
ASSEMBLY BILL NO. 343—ASSEMBLYMEN GIUNCHIGLIANI, SMITH,
OHRENSCHALL, MANENDO, PARKS, BUCKLEY, CLABORN,
GERHARDT, KOIVISTO, LESLIE, MCCLAIN AND PIERCE

MARCH 21, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to manufactured housing.
(BDR 10-769)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 housing; requiring the Manufactured Housing Division of the Department of Business and Industry to provide certain information to landlords of manufactured home parks; requiring employees of the Division to report certain violations to the Administrator of the Division and to certain electric utilities; prohibiting certain persons from unlawfully connecting a manufactured home to an electric utility; requiring landlords of manufactured home parks to make certain disclosures relating to water services provided through a master meter; providing for the creation of an account to provide assistance to certain persons who are required to relocate because the State or a political subdivision has determined that a manufactured home park is unsuitable for use; requiring owners of manufactured home parks to pay annual fees to fund the account; requiring all manufactured homes, mobile homes, commercial coaches and travel trailers sold in this State to be equipped with a smoke detector; requiring certain inspections of manufactured homes, mobile homes and commercial coaches; prohibiting the construction, expansion or operation of a mobile home park without a



permit issued by the State Health Officer or the appropriate local board of health certifying the safety of the infrastructure of the park for the provision of utilities; providing civil and criminal penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. *The Division shall:*

(a) Prepare a checklist of the provisions of this chapter which must include, without limitation:

(1) Contact information regarding the Division; and

(2) A simple description of each provision of this chapter.

(b) Update the checklist each time a provision of this chapter is added, amended or repealed.

(c) Annually provide a copy of the checklist to the landlord of each manufactured home park.

2. *In preparing the checklist, the Division may consult with any public or private entity, including, without limitation, the Nevada Association of Manufactured Home Owners, Inc.*

Sec. 3. 1. *A tenant or a landlord, or his agent or employee, shall not connect any manufactured home to the electrical system of an electric utility except as authorized by law. 2. An employee of the Division who has cause to believe that a tenant or a landlord, or his agent or employee, has violated subsection 1 shall report the suspected violation to:*

(a) The Administrator; and

(b) The appropriate electric utility.

Sec. 4. *The landlord of a manufactured home park in which water service is provided through a master-metered water system shall, upon receipt of a bill for water services, post in a conspicuous and readily accessible place in the community or recreational facility in the manufactured home park or other common area in the manufactured home park, a copy of the bill for water services and a statement indicating the portion of the bill for which each tenant is responsible.*

Sec. 5. 1. *In addition to any other fee established pursuant to this chapter, the owner of each manufactured home park shall pay to the Division an annual fee of \$10 for each lot within the park. The owner shall not impose a fee or surcharge to recover*



1 *from his tenants the costs resulting from the annual fee per lot*
2 *paid pursuant to this subsection, or any related penalty.*

3 *2. The Administrator shall notify the owner of each*
4 *manufactured home park on or before February 1 of each year of*
5 *the fee due from the owner pursuant to this section.*

6 *3. If an owner fails to pay to the Division the fee due on or*
7 *before March 1, a penalty of 50 percent of the amount due must be*
8 *added.*

9 **Sec. 6.** *1. All fees and penalties collected by the Division*
10 *pursuant to section 5 of this act must be deposited with the State*
11 *Treasurer and accounted for separately in the State General*
12 *Fund.*

13 *2. The Administrator shall administer the account.*

14 *3. Any interest or income earned on the money in the*
15 *account, after deducting applicable charges, must be credited to*
16 *the account. Any claims against the account must be paid in the*
17 *manner that other claims against the State are paid. The money in*
18 *the account does not revert to the State General Fund at the end of*
19 *any fiscal year.*

20 *4. The money in the account may be used only to pay*
21 *necessary administrative costs and to pay the costs of relocating a*
22 *person who must relocate as a result of a determination that a*
23 *manufactured home park is unsuitable for use. Within the limits*
24 *of available money, if the State or any political subdivision of the*
25 *State determines that a park is unsuitable for use as a result of*
26 *hazards to life, health or safety, including, without limitation,*
27 *environmental hazards or the operation of the park in an unsafe*
28 *manner, a tenant or a person who rents a manufactured home in*
29 *the park is eligible for payment from the account of relocation*
30 *expenses, including, without limitation, the cost of temporary*
31 *housing, in the following amounts:*

32 *(a) For a person who rents a manufactured home in the park,*
33 *not more than \$2,000;*

34 *(b) For a tenant, except as otherwise provided in paragraph*
35 *(c), not more than \$5,000; or*

36 *(c) For a tenant who owns a manufactured home that because*
37 *of its age cannot be safely moved, not more than \$8,000.*

38 *5. The Administrator may adopt such regulations as he deems*
39 *necessary to carry out the provisions of this section and section 5*
40 *of this act.*

41 **Sec. 7.** *1. Any person who knowingly, by any false*
42 *pretense, false or misleading statement, impersonation or*
43 *misrepresentation, with the intent to cheat or defraud the Division,*
44 *obtains or attempts to obtain assistance from the account created*



1 *pursuant to section 6 of this act in an amount of \$100 or more is*
2 *personally liable for:*

3 *(a) Any assistance incorrectly paid to that person;*

4 *(b) The costs of any investigation conducted by the Division to*
5 *determine whether that person was entitled to assistance or*
6 *received assistance incorrectly;*

7 *(c) Court costs;*

8 *(d) Attorney's fees; and*

9 *(e) A civil penalty of not more than \$1,000.*

10 *2. The Division may bring an action to recover a civil penalty*
11 *imposed pursuant to subsection 1 and shall deposit any money*
12 *recovered with the State Treasurer for credit to the account*
13 *created pursuant to section 6 of this act.*

14 **Sec. 8.** NRS 118B.040 is hereby amended to read as follows:

15 118B.040 1. An approved applicant for residency may
16 request 72 hours to review the proposed rental agreement or lease,
17 the rules and regulations of the manufactured home park and other
18 residency documents. Upon receiving such a request, the landlord
19 shall allow the approved applicant to review the documents for 72
20 hours. This review period does not, however, prevent the landlord
21 from accepting another tenant for the space or residency while the
22 72 hours is pending.

23 2. A rental agreement or lease between a landlord and tenant to
24 rent or lease any manufactured home lot must be in writing. The
25 landlord shall give the tenant a copy of the agreement or lease at the
26 time the tenant signs it.

27 3. A rental agreement or lease must contain, but is not limited
28 to, provisions relating to:

29 (a) The duration of the agreement.

30 (b) The amount of rent, the manner and time of its payment and
31 the amount of any charges for late payment and dishonored checks.

32 (c) Restrictions on occupancy by children or 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
35 charge, if any, for cleaning the lots.

36 (e) Deposits which may be required and the conditions for their
37 refund.

38 (f) Maintenance which the tenant is required to perform and any
39 appurtenances he is required to provide.

40 (g) The name and address of the owner of the manufactured
41 home park and his authorized agent.

42 (h) Any restrictions on subletting.

43 (i) Any recreational facilities and other amenities provided to the
44 tenant and any deposits or fees required for their use.



1 (j) Any restriction of the park to older persons pursuant to
2 federal law.

3 (k) The dimensions of the manufactured home lot of the tenant.

4 (l) A summary of the provisions of NRS 202.470.

5 (m) Information regarding the procedure pursuant to which a
6 tenant may report to the appropriate authorities:

7 (1) A nuisance.

8 (2) A violation of a building, safety or health code or
9 regulation.

10 (n) Information regarding the right of the tenant to engage in the
11 display of the flag of the United States, as set forth in
12 NRS 118B.143.

13 (o) The amount to be charged each month to the tenant to
14 reimburse the landlord for the cost of a capital improvement to the
15 manufactured home park. Such an amount must be stated separately
16 and include the length of time the charge will be collected and the
17 total amount to be recovered by the landlord from all tenants in the
18 manufactured home park.

19 *(p) If the rental agreement or lease is for the rental or lease of*
20 *an existing manufactured home on a manufactured home lot,*
21 *information concerning the manufactured home, including,*
22 *without limitation:*

23 *(1) The name and address of the owner of the*
24 *manufactured home;*

25 *(2) A description of how the owner acquired the*
26 *manufactured home; and*

27 *(3) The date of each inspection of the manufactured home.*

28 **Sec. 9.** NRS 118B.070 is hereby amended to read as follows:

29 118B.070 1. The landlord shall provide:

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

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

36 *(c) Each tenant with a copy of the checklist prepared by the*
37 *Division pursuant to section 2 of this act.*

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



**TENANTS OF MANUFACTURED HOME PARKS ARE
ENTITLED TO CERTAIN RIGHTS UNDER NEVADA
REVISED STATUTES**

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. 10. NRS 118B.210 is hereby amended to read as follows:

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

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

(b) He has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118B.040 to 118B.220, inclusive, *and sections 2, 3 and 4 of this act*, or 118B.240.

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

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

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

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

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

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



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

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

4. As used in this section, "harass" means to threaten or intimidate, through words or conduct, with the intent to affect the terms or conditions of a tenancy or a person's exercise of his rights pursuant to this chapter.

Sec. 11. Chapter 461A of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. *If an agency for enforcement has cause to believe that a mobile home is substandard or that the owner of a mobile home lot or mobile home park is in violation of any health or safety code or regulation, or is in violation of any provision of this chapter or any regulation adopted pursuant thereto, the agency shall:*

1. Inspect the mobile home, mobile home lot or mobile home park not later than 3 days after the agency learns of the alleged substandard condition or violation; and

2. Make a report of the inspection to the Administrator not later than 2 days after completing the inspection.

Sec. 13. *1. A person shall not construct or expand a mobile home park unless he has obtained from the State Health Officer or the appropriate city, county or district board of health a permit certifying that the infrastructure of the park for the provision of utilities does not endanger the safety or health of the tenants or the general public.*

2. The State Health Officer or the city, county or district board of health shall annually inspect a park to ensure that the infrastructure of the park for the provision of utilities does not endanger the safety or health of the tenants or the general public. Upon satisfactory completion of the inspection, the State Health Officer or local board of health shall issue a permit to the owner of the park.

3. A person shall not operate a park without first obtaining a permit issued pursuant to subsection 2.

4. The State Health Officer or local board of health may charge and collect reasonable fees to cover the costs of conducting inspections and issuing permits pursuant to this section.

Sec. 14. NRS 489.251 is hereby amended to read as follows:

489.251 1. The Administrator shall adopt regulations pertaining to:

(a) Safety standards for the installation, support and tie down of manufactured homes, mobile homes or commercial coaches which



1 are designed to protect the health and safety of occupants of
2 manufactured homes, mobile homes or commercial coaches against
3 uplift, sliding, rotation and overturning, subject to the following
4 provisions:

5 (1) Safety standards must be reasonably consistent with
6 nationally recognized standards for placement, support and tie down
7 of manufactured homes, mobile homes or commercial coaches.

8 (2) The Administrator may designate wind pressure zones in
9 which the regulations for tie down of manufactured homes, mobile
10 homes or commercial coaches apply.

11 (b) The inspection of plumbing, heating, cooling, fuel burning
12 and electrical systems connections to a manufactured home, mobile
13 home or commercial coach at the time of installation of the
14 manufactured home, mobile home or commercial coach, which
15 regulations are designed to protect the health and safety of
16 occupants of manufactured homes, mobile homes and commercial
17 coaches.

18 2. Unless the Division determines otherwise, the plumbing,
19 heating, cooling, fuel burning and electrical systems of a
20 manufactured home, mobile home or commercial coach may not be
21 connected or activated until a certificate of installation has been
22 issued and a label of installation affixed to the manufactured home,
23 mobile home or commercial coach.

24 *3. The Division shall conduct an inspection of the plumbing*
25 *and electrical systems of a manufactured home, mobile home or*
26 *commercial coach after a certificate of installation has been*
27 *issued and after the hookups for the plumbing and electrical*
28 *systems are connected or activated. The results of the inspection of*
29 *the hookups may be noted on the certificate of installation or may*
30 *be noted on a separate certificate issued by the Division as*
31 *determined by the Administrator.*

32 **Sec. 15.** NRS 489.701 is hereby amended to read as follows:

33 489.701 1. Any mobile home, commercial coach or travel
34 trailer *sold* in this State ~~[which is rented or leased for residential~~
35 ~~purposes]~~ must be equipped with a smoke detector which meets
36 standards approved by the State Fire Marshal.

37 2. Any manufactured home *sold* in this State ~~[which is rented~~
38 ~~or leased for residential purposes]~~ must be equipped with a smoke
39 detector which meets federal construction and safety standards for
40 manufactured homes in accordance with the National Manufactured
41 Housing Construction and Safety Standards Act of 1974 (42 U.S.C.
42 §§ 5401 et seq.).

43 *3. Upon the sale of a manufactured home, mobile home,*
44 *commercial coach or travel trailer in this State, the seller shall*
45 *provide notice of the sale to the State Fire Marshal.*



- 1 *4. The State Fire Marshal shall inspect any manufactured*
2 *home, mobile home, commercial coach or travel trailer sold in this*
3 *State to ensure that the manufactured home, mobile home,*
4 *commercial coach or travel trailer complies with the provisions of*
5 *this section.*
6 **Sec. 16.** This act becomes effective on July 1, 2005.



