

ASSEMBLY BILL NO. 437—COMMITTEE ON COMMERCE AND LABOR

MARCH 25, 2005

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing manufactured home parks. (BDR 10-1027)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to manufactured home parks; revising provisions governing the rights and obligations of landlords and tenants of manufactured home parks; revising provisions governing the obligations of a landlord before the closure of a manufactured home park in certain situations; revising provisions governing regulations for the issuance and renewal of a limited dealer's license for mobile and manufactured homes; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 118B of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *If a landlord bills a tenant individually for utility charges*
4 *derived from a utility bill for the manufactured home park which*
5 *represents utility usage for multiple tenants, the landlord shall*
6 *post or provide to each tenant affected a copy of the utility bill for*
7 *the park.*

8 **Sec. 2.** NRS 118B.070 is hereby amended to read as follows:

9 118B.070 1. The landlord shall ~~provide:~~ *deliver to:*

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



(b) Each tenant ~~[with]~~ a copy of each provision of this chapter which is added, amended or repealed within ~~[90]~~ 180 days after the ~~[provisions become]~~ provision becomes effective.

2. When the landlord provides a tenant with a copy of any ~~[of the provisions]~~ provision 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. 3. NRS 118B.110 is hereby amended to read as follows:

118B.110 1. The landlord shall meet with a representative group of tenants occupying the park, chosen by the tenants, to hear any complaints or suggestions which concern a matter relevant to the park within 45 days after he receives a written request to do so which has been signed by persons occupying at least 25 percent of the lots in the park. The 25 percent must be calculated on the basis of one signature per occupied lot. The meeting must be held at a time and place which is convenient to the landlord and the tenants. The representative group of tenants must consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section , the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.



3. If the landlord is ~~[not a natural person, the landlord shall appoint a natural person, not the manager]~~ *a:*

(a) *Sole proprietorship, the owner, manager* or assistant manager ~~[, who possesses a financial interest in the manufactured home park to]~~ *shall* meet with the tenants.

(b) *Partnership, a partner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.*

(c) *Corporation, an officer designated by the corporation who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.*

4. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

5. If the landlord of a manufactured home park is a cooperative association or a corporation for public benefit, the landlord shall provide a notice of the meeting to the Administrator and the Administrator or his representative shall attend the meeting.

6. As used in this section:

(a) "Cooperative association" means an association formed pursuant to the provisions of NRS 81.170 to 81.270, inclusive.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

Sec. 4. NRS 118B.120 is hereby amended to read as follows:

118B.120 1. The landlord or his agent or employee may:

(a) Require that the tenant landscape and maintain the tenant's lot if the landlord advises the tenant in writing of reasonable requirements for the landscaping.

(b) If the tenant does not comply with the provisions of paragraph (a), maintain the tenant's lot and charge the tenant a service fee for the actual cost of that maintenance.

(c) Require that the manufactured home be removed from the park if it is unoccupied for more than 90 consecutive days and the tenant or dealer is not making good faith and diligent efforts to sell it.

2. The landlord shall maintain, in the manner required for the other tenants, any lot on which is located a manufactured home within the park which has been repossessed, abandoned or held for rent or taxes. The landlord is entitled to reimbursement for the cost of that maintenance from the reposessor or lienholder or from the proceeds of any sale for taxes, as the case may be.

3. The landlord shall trim all the trees located within the park and dispose of the trimmings from those trees absent a *written* voluntary assumption of that duty by the tenant for trees on the tenant's lot.



1 4. For the purposes of this section, a manufactured home shall
2 be deemed to be abandoned if:

3 (a) It is located on a lot in a manufactured home park, other than
4 a cooperative park, for which no rent has been paid for at least 60
5 days;

6 (b) It is unoccupied; and

7 (c) The manager of the manufactured home park reasonably
8 believes it to be abandoned.

9 **Sec. 5.** NRS 118B.150 is hereby amended to read as follows:

10 118B.150 1. Except as otherwise provided in subsections 2
11 and 3, the landlord or his agent or employee shall not:

12 (a) Increase rent or additional charges unless:

13 (1) The rent charged after the increase is the same rent
14 charged for manufactured homes of the same size or lots of the same
15 size or of a similar location within the park, including, without
16 limitation, manufactured homes and lots which are held pursuant to
17 a long-term lease, except that a discount may be selectively given to
18 persons who:

19 (I) Are handicapped;

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

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

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

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

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

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

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

43 (c) Require a tenant to pay for a capital improvement to the
44 manufactured home park unless the tenant has notice of the
45 requirement at the time he enters into the rental agreement. A tenant



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

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

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

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

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

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

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

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



1 (k) Prohibit any tenant from soliciting membership in any
2 association which is formed by the tenants who live in the park. As
3 used in this paragraph, "solicit" means to make an oral or written
4 request for membership or the payment of dues or to distribute,
5 circulate or post a notice for payment of those dues.

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

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

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

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

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

28 **Sec. 6.** NRS 118B.170 is hereby amended to read as follows:

29 118B.170 1. The landlord may require approval of a
30 prospective buyer and tenant before the sale of a tenant's
31 manufactured home or recreational vehicle, if the manufactured
32 home or vehicle will remain in the park. The landlord shall consider
33 the record, if any, of the prospective buyer and tenant concerning
34 the payment of rent. The landlord shall not unreasonably withhold
35 his consent.

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

44 3. If the landlord requires the approval of a prospective buyer
45 and tenant, he shall ~~post~~:



1 (a) *Post* and maintain a sign which is clearly readable at the
2 entrance to the park which advises the reader that before a
3 manufactured home in the park is sold, the prospective buyer must
4 be approved by the landlord.

5 (b) *Approve or deny a completed application from a*
6 *prospective buyer and tenant within 10 business days after the date*
7 *of the submission of the application.*

8 (c) *Inform the prospective buyer and tenant upon the*
9 *submission of the completed application of the duty of the landlord*
10 *to approve or deny the completed application within 10 business*
11 *days after the date of submission of the completed application.*

12 4. If the landlord requires the approval of a prospective buyer
13 and tenant of a manufactured home or recreational vehicle and the
14 manufactured home or recreational vehicle is sold without the
15 approval of the landlord, the landlord may:

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

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

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

25 (a) Purchases a manufactured home or recreational vehicle from
26 a tenant of a manufactured home park which will remain in the park;

27 (b) Was required to be approved by the landlord of the
28 manufactured home park before the sale of the manufactured home
29 or recreational vehicle; and

30 (c) Was not approved by the landlord before he purchased that
31 manufactured home or recreational vehicle,
32 ➤ shall be deemed a tenant at will and a lessee of the manufactured
33 home park.

34 6. The provisions of this section do not apply to a corporate
35 cooperative park.

36 **Sec. 7.** NRS 118B.177 is hereby amended to read as follows:

37 118B.177 1. If a landlord closes a manufactured home park ,
38 *or is forced to close a manufactured home park because of a valid*
39 *order of a state or local government to close the manufactured*
40 *home park permanently because of a health or safety code*
41 *violation*, he shall pay the amount described in subsection 2 or 3, in
42 accordance with the choice of the tenant.

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



1 (a) The cost of moving each 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
8 utilities, and the cost of taking down, moving, setting up and
9 leveling the manufactured home and its appurtenances in the new lot
10 or park.

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

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

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

19 4. Written notice of ~~the~~ any closure must be served *timely* on
20 each ~~tenant~~ :

21 (a) *Tenant* in the manner provided in NRS 40.280, giving the
22 tenant at least 180 days after the date of the notice before he is
23 required to move his manufactured home from the lot.

24 (b) *Prospective tenant by:*

25 (1) *Handing each prospective tenant or his agent a copy of*
26 *the written notice; and*

27 (2) *Maintaining a copy of the written notice at the entrance*
28 *of the manufactured home park.*

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

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

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

37 6. *As used in this section, "timely" means not later than 3*
38 *days after the landlord learns of a closure.*

39 **Sec. 8.** NRS 118B.183 is hereby amended to read as follows:

40 118B.183 1. A landlord may convert an existing
41 manufactured home park to any other use of the land if the change is
42 approved by the appropriate local zoning board, planning
43 commission or governing body, 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:

(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. 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. A landlord shall not increase the rent of any tenant ~~for~~:

(a) *For* 180 days before applying for a change in land use, permit or variance affecting the manufactured home park ~~H~~; and

(b) *Until a decision is made on the application by the appropriate local zoning board, planning commission or governing body.*

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.



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

Sec. 9. 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 section 1 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. 10. NRS 489.281 is hereby amended to read as follows:

489.281 1. The Division shall adopt regulations for the issuance and renewal of a limited dealer's license authorizing a person other than a bank, savings and loan association, credit union, thrift company or other financial institution to act as a reposessor or liquidator concerning manufactured homes, mobile homes or commercial coaches.

2. Regulations adopted by the Division concerning the issuance and renewal of a limited dealer's license must not require



- 1 *more than 2 hours of continuing education per year and the*
- 2 *required continuing education must be limited to topics relating to*
- 3 *the processes and procedures for the sale of a manufactured*
- 4 *home.*



