

Amendment No. 673

Senate Amendment to Assembly Bill No. 343 First Reprint

(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 A.B. 343 R1 (§§ 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 the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2,
following section 1, to read as follows:

“Sec. 2. If a repair to a manufactured home may affect life, health or safety and the repair may be performed legally only by a person who is qualified by licensure or certification to perform such a repair:

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

Amend sec. 4, page 2, by deleting lines 24 through 26 and inserting:

SH/KP

Date: 5/23/2005

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

“Sec. 4. If a landlord bills a tenant individually for utility charges derived from a utility bill for the manufactured home park which represents utility usage for multiple tenants, the landlord shall post in a”.

Amend sec. 4, page 2, by deleting lines 29 and 30 and inserting:

“common area in the manufactured home park, or provide to each tenant who is individually billed for the utility charges:

- 1. A copy of the utility bill for the park; and*
- 2. A statement indicating the portion of the utility bill”.*

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:

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

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

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

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

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

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

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

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

Amend the bill as a whole by deleting sections 7 through 9 and adding:

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

Amend the bill a whole by deleting sec. 9.3 and adding a new section designated sec. 9.3, following section 9.1, to read as follows:

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

118B.095 1. The landlord shall authorize each manager and assistant manager to make repairs himself or enter into a contract with a third party for the repairs. *If the repairs are subject to the*

provisions of section 2 of this act, the repairs must be made in compliance with the provisions of that section.

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

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

(a) A nonprofit organization; or

(b) A housing authority,

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

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

Amend sec. 9.5, page 5, by deleting lines 32 and 33 and inserting:

“~~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”.

Amend sec. 9.7, page 6, by deleting lines 28 and 29 and inserting:

“body . ~~[, and:]~~ ***In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.***

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

Amend sec. 9.7, page 7, by deleting line 14 and inserting:

“~~[2:]~~ ***3.*** Notice sent pursuant to paragraph (a) of subsection ~~[H] 2~~ or an”.

Amend sec. 9.7, page 7, line 16, by deleting “1” and inserting “~~[H] 2~~”.

Amend sec. 9.7, page 7, line 18, by deleting “3.” and inserting “~~[3:] 4.~~”.

Amend sec. 9.7, page 7, line 22, by deleting “4.” and inserting “~~[4:] 5.~~”.

Amend sec. 9.9, page 7, by deleting lines 28 through 30 and inserting:

“commission or governing body . ~~[, and:]~~ ***In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.***

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

Amend sec. 9.9, page 7, line 34, by deleting:

“2 or 3,” and inserting:

“~~[2 or 3:]~~ ***3 or 4,***”.

Amend sec. 9.9, page 7, line 42, by deleting “2.” and inserting “~~[2:] 3.~~”.

Amend sec. 9.9, page 8, line 10, by deleting “3.” and inserting “~~[3:] 4.~~”.

Amend sec. 9.9, page 8, line 18, by deleting “4.” and inserting “~~[4:] 5.~~”.

Amend sec. 9.9, page 8, line 21, by deleting “5.” and inserting “[~~5.~~ 6.”.

Amend sec. 9.9, page 8, line 29, by deleting “6.” and inserting “[~~6.~~ 7.”.

Amend sec. 11, page 9, line 22, by deleting:

“12 to 13.7,” and inserting:

“11.3 to 13.8.”.

Amend the bill as a whole by adding new sections designated sections 11.3 through 11.7, following sec. 11, to read as follows:

“Sec. 11.3. 1. The Division shall:

(a) Provide to each owner of a mobile home park a checklist of the provisions of this chapter which must include, without limitation:

(1) Contact information regarding the Division; and

(2) A simple description of each provision of this chapter; and

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

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

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

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

Sec. 11.5. A city or county shall not issue a business license for a mobile home park unless the person applying for the business license provides written proof from the agency for enforcement

that the mobile home park is in compliance with all applicable fire, health and safety codes and regulations and the provisions of this chapter and any regulations adopted pursuant thereto.

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

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

Amend sec. 12, page 9, line 26, before “**health**” by inserting “**applicable**”.

Amend sec. 12, page 9, line 31, by deleting “**that 3**” and inserting:
“**than 3 business**”.

Amend sec. 12, page 9, line 34, before “**days**” by inserting “**business**”.

Amend sec. 13, page 9, lines 36 and 37, by deleting:
“**State Health Officer or the**”.

Amend sec. 13, page 9, line 41, by deleting:
“**State Health Officer or the**”.

Amend sec. 13, page 10, by deleting line 1 and inserting:
“**inspection, the city, county or district board of health shall**”.

Amend sec. 13, page 10, by deleting line 5 and inserting:

“4. The governing body of a city or county or the city, county or district board of health may”.

Amend sec. 13.3, page 10, by deleting lines 10 through 14 and inserting:

“exists in the park chronic conditions that render mobile homes in the park substandard pursuant to NRS 461A.120.”.

Amend sec. 13.7, page 10, by deleting lines 16 and 17 and inserting:

“a mobile home park is in violation of any applicable health or safety code or regulation or is in violation of any provision of this chapter or any regulation adopted pursuant thereto, the local agency for enforcement shall notify”.

Amend the bill as a whole by adding new sections designated sections 13.8 and 13.9, following sec. 13.7, to read as follows:

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

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

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

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

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

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

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

461A.220 1. A person shall not:

(a) Construct a mobile home park; or

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

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

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

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

Amend sec. 14, page 10, by deleting lines 40 through 42 and inserting:

“each day of a continuing violation.”.

Amend sec. 15, page 11, line 10, by deleting “*or*” and inserting “*for*”.

Amend the title of the bill to read as follows:

“AN ACT relating to manufactured housing; enacting provisions relating to repairs and connection of utilities in manufactured home parks; requiring landlords of manufactured home parks to disclose to tenants certain information regarding utility charges; requiring certain

information to be included in rental agreements and leases for certain manufactured homes; revising provisions governing the administrative powers and duties of the Manufactured Housing Division of the Department of Business and Industry; revising provisions relating to the closure of manufactured home parks for health and safety reasons; requiring the Division to provide certain information to owners of mobile home parks; requiring certain inspections of mobile home parks; prohibiting the operation of mobile home parks without certain approvals and permits; revising provisions governing the condemnation of mobile home parks; authorizing the imposition of certain administrative fines; requiring all manufactured homes, mobile homes, commercial coaches and travel trailers sold or used for residential purposes in this State to be equipped with a smoke detector; providing penalties; and providing other matters properly relating thereto.”.