11 (2) *Fails to report a change in eligibility as required*
12 *pursuant to section 6 of this act; and*

13 (c) *Includes the provisions of section 12 of this act.*

14 **Sec. 8. 1.** *Upon receipt of the request for a reduction in*
15 *rent by the tenant pursuant to section 7 of this act, the landlord*
16 *may object to the request if:*

17 (a) *The tenant has not submitted all necessary information or*
18 *evidence to prove that the tenant satisfies the eligibility*
19 *requirements set forth in section 6 of this act;*

20 (b) *The written notice or evidence submitted by the tenant*
21 *indicates that the tenant does not satisfy the eligibility*
22 *requirements; or*

23 (c) *The landlord otherwise reasonably believes that the tenant*
24 *does not satisfy the eligibility requirements.*

25 2. *Before objecting to the request pursuant to subsection 3,*
26 *the landlord may ask the tenant to provide additional information*
27 *or evidence to verify whether the tenant is eligible to receive a*
28 *reduction in rent.*

29 3. *To object to the request, the landlord must provide to the*
30 *Division, not later than 15 days after receipt of the request and all*
31 *necessary evidence:*

32 (a) *A written objection, on a form prescribed by the Division;*
33 *and*

34 (b) *The written notice of the tenant and copies of any evidence*
35 *that the tenant submitted to the landlord.*

36 **Sec. 9. 1.** *Upon receipt of the objection of the landlord*
37 *pursuant to section 8 of this act, the Division:*

38 (a) *May obtain any necessary information from the tenant in*
39 *addition to the information and evidence submitted by the landlord*
40 *with his objection; and*

41 (b) *Shall determine whether the tenant satisfies the eligibility*
42 *requirements and is eligible for a reduction in rent pursuant to*
43 *section 6 of this act.*

44 2. *The Division shall notify the tenant and landlord of its*
45 *decision to grant or deny the request for a reduction in rent by*



1 mailing its decision by certified mail, return receipt requested, to
2 the last known address of the tenant and landlord. The notice
3 must:

4 (a) Specify the reasons the Division has granted or denied the
5 request for the reduction in rent; and

6 (b) Contain a statement informing the tenant and landlord that
7 a hearing will be provided if the tenant or landlord files a written
8 request for a hearing within 20 days after he receives the notice.

9 3. The tenant or landlord may, within 20 days after he
10 receives the notice pursuant to subsection 2, file a written request
11 for a hearing with the Division. If the Division does not receive a
12 request for a hearing within 20 days after the tenant or landlord
13 receives the notice pursuant to subsection 2, the decision of the
14 Division becomes final and is not subject to judicial review.

15 4. If the tenant or landlord requests a hearing within 20 days
16 after he receives the notice pursuant to subsection 2, a hearing
17 must be conducted before a hearing officer appointed by the
18 Director of the Department of Business and Industry, or a person
19 designated by him, within 60 days after receipt of the request. The
20 Division shall notify the tenant and landlord of the time, place and
21 date of the hearing. If the tenant has been denied the reduction in
22 rent, the tenant has the burden of proving that he is entitled to
23 receive the reduction in rent. If the tenant has been granted the
24 reduction in rent, the landlord has the burden of proving that the
25 tenant is not entitled to receive the reduction in rent.

26 5. The hearing officer shall issue a decision within 30 days
27 after the hearing and mail a copy of the decision to the tenant and
28 landlord. The decision of the hearing officer is a final decision for
29 purposes of judicial review.

30 **Sec. 10. 1.** A landlord may apply to the Division for
31 permission to increase the amount of rent he may charge in a
32 particular manufactured home park pursuant to section 6 of this
33 act.

34 2. The Division shall permit the landlord to increase the
35 amount of rent he may charge in a particular manufactured home
36 park pursuant to section 6 of this act if the Division finds that
37 such an increase is necessary to ensure a fair and reasonable
38 return on the investment of the landlord.

39 **Sec. 11. 1.** The Division shall prescribe by regulation the
40 form on which:

41 (a) A tenant may request a reduction in rent pursuant to
42 section 7 of this act;

43 (b) A landlord may object to the request of the tenant pursuant
44 to section 8 of this act; and



(c) A landlord may apply for an increase in the amount he may charge for rent pursuant to section 10 of this act.

2. The Division shall make the forms available to any person upon request.

3. The Division may adopt any other regulations as are necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 12. 1. If a landlord knowingly fails to grant a reduction in rent in violation of sections 2 to 12, inclusive, of this act, the landlord is liable to the tenant for:

(a) The damages caused to the tenant by the violation; and

(b) Reasonable attorney's fees and costs.

2. If a tenant knowingly obtains a reduction in rent in violation of sections 2 to 12, inclusive, of this act, the tenant is liable to the landlord for:

(a) The damages caused to the landlord by the violation; and

(b) Reasonable attorney's fees and costs.

Sec. 13. NRS 118B.070 is hereby amended to read as follows:

118B.070 1. The landlord shall provide:

(a) Each new tenant with a copy of the current text of the provisions of this chapter with the rental agreement at the time the tenant signs the agreement.

(b) Each tenant with a copy of each provision of this chapter which is added, amended or repealed within 90 days after the provisions become effective.

2. When the landlord provides a tenant with a copy of any of the provisions of this chapter pursuant to subsection 1, the copy must contain a legible and typewritten statement that contains the following contact information regarding the Division in substantially the following form:

TENANTS OF MANUFACTURED HOME PARKS
ARE ENTITLED TO CERTAIN RIGHTS UNDER
NEVADA REVISED STATUTES
THOSE RIGHTS MAY INCLUDE A REDUCTION
IN RENT UNDER NRS SECTIONS (2 to 12,
INCLUSIVE, OF THIS ACT)

To obtain information regarding your rights as a tenant under Nevada Revised Statutes, you may contact the Manufactured Housing Division of the Department of Business and Industry as follows:



SOUTHERN NEVADA:

(The address of the Division in Southern Nevada)
(The local telephone number of the Division in
Southern Nevada)

NORTHERN NEVADA:

(The address of the Division in Northern Nevada)
(The local telephone number of the Division in
Northern Nevada)

INTERNET:

(The Internet address of the Division)

Sec. 14. NRS 118B.071 is hereby amended to read as follows:

118B.071 1. The landlord of a manufactured home park shall
post in a conspicuous and readily accessible place in the community
or recreational facility in the manufactured home park, at or near the
entrance of the manufactured home park or in another common area
in the manufactured home park, a legible and typewritten sign that
contains the following contact information regarding the Division in
substantially the following form:

TENANTS OF MANUFACTURED HOME PARKS
ARE ENTITLED TO CERTAIN RIGHTS UNDER
NEVADA REVISED STATUTES
THOSE RIGHTS MAY INCLUDE A REDUCTION
IN RENT UNDER NRS SECTIONS (2 to 12,
INCLUSIVE, OF THIS ACT)

To obtain information regarding your rights as a tenant
under Nevada Revised Statutes, you may contact the
Manufactured Housing Division of the Department of
Business and Industry as follows:

SOUTHERN NEVADA:

(The address of the Division in Southern Nevada)
(The local telephone number of the Division in
Southern Nevada)

NORTHERN NEVADA:

(The address of the Division in Northern Nevada)
(The local telephone number of the Division in
Northern Nevada)

INTERNET:

(The Internet address of the Division)



1 2. The Division shall notify each landlord if any of the contact
2 information regarding the Division changes. Not later than 30 days
3 after receiving such a notice from the Division, the landlord shall
4 replace the existing sign with a new sign that contains the new
5 contact information regarding the Division.

6 **Sec. 15.** NRS 118B.150 is hereby amended to read as follows:

7 118B.150 1. Except as otherwise provided in subsections 2
8 and 3, the landlord or his agent or employee shall not:

9 (a) Increase rent or additional charges unless:

10 (1) The rent charged after the increase is the same rent
11 charged for manufactured homes of the same size or lots of the same
12 size or of a similar location within the park, including, without
13 limitation, manufactured homes and lots which are held pursuant to
14 a long-term lease ~~§~~ *but excluding manufactured homes and lots*
15 *subject to a reduction in rent pursuant to the provisions of sections*
16 *2 to 12, inclusive, of this act*, except that a discount may be
17 selectively given to persons who:

18 (I) Are handicapped;

19 (II) Are 55 years of age or older;

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

23 (IV) Pay their rent in a timely manner; or

24 (V) Pay their rent by check, money order or electronic
25 means;

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

28 (3) Written notice advising a tenant of the increase is
29 received by the tenant 90 days before the first payment to be
30 increased and written notice of the increase is given to prospective
31 tenants before commencement of their tenancy. In addition to the
32 notice provided to a tenant pursuant to this subparagraph, if the
33 landlord or his agent or employee knows or reasonably should know
34 that the tenant receives assistance from the Fund created pursuant to
35 NRS 118B.215, the landlord or his agent or employee shall provide
36 to the Administrator written notice of the increase 90 days before
37 the first payment to be increased.

38 (b) Require a tenant to pay for an improvement to the common
39 area of a manufactured home park unless the landlord is required to
40 make the improvement pursuant to an ordinance of a local
41 government.

42 (c) Require a tenant to pay for a capital improvement to the
43 manufactured home park unless the tenant has notice of the
44 requirement at the time he enters into the rental agreement. A tenant
45 may not be required to pay for a capital improvement after the



1 tenant enters into the rental agreement unless the tenant consents to
2 it in writing or is given 60 days' notice of the requirement in
3 writing. The landlord may not establish such a requirement unless a
4 meeting of the tenants is held to discuss the proposal and the
5 landlord provides each tenant with notice of the proposal and the
6 date, time and place of the meeting not less than 60 days before
7 the meeting. The notice must include a copy of the proposal. A
8 notice in a periodic publication of the park does not constitute notice
9 for the purposes of this paragraph.

10 (d) Require a tenant to pay his rent by check or money order.

11 (e) Require a tenant who pays his rent in cash to apply any
12 change to which he is entitled to the next periodic payment that is
13 due. The landlord or his agent or employee shall have an adequate
14 amount of money available to provide change to such a tenant.

15 (f) Prohibit or require fees or deposits for any meetings held in
16 the park's community or recreational facility by the tenants or
17 occupants of any manufactured home or recreational vehicle in the
18 park to discuss the park's affairs, or any political meeting sponsored
19 by a tenant, if the meetings are held at reasonable hours and when
20 the facility is not otherwise in use, or prohibit the distribution of
21 notices of those meetings.

22 (g) Interrupt, with the intent to terminate occupancy, any utility
23 service furnished the tenant except for nonpayment of utility charges
24 when due. Any landlord who violates this paragraph is liable to the
25 tenant for actual damages.

26 (h) Prohibit a tenant from having guests, but he may require the
27 tenant to register the guest within 48 hours after his arrival, Sundays
28 and legal holidays excluded, and if the park is a secured park, a
29 guest may be required to register upon entering and leaving.

30 (i) Charge a fee for a guest who does not stay with the tenant for
31 more than a total of 60 days in a calendar year. The tenant of a
32 manufactured home lot who is living alone may allow one other
33 person to live in his home without paying an additional charge or
34 fee, unless such a living arrangement constitutes a violation of
35 chapter 315 of NRS. No agreement between a tenant and his guest
36 alters or varies the terms of the rental contract between the tenant
37 and the landlord, and the guest is subject to the rules and regulations
38 of the landlord.

39 (j) Prohibit a tenant from erecting a fence along the perimeter of
40 the tenant's lot if the fence complies with any standards for fences
41 established by the landlord, including limitations established for the
42 height of fences, the materials used for fences and the manner in
43 which fences are to be constructed.

44 (k) Prohibit any tenant from soliciting membership in any
45 association which is formed by the tenants who live in the park. As



1 used in this paragraph, "solicit" means to make an oral or written
2 request for membership or the payment of dues or to distribute,
3 circulate or post a notice for payment of those dues.

4 (l) Prohibit a public officer, candidate for public office or the
5 representative of a public officer or candidate for public office from
6 walking through the park to talk with the tenants or distribute
7 political material.

8 (m) If a tenant has voluntarily assumed responsibility to trim the
9 trees on his lot, require the tenant to trim any particular tree located
10 on the lot or dispose of the trimmings unless a danger or hazard
11 exists.

12 2. The landlord is entitled to require a security deposit from a
13 tenant who wants to use the manufactured home park's clubhouse,
14 swimming pool or other park facilities for the tenant's exclusive use.
15 The landlord may require the deposit at least 1 week before the use.
16 The landlord shall apply the deposit to costs which occur due to
17 damage or cleanup from the tenant's use within 1 week after the use,
18 if any, and shall, on or before the 8th day after the use, refund any
19 unused portion of the deposit to the tenant making the deposit. The
20 landlord is not required to place such a deposit into a financial
21 institution or to pay interest on the deposit.

22 3. The provisions of paragraphs (a), (b), (c), (j) and (m) of
23 subsection 1 do not apply to a corporate cooperative park.

24 4. As used in this section, "long-term lease" means a rental
25 agreement or lease the duration of which exceeds 12 months.

26 **Sec. 16.** NRS 118B.210 is hereby amended to read as follows:

27 118B.210 1. The landlord shall not terminate a tenancy,
28 refuse to renew a tenancy, increase rent or decrease services he
29 normally supplies, or bring or threaten to bring an action for
30 possession of a manufactured home lot as retaliation upon the tenant
31 because:

32 (a) He has complained in good faith about a violation of a
33 building, safety or health code or regulation pertaining to a
34 manufactured home park to the governmental agency responsible
35 for enforcing the code or regulation.

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

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

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

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

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

45 (3) *Sections 2 to 12, inclusive, of this act.*



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

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

6 2. A landlord, manager or assistant manager of a manufactured
7 home park shall not willfully harass a tenant.

8 3. A tenant shall not willfully harass a landlord, manager or
9 assistant manager of a manufactured home park or an employee or
10 agent of the landlord.

11 4. As used in this section, “harass” means to threaten or
12 intimidate, through words or conduct, with the intent to affect the
13 terms or conditions of a tenancy or a person’s exercise of his rights
14 pursuant to this chapter.



