

Amendment No. 275

Assembly Amendment to Assembly Bill No. 343

(BDR 10-769)

Proposed by: Committee on Commerce and Labor**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of AB343 (§§ 13, 14).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 2, page 2, by deleting line 15 and inserting:

“representatives of landlords and tenants.”.

Amend sec. 3, page 2, by deleting lines 17 and 18 and inserting:

*“shall not make any connection of electricity, water, natural gas or propane to a manufactured home except as authorized by law.**2. An”.*Amend sec. 3, page 2, line 23, by deleting *“electric”*.

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

TMC

Date: 4/15/2005

A.B. No. 343—Revises provisions relating to manufactured housing.

“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.

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

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

Amend the bill as a whole by deleting sec. 7 and inserting:

“Sec. 7. (Deleted by amendment.)”.

Amend the bill as a whole by adding new sections designated sections 9.1 through 9.9, following sec. 9, to read as follows:

“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 ~~the~~, ***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 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~~ ***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 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. 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 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:

(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 180 days before applying for a change in land use, permit or variance affecting 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. The provisions of this section do not apply to a corporate cooperative park.”.

Amend sec. 11, page 7, line 11, by deleting “and 13” and inserting:

“to 13.7, inclusive,”.

Amend sec. 13, page 7, lines 27 and 31, by deleting “*utilities*” and inserting:

“*water, septic and sanitation services*”.

Amend the bill as a whole by deleting sec. 14 and adding new sections designated sections 13.3 through 14, following sec. 13, to read as follows:

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

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

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

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

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. All money collected by the Administrator pursuant to this subsection must be deposited in the State General Fund.”.

Amend sec. 15, page 8, lines 34 and 37, after “**sold**” by inserting:

“or used for residential purposes in this State”.

Amend sec. 15, pages 8 and 9, by deleting lines 43 through 45 on page 8 and lines 1 through 5 on page 9, and inserting:

“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.”.

Amend the title of the bill to read as follows:

“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.”.