

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 utilities; prohibiting certain persons from making certain unlawful connections to a manufactured home; requiring landlords of manufactured home parks to make certain disclosures relating to water services provided through a master meter; providing that a business license to operate a manufactured home park is a revocable privilege; prohibiting certain repairs by a tenant; requiring certain inspections; 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 certain utilities; revising the provisions governing the condemnation of a mobile home park; authorizing certain 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 a penalty; 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 representatives of landlords and tenants.

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. *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. *The landlord of a manufactured home park, upon applying for the initial business license for the park or upon acquiring ownership of the park, shall notify the local fire department within whose jurisdiction the park is located. Upon receiving such notice, the local fire department shall inspect the park for fire hazards and compliance with applicable fire codes and shall notify the Administrator of any violations.*



1 **Sec. 6. 1. Any business license to operate a manufactured**
2 **home park that is issued or renewed in this State is a revocable**
3 **privilege, and the holder of the license does not acquire thereby**
4 **any vested right.**

5 **2. No business license to operate a manufactured home park**
6 **may be issued in this State unless the applicant provides written**
7 **proof from the appropriate enforcement agency within whose**
8 **jurisdiction the park is located that the park is in compliance with**
9 **all applicable fire, health and safety codes.**

10 **Sec. 7. (Deleted by amendment.)**

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

12 118B.040 1. An approved applicant for residency may
13 request 72 hours to review the proposed rental agreement or lease,
14 the rules and regulations of the manufactured home park and other
15 residency documents. Upon receiving such a request, the landlord
16 shall allow the approved applicant to review the documents for 72
17 hours. This review period does not, however, prevent the landlord
18 from accepting another tenant for the space or residency while the
19 72 hours is pending.

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

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

26 (a) The duration of the agreement.

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

29 (c) Restrictions on occupancy by children or pets.

30 (d) Services and utilities included with the rental of a lot and the
31 responsibility of maintaining or paying for them, including the
32 charge, if any, for cleaning the lots.

33 (e) Deposits which may be required and the conditions for their
34 refund.

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

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

39 (h) Any restrictions on subletting.

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

42 (j) Any restriction of the park to older persons pursuant to
43 federal law.

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

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



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

(1) A nuisance.

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

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

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

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

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

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

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

Sec. 9. 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.

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

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**

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. 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.125 is hereby amended to read as follows:

118B.125 **1.** A tenant shall secure the approval of his
landlord before beginning construction of any improvement or
addition to his manufactured home or lot which requires a building
permit issued by a local government.

2. *A tenant shall not perform any repair to his manufactured
home or lot which may affect life, health or safety unless the
tenant is qualified by licensure or certification to perform the
repair.*

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 manufactured home park is condemned by a local
government 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



1 leveling the manufactured home and its appurtenances in the new lot
2 or park.

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

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

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

11 4. Written notice of the closure must be served on each tenant
12 in the manner provided in NRS 40.280, giving the tenant at least
13 180 days after the date of the notice before he is required to move
14 his manufactured home from the lot.

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

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

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

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

24 118B.180 1. A landlord may convert an existing
25 manufactured home park into individual manufactured home lots for
26 sale to manufactured home owners if the change is approved by the
27 appropriate local zoning board, planning commission or governing
28 body ~~or~~ *or if the manufactured home park is condemned by a*
29 *local government for health or safety reasons*, and:

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

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

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

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

43 (1) The cost of moving the tenant's manufactured home and
44 its appurtenances to a comparable location within 50 miles from the
45 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. Notice sent pursuant to paragraph (a) of subsection 1 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 1 does not constitute notice of termination of the tenancy.

3. 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. 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 ~~or~~ *or if the manufactured home park is condemned by a local government for health or safety reasons*, and:

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



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

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

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

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

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

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

18 4. A landlord shall not increase the rent of any tenant for 180
19 days before applying for a change in land use, permit or variance
20 affecting the manufactured home park.

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

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

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

29 6. The provisions of this section do not apply to a corporate
30 cooperative park.

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

32 118B.210 1. The landlord shall not terminate a tenancy,
33 refuse to renew a tenancy, increase rent or decrease services he
34 normally supplies, or bring or threaten to bring an action for
35 possession of a manufactured home lot as retaliation upon the tenant
36 because:

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

41 (b) He has complained to the landlord concerning the
42 maintenance, condition or operation of the park or a violation of any
43 provision of NRS 118B.040 to 118B.220, inclusive, *and sections 2,*
44 *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 to 13.7, inclusive, 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 water, septic and sanitation services 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 water, septic and sanitation services does not endanger the safety or health of the tenants or the general public. Upon satisfactory completion of the



1 *inspection, the State Health Officer or local board of health shall*
2 *issue a permit to the owner of the park.*

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

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

8 **Sec. 13.3.** *A mobile home park may, without limitation, be*
9 *condemned if the agency for enforcement determines that there*
10 *exists in the park:*

11 1. *Chronic conditions that render mobile homes in the park*
12 *substandard pursuant to NRS 461A.120; or*

13 2. *A chronic level of crime that exceeds the level of crime in*
14 *the surrounding community.*

15 **Sec. 13.7.** *If a local agency for enforcement determines that*
16 *a mobile home park is not in compliance with any applicable*
17 *health or safety code, the local agency for enforcement shall notify*
18 *the Administrator of the violation.*

19 **Sec. 14.** NRS 461A.250 is hereby amended to read as follows:
20 461A.250 1. Any person who knowingly or willfully violates
21 any of the provisions of this chapter or any order issued by the
22 agency for enforcement is guilty of a misdemeanor.

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

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

34 4. *In addition to any criminal penalty that might be imposed,*
35 *the Administrator may, in lieu of bringing an action to collect a*
36 *civil penalty pursuant to subsection 2, impose on and collect from*
37 *any person who knowingly or willfully violates any provision of*
38 *this chapter or any regulation issued pursuant thereto an*
39 *administrative fine of not more than \$500 for each violation or for*
40 *each day of a continuing violation. All money collected by the*
41 *Administrator pursuant to this subsection must be deposited in the*
42 *State General Fund.*

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

44 489.701 1. Any mobile home, commercial coach or travel
45 trailer ***sold or used for residential purposes*** in this State ~~[which is~~



1 ~~rented or leased for residential purposes~~ must be equipped with a
2 smoke detector which meets standards approved by the State Fire
3 Marshal.

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

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

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



