

Assembly Bill No. 343—Assemblymen Giunchigliani, Smith, Ohrenschall, Manendo, Parks, Buckley, Claborn, Gerhardt, Koivisto, Leslie, McClain and Pierce

CHAPTER.....

AN ACT relating to manufactured housing; enacting provisions relating to repairs and connection of utilities in manufactured home parks; requiring landlords of manufactured home parks to disclose to tenants certain information regarding utility charges; requiring certain information to be included in rental agreements and leases for certain manufactured homes; revising provisions governing the administrative powers and duties of the Manufactured Housing Division of the Department of Business and Industry; revising provisions relating to the closure of manufactured home parks for health and safety reasons; requiring the Division to provide certain information to owners of mobile home parks; requiring certain inspections of mobile home parks; prohibiting the operation of mobile home parks without certain approvals and permits; revising provisions governing the condemnation of mobile home parks; authorizing the imposition of certain administrative fines; requiring all manufactured homes, mobile homes, commercial coaches and travel trailers sold or used for residential purposes in this State to be equipped with a smoke detector; providing 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. *If a repair to a manufactured home may affect life, health or safety and the repair may be performed legally only by a person who is qualified by licensure or certification to perform such a repair:*

1. A person shall not perform the repair unless he has such qualifications; and

2. A tenant or a landlord, or his agent or employee, shall not allow a third party to perform the repair if he knows or, in light of all the surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.

Sec. 3. *1. A tenant or a landlord, or his agent or employee, shall not make any connection of electricity, water, natural gas or propane to a manufactured home 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 utility.*

Sec. 4. *If a landlord bills a tenant individually for utility charges derived from a utility bill for the manufactured home park which represents utility usage for multiple tenants, the landlord shall 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, or provide to each tenant who is individually billed for the utility charges:*

- 1. A copy of the utility bill for the park; and*
- 2. A statement indicating the portion of the utility bill for which each tenant is responsible.*

Sec. 5. *If a person owns a manufactured home on a manufactured home lot and the person, either directly or through an agent, leases the manufactured home to another person, the rental agreement or lease must include, in addition to any other information required by law, the following information:*

- 1. The name and address of the person who owns the manufactured home;*
- 2. The year the manufactured home was manufactured;*
- 3. The year the manufactured home was moved into the manufactured home park;*
- 4. The year the person acquired the manufactured home; and*
- 5. The date of each inspection of the manufactured home.*

Sec. 6. *1. Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.*

2. The money collected from an administrative fine may be deposited with the State Treasurer for credit to the Fund for Manufactured Housing created pursuant to NRS 489.491 if:

- (a) The person pays the administrative fine without exercising his right to a hearing to contest the administrative fine; or*
- (b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.*

3. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the

Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Secs. 7-9. (Deleted by amendment.)

Sec. 9.1. NRS 118B.073 is hereby amended to read as follows:

118B.073 Upon payment of the periodic rent by a tenant of a manufactured home park, the landlord of that park shall ~~[, upon request,]~~ issue to the tenant a receipt which indicates the amount and the date of the payment. The landlord shall issue the receipt as soon as practicable after payment, but not later than 5 days after he receives payment.

Sec. 9.3. NRS 118B.095 is hereby amended to read as follows:

118B.095 1. The landlord shall authorize each manager and assistant manager to make repairs himself or enter into a contract with a third party for the repairs. *If the repairs are subject to the provisions of section 2 of this act, the repairs must be made in compliance with the provisions of that section.*

2. Except as otherwise provided in subsection 3, the manager shall contract with a third party to provide emergency repairs for the tenants on the occasions when the manager and assistant manager are not physically present in the park. The manager shall notify each tenant of the telephone number of the third party who will make the repairs, and direct the tenants to call him when an emergency repair is needed and the manager and assistant manager are not physically present in the park. The telephone number so provided must be that of the third party directly. The provision of the telephone number of an answering service does not fulfill this requirement. If the manager or assistant manager is present in the park, any request for repairs must be made to him and not the third party.

3. The provisions of subsection 2 do not apply to a manufactured home park that is owned by:

(a) A nonprofit organization; or

(b) A housing authority,

↪ if the nonprofit organization or housing authority has established an alternative method to provide emergency repairs for tenants in a timely manner.

4. As used in this section, "repairs" means only repairs to the property of the owner of the manufactured home park.

Sec. 9.5. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park ~~[he]~~, *or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord* shall pay the amount described in subsection 2 or 3, in accordance with the choice of the tenant.

2. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving each tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

↳ including fees for inspection, any deposits for connecting utilities, and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.

3. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

4. Written notice of the closure must be served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

5. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

Sec. 9.7. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body . ~~[, and:]~~ *In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.*

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his option to purchase the lot pursuant to paragraph (b), the landlord pays:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location within 50 miles from the manufactured home park; or

(2) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➔ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park; and

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

~~[2.]~~ 3. Notice sent pursuant to paragraph (a) of subsection ~~[4]~~ 2 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection ~~[4]~~ 2 does not constitute notice of termination of the tenancy.

~~[3.]~~ 4. Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

~~[4.]~~ 5. The provisions of this section do not apply to a corporate cooperative park.

Sec. 9.9. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body . ~~[, and]~~ *In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid*

order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection ~~2- or 3-]~~ **3 or 4**, in accordance with the choice of the tenant; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

~~2-]~~ **3.** If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

↳ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

~~3-]~~ **4.** If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

~~4-]~~ **5.** A landlord shall not increase the rent of any tenant for 180 days before applying for a change in land use, permit or variance affecting the manufactured home park.

~~5-]~~ **6.** For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

~~[6-]~~ 7. The provisions of this section do not apply to a corporate cooperative park.

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 11.3 to 13.8, inclusive, of this act.

Sec. 11.3. 1. The Division shall:

(a) Provide to each owner of a mobile home park 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;*
and

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

2. *Each owner of a mobile home park shall provide a copy of the checklist to each manager and assistant manager of the mobile home park.*

3. *In preparing the checklist pursuant to this section, the Division may consult with any public or private entities, including, without limitation, the representatives of owners and tenants of mobile home parks.*

4. *As used in this section, “manager” has the meaning ascribed to it in NRS 118B.0145.*

Sec. 11.5. *A city or county shall not issue a business license for a mobile home park unless the person applying for the business license provides written proof from the agency for enforcement that the mobile home park is in compliance with all applicable fire, health and safety codes and regulations and the provisions of this chapter and any regulations adopted pursuant thereto.*

Sec. 11.7. 1. *If a person applies for the initial business license for a mobile home park or acquires ownership of a mobile home park, the person shall, within 3 business days, notify the local fire department within whose jurisdiction the mobile home park is located.*

2. *Upon receiving notice pursuant to subsection 1, the local fire department shall inspect the mobile home park for fire hazards and compliance with applicable fire codes and regulations and shall notify the Administrator of any violations.*

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 applicable 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 business 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 business 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 appropriate city, county or district board of health a permit certifying that the infrastructure of the park for the provision of water, septic and*

sanitation services does not endanger the safety or health of the tenants or the general public.

2. 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 water, septic and sanitation services does not endanger the safety or health of the tenants or the general public. Upon satisfactory completion of the inspection, the city, county or district 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 governing body of a city or county or the city, county or district board of health may charge and collect reasonable fees to cover the costs of conducting inspections and issuing permits pursuant to this section.

Sec. 13.3. *A mobile home park may, without limitation, be condemned if the agency for enforcement determines that there exists in the park chronic conditions that render mobile homes in the park substandard pursuant to NRS 461A.120.*

Sec. 13.7. *If a local agency for enforcement determines that a mobile home park is in violation of any applicable health or safety code or regulation or is in violation of any provision of this chapter or any regulation adopted pursuant thereto, the local agency for enforcement shall notify the Administrator of the violation.*

Sec. 13.8. *1. Except as otherwise provided in this section, all money collected from administrative fines imposed pursuant to this chapter must be deposited in the State General Fund.*

2. The money collected from an administrative fine may be deposited with the State Treasurer for credit to the Fund for Manufactured Housing created pursuant to NRS 489.491 if:

(a) The person pays the administrative fine without exercising his right to a hearing to contest the administrative fine; or

(b) The administrative fine is imposed in a hearing conducted by a hearing officer or panel appointed by the Administrator.

3. The Administrator may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Administrator to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

4. If money collected from an administrative fine is deposited in the State General Fund, the Administrator may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 13.9. NRS 461A.220 is hereby amended to read as follows:

461A.220 1. A person shall not:

(a) Construct a mobile home park; or

(b) Construct or alter lots, roads or other facilities in a mobile home park,

↳ unless he has obtained a construction permit from the agency for enforcement.

2. Each agency for enforcement may charge and collect reasonable fees, specified by ordinance or regulation, for its services.

3. Except as otherwise provided in NRS 489.265 ~~and~~ *section 13.8 of this act*, money collected by the Division pursuant to this chapter must be deposited in the State Treasury for credit to the Fund for Manufactured Housing ~~created pursuant to NRS 489.491~~. Expenses of enforcement of this chapter must be paid from the Fund.

Sec. 14. NRS 461A.250 is hereby amended to read as follows:

461A.250 1. Any person who knowingly or willfully violates any of the provisions of this chapter or any order issued by the agency for enforcement is guilty of a misdemeanor.

2. ~~{Any}~~ *Except as otherwise provided in subsection 4, in addition to any criminal penalty that might be imposed, any* person who knowingly or willfully violates any provision of this chapter or any regulation issued pursuant ~~{to it}~~ *thereto* is liable for a civil penalty of not more than \$500 for each violation or for each day of a continuing violation. The agency for enforcement may ~~{institute}~~ *bring* an action in the appropriate court to collect ~~{any}~~ *the* civil penalty. ~~{arising under this section.}~~

3. All money collected as civil penalties pursuant to the provisions of this chapter must be deposited in the State General Fund or the general fund of the city or county, as the case may be.

4. *In addition to any criminal penalty that might be imposed, the Administrator may, in lieu of bringing an action to collect a civil penalty pursuant to subsection 2, impose on and collect from any person who knowingly or willfully violates any provision of this chapter or any regulation issued pursuant thereto an administrative fine of not more than \$500 for each violation or for each day of a continuing violation.*

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

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

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

3. ***An interconnectivity device for smoke detectors is not required to be installed in a mobile home or manufactured home that was not designed and produced by the manufacturer to accommodate such a device.***

Sec. 16. This act becomes effective on July 1, 2005.

