

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.

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

AN ACT relating to manufactured home parks; 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 the membership of the board of directors or trustees of certain mobile home parks; 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:

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

*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*



1     **2. A statement indicating the portion of the utility bill for**  
2 **which each tenant is responsible.**

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

4     118B.070 1. The landlord shall ~~[provide:]~~ **deliver to:**

5     (a) Each new tenant ~~[with]~~ a copy of the current text of the  
6 provisions of this chapter with the rental agreement at the time the  
7 tenant signs the agreement.

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9 which is added, amended or repealed within ~~[90]~~ **180** days after the  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

11     2. When the landlord provides a tenant with a copy of any ~~[of~~  
12 ~~the provisions]~~ **provision** of this chapter pursuant to subsection 1,  
13 the copy must contain a legible and typewritten statement that  
14 contains the following contact information regarding the Division in  
15 substantially the following form:

16  
17     **TENANTS OF MANUFACTURED HOME PARKS ARE**  
18     **ENTITLED TO CERTAIN RIGHTS UNDER NEVADA**  
19     **REVISED STATUTES**  
20

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

25  
26     **SOUTHERN NEVADA:**

27     (The address of the Division in Southern Nevada)

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

30  
31     **NORTHERN NEVADA:**

32     (The address of the Division in Northern Nevada)

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

35  
36     **INTERNET:**

37     (The Internet address of the Division)

38     **Sec. 3.** NRS 118B.110 is hereby amended to read as follows:

39     118B.110 1. The landlord shall meet with a representative  
40 group of tenants occupying the park, chosen by the tenants, to hear  
41 any complaints or suggestions which concern a matter relevant to  
42 the park within 45 days after he receives a written request to do so  
43 which has been signed by persons occupying at least 25 percent of  
44 the lots in the park. The 25 percent must be calculated on the basis  
45 of one signature per occupied lot. The meeting must be held at a



1 time and place which is convenient to the landlord and the tenants.  
2 The representative group of tenants must consist of no more than  
3 five persons.

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

7 3. If the landlord is ~~[not a natural person, the landlord shall~~  
8 ~~appoint a natural person, not the manager or assistant manager, who~~  
9 ~~possesses a financial interest in the manufactured home park to] a:~~

10 (a) *Sole proprietorship, the owner or an authorized agent or*  
11 *representative designated by the owner who has working*  
12 *knowledge of the operations of the park and authority to make*  
13 *decisions shall meet with the tenants.*

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

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

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

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

27 6. As used in this section:

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

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

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

33 118B.120 1. The landlord or his agent or employee may:

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

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

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

44 2. The landlord shall maintain, in the manner required for the  
45 other tenants, any lot on which is located a manufactured home



1 within the park which has been repossessed, abandoned or held for  
2 rent or taxes. The landlord is entitled to reimbursement for the cost  
3 of that maintenance from the repossessor or lienholder or from the  
4 proceeds of any sale for taxes, as the case may be.

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

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

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

14 (b) It is unoccupied; and

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

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

18 118B.150 1. Except as otherwise provided in subsections 2  
19 and 3, the landlord or his agent or employee shall not:

20 (a) Increase rent or additional charges unless:

21 (1) The rent charged after the increase is the same rent  
22 charged for manufactured homes of the same size or lots of the same  
23 size or of a similar location within the park, including, without  
24 limitation, manufactured homes and lots which are held pursuant to  
25 a long-term lease, except that a discount may be selectively given to  
26 persons who:

27 (I) Are handicapped;

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

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

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

33 (V) Pay their rent by check, money order or electronic  
34 means;

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

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



1 to the Administrator written notice of the increase 90 days before  
2 the first payment to be increased.

3 (b) Require a tenant to pay for an improvement to the common  
4 area of a manufactured home park unless the landlord is required to  
5 make the improvement pursuant to an ordinance of a local  
6 government.

7 (c) Require a tenant to pay for a capital improvement to the  
8 manufactured home park unless the tenant has notice of the  
9 requirement at the time he enters into the rental agreement. A tenant  
10 may not be required to pay for a capital improvement after the  
11 tenant enters into the rental agreement unless the tenant consents to  
12 it in writing or is given 60 days' notice of the requirement in  
13 writing. The landlord may not establish such a requirement unless a  
14 meeting of the tenants is held to discuss the proposal and the  
15 landlord provides each tenant with notice of the proposal and  
16 the date, time and place of the meeting not less than 60 days before  
17 the meeting. The notice must include a copy of the proposal. A  
18 notice in a periodic publication of the park does not constitute notice  
19 for the purposes of this paragraph.

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

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

25 (f) Prohibit or require fees or deposits for any meetings held in  
26 the park's community or recreational facility by the tenants or  
27 occupants of any manufactured home or recreational vehicle in the  
28 park to discuss the park's affairs, or any political meeting sponsored  
29 by a tenant, if the meetings are held at reasonable hours and when  
30 the facility is not otherwise in use, or prohibit the distribution of  
31 notices of those meetings.

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

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

40 (i) Charge a fee for a guest who does not stay with the tenant for  
41 more than a total of 60 days in a calendar year. The tenant of a  
42 manufactured home lot who is living alone may allow one other  
43 person to live in his home without paying an additional charge or  
44 fee, unless such a living arrangement constitutes a violation of  
45 chapter 315 of NRS. No agreement between a tenant and his guest



1 alters or varies the terms of the rental contract between the tenant  
2 and the landlord, and the guest is subject to the rules and regulations  
3 of the landlord.

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

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

14 (l) Prohibit a public officer, candidate for public office or the  
15 representative of a public officer or candidate for public office from  
16 walking through the park to talk with the tenants or distribute  
17 political material.

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

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

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

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

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

37 118B.170 1. The landlord may require approval of a  
38 prospective buyer and tenant before the sale of a tenant's  
39 manufactured home or recreational vehicle, if the manufactured  
40 home or vehicle will remain in the park. The landlord shall consider  
41 the record, if any, of the prospective buyer and tenant concerning  
42 the payment of rent. The landlord shall not unreasonably withhold  
43 his consent.

44 2. If a tenant sells his manufactured home or recreational  
45 vehicle, the landlord may require that the manufactured home or



1 recreational vehicle be removed from the park if it is deemed by the  
2 park's written rules or regulations in the possession of the tenants to  
3 be in a run-down condition or in disrepair or does not meet the  
4 safety standards set forth in NRS 461A.120. If the manufactured  
5 home must be inspected to determine compliance with the  
6 standards, the person requesting the inspection shall pay for it.

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

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

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

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

20 4. If the landlord requires the approval of a prospective buyer  
21 and tenant of a manufactured home or recreational vehicle and the  
22 manufactured home or recreational vehicle is sold without the  
23 approval of the landlord, the landlord may:

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

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

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

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

35 (b) Was required to be approved by the landlord of the  
36 manufactured home park before the sale of the manufactured home  
37 or recreational vehicle; and

38 (c) Was not approved by the landlord before he purchased that  
39 manufactured home or recreational vehicle,

40 ➔ shall be deemed a tenant at will and a lessee of the manufactured  
41 home park.

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



**Sec. 7.** 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}~~ *any* closure must be served *timely* on each ~~{tenant}~~:

(a) *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.

(b) *Prospective tenant by:*

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

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

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. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 4.*

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

**Sec. 8.** 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:

(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~~ :



1 (a) For 180 days before ~~f[applying]~~ *filing an application* for a  
2 change in land use, permit or variance affecting the manufactured  
3 home park ~~H~~; or

4 (b) *At any time after filing an application for a change in land*  
5 *use, permit or variance affecting the manufactured home park*  
6 *unless:*

7 (1) *The landlord withdraws the application or the*  
8 *appropriate local zoning board, planning commission or*  
9 *governing body denies the application; and*

10 (2) *The landlord continues to operate the manufactured*  
11 *home park after the withdrawal or denial.*

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

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

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

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

22 **Sec. 9.** NRS 118B.210 is hereby amended to read as follows:

23 118B.210 1. The landlord shall not terminate a tenancy,  
24 refuse to renew a tenancy, increase rent or decrease services he  
25 normally supplies, or bring or threaten to bring an action for  
26 possession of a manufactured home lot as retaliation upon the tenant  
27 because:

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

32 (b) He has complained to the landlord concerning the  
33 maintenance, condition or operation of the park or a violation of any  
34 provision of NRS 118B.040 to 118B.220, inclusive, *and section 1*  
35 *of this act*, or 118B.240.

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

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

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

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

42 (e) A citation has been issued to the landlord as the result of a  
43 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.** Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Notwithstanding any provision of law to the contrary, if a corporation for public benefit owns or leases a mobile home park:*

*(a) The board of directors or trustees which controls the mobile home park must be selected as set forth in NRS 461A.215; and*

*(b) The provisions of NRS 461.215 govern the operation of the corporation and the mobile home park.*

*2. As used in this section:*

*(a) "Board of directors or trustees which controls the mobile home park" has the meaning ascribed to it in NRS 461A.215.*

*(b) "Owns or leases a mobile home park" has the meaning ascribed to it in NRS 461A.215.*

**Sec. 11.** NRS 461A.215 is hereby amended to read as follows:

~~461A.215 1. [The board of directors of a mobile home park owned or leased by a nonprofit organization must consist of a number of members such that one third of the members of the board are elected by the residents of the park, one third of the members of the board are appointed by the governing body of the local government with jurisdiction over the location of the park and one third of the members of the board are appointed by the nonprofit organization owning or leasing the park.~~

~~—2.]~~ *Notwithstanding any provision of law to the contrary, if a nonprofit organization owns or leases a mobile home park:*

*(a) The board of directors or trustees which controls the mobile home park must be selected as set forth in this section; and*

*(b) The provisions of this section govern the operation of the nonprofit organization and the mobile home park.*

*2. If a nonprofit organization owns or leases only one mobile home park, the board of directors or trustees which controls the mobile home park must be composed of:*



1       (a) *Three directors or trustees who are residents of the mobile*  
2 *home park and are elected by a majority of the residents who live*  
3 *in the mobile home park, with each unit in the mobile home park*  
4 *authorized to cast one vote;*

5       (b) *Except as otherwise provided in subsection 4, three*  
6 *directors or trustees appointed by the governing body of the local*  
7 *government with jurisdiction over the location of the mobile home*  
8 *park; and*

9       (c) *Three directors or trustees elected by a majority of the*  
10 *other directors or trustees selected pursuant to this subsection.*

11       3. *If a nonprofit organization owns or leases more than one*  
12 *mobile home park, the board of directors or trustees which*  
13 *controls the mobile home parks must be composed of:*

14       (a) *For each mobile home park, one director or trustee who is*  
15 *a resident of that mobile home park and is elected by a majority of*  
16 *the residents who live in that mobile home park, with each unit in*  
17 *the mobile home park authorized to cast one vote;*

18       (b) *Except as otherwise provided in subsection 4, one director*  
19 *or trustee appointed for each mobile home park by the governing*  
20 *body of the local government with jurisdiction over the location of*  
21 *that mobile home park; and*

22       (c) *For each mobile home park, one director or trustee elected*  
23 *by a majority of the other directors or trustees selected pursuant to*  
24 *this subsection.*

25       4. *The governing body of a local government with jurisdiction*  
26 *over the location of a mobile home park owned or leased by a*  
27 *nonprofit organization shall not appoint a director or trustee*  
28 *pursuant to paragraph (b) of subsection 2 or paragraph (b) of*  
29 *subsection 3 unless the land upon which the mobile home park is*  
30 *located or the improvements to that land are owned by any*  
31 *governmental entity, patented to any governmental entity or leased*  
32 *to the nonprofit organization by any governmental entity.*

33       5. *The term of office of a director or trustee selected pursuant*  
34 *to this section:*

35       (a) *Is 2 years, except that upon the expiration of his term of*  
36 *office he shall continue to serve until his successor is selected; and*

37       (b) *Commences on July 1 of each odd-numbered year.*

38       6. *Any vacancy occurring in the membership of the board of*  
39 *directors or trustees selected pursuant to this section must be filled*  
40 *in the same manner as the original election or appointment.*

41       7. *The Attorney General shall:*

42       (a) *Enforce the provisions of this section;*

43       (b) *Investigate suspected violations of the provisions of this*  
44 *section; and*



1       (c) *Institute proceedings on behalf of this State, an agency or*  
2 *political subdivision of this State, or as parens patriae of a person*  
3 *residing in a mobile home park:*

4       (1) *For injunctive relief to prevent and restrain a violation*  
5 *of any provision of this section; and*

6       (2) *To collect any costs or fees awarded pursuant to the*  
7 *provisions of this section.*

8       8. *The provisions of this section may be enforced with regard*  
9 *to a nonprofit organization or a mobile home park by:*

10       (a) *The nonprofit organization;*

11       (b) *The board of directors or trustees required to be selected*  
12 *pursuant to this section, or any member thereof;*

13       (c) *A person who claims membership on the board of directors*  
14 *or trustees required to be selected pursuant to this section;*

15       (d) *A resident of the mobile home park;*

16       (e) *The local government with jurisdiction over the location of*  
17 *the mobile home park; or*

18       (f) *Any combination of the persons described in paragraphs*  
19 *(a) to (e), inclusive.*

20       9. *In any action to enforce the provisions of this section,*  
21 *including, without limitation, an action to prevent or restrain a*  
22 *violation of the provisions of this section, if a person is found to*  
23 *have knowingly acted as a director or trustee on a board of*  
24 *directors or trustees required to be selected pursuant to this section*  
25 *while he was not authorized to act as such a director or trustee*  
26 *pursuant to this section:*

27       (a) *The court shall award the prevailing party costs and*  
28 *attorney's fees;*

29       (b) *If the nonprofit organization which owns or leases a*  
30 *mobile home park participates in the action, the court shall award*  
31 *the nonprofit organization costs and attorney's fees; and*

32       (c) *Costs and attorney's fees awarded pursuant to this section*  
33 *must be recovered from the person. If in the same action to*  
34 *enforce the provisions of this section, more than one person is*  
35 *found to have knowingly acted as a director or trustee on a board*  
36 *of directors or trustees required to be selected pursuant to this*  
37 *section while he was not authorized to act as such a director or*  
38 *trustee pursuant to this section, each such person is jointly and*  
39 *severally liable for the costs and attorney's fees awarded pursuant*  
40 *to this section.*

41       10. *The provisions of this section do not apply to a corporate*  
42 *cooperative park.*

43       11. *As used in this section:*

44       (a) *"Board of directors or trustees which controls the mobile*  
45 *home park" means:*



1       (1) *If the nonprofit organization which owns or leases a*  
2 *mobile home park does not own or operate any substantial asset*  
3 *that is unrelated to the mobile home park, the board of directors or*  
4 *trustees of the nonprofit organization; or*

5       (2) *If the nonprofit organization which owns or leases a*  
6 *mobile home park owns or operates a substantial asset that is*  
7 *unrelated to the mobile home park, a board of directors or trustees*  
8 *which:*

9           (I) *Has full and independent control over the affairs of*  
10 *the nonprofit organization that are related to the mobile home*  
11 *park, including, without limitation, full and independent control*  
12 *over all policies, operation, property, assets, accounts and records*  
13 *of the nonprofit organization which are related to or derived from*  
14 *the park;*

15           (II) *Notwithstanding any provision of law to the*  
16 *contrary, exercises the powers described in sub-subparagraph (I)*  
17 *without being subject to any control by the board of directors or*  
18 *trustees of the nonprofit organization or any other person, group*  
19 *or entity within or related to the nonprofit organization; and*

20           (III) *If the nonprofit organization owns or leases more*  
21 *than one mobile home park, controls all of the mobile home parks*  
22 *owned or leased by the nonprofit organization.*

23       (b) *“Corporation for public benefit” has the meaning ascribed*  
24 *to it in NRS 82.021.*

25       (c) *“Governmental entity” includes, without limitation, the*  
26 *Federal Government, this State, an agency or political subdivision*  
27 *of this State, a municipal corporation and a housing authority.*

28       (d) *“Nonprofit organization” includes, without limitation, a*  
29 *corporation for public benefit.*

30       (e) *“Owns or leases a mobile home park” means being the*  
31 *owner or lessee of:*

32           (1) *The land upon which the mobile home park is located;*  
33 *or*

34           (2) *The improvements to the land upon which the mobile*  
35 *home park is located.*

36       **Sec. 12.** NRS 489.281 is hereby amended to read as follows:

37       489.281 **1.** The Division shall adopt regulations for the  
38 issuance and renewal of a limited dealer’s license authorizing a  
39 person other than a bank, savings and loan association, credit union,  
40 thrift company or other financial institution to act as a reposessor or  
41 liquidator concerning manufactured homes, mobile homes or  
42 commercial coaches.

43       **2.** *Regulations adopted by the Division concerning the*  
44 *issuance and renewal of a limited dealer’s license must not require*  
45 *more than 2 hours of continuing education per year and the*



1 *required continuing education must be limited to topics relating to*  
2 *the processes and procedures for the sale of a manufactured*  
3 *home.*

4 **Sec. 13.** 1. Except as otherwise provided in subsection 2, if  
5 the provisions of NRS 461A.215, as amended by this act, apply to  
6 an organization in existence on the effective date of this section, the  
7 directors or trustees of the organization who are in office on the  
8 effective date of this section shall be deemed to be authorized to  
9 serve as the directors or trustees pursuant to NRS 461A.215, as  
10 amended by this act, until a board of directors or trustees is selected  
11 pursuant to NRS 461A.215, as amended by this act.

12 2. If the provisions of NRS 461A.215, as amended by this act,  
13 apply to an organization in existence on the effective date of this  
14 section and applied to the organization before the effective date of  
15 this section, and the directors or trustees were elected by the  
16 residents of the mobile home park or appointed by the governing  
17 body of the local government with jurisdiction over the location of  
18 the mobile home park pursuant to NRS 461A.215 before the  
19 effective date of this section, those directors or trustees elected by  
20 the residents or appointed by the governing body of the local  
21 government shall be deemed to be:

22 (a) Authorized to serve as the directors or trustees pursuant to  
23 NRS 461A.215, as amended by this act, until a board of directors or  
24 trustees is selected pursuant to NRS 461A.215, as amended by this  
25 act; and

26 (b) The sole directors or trustees authorized to serve as the  
27 directors or trustees pursuant to NRS 461A.215, as amended by this  
28 act, until a board of directors or trustees is selected pursuant to NRS  
29 461A.215, as amended by this act.

30 **Sec. 14.** 1. This section and sections 10, 11 and 13 of this act  
31 become effective upon passage and approval.

32 2. Sections 1 to 9, inclusive, and 12 of this act become  
33 effective on July 1, 2005.



