

Amendment No. CA8

First Conference Committee Amendment to Assembly Bill No. 437 Second Reprint (BDR 10-1027)

Proposed by: First Conference Committee

Amendment Box:

Resolves Conflicts with: N/A

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Amend sec. 7, page 8, by deleting lines 44 and 45 and inserting:

“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.”.

Amend the bill as a whole by renumbering sec. 10 as sec. 12 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

“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

MGF/TMC

Date: 6/4/2005

A.B. No. 437—Revises provisions governing manufactured home parks.



(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:

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

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

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

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

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

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

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

4. The governing body of a local government with jurisdiction over the location of a mobile home park owned or leased by a nonprofit organization shall not appoint a director or trustee pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3 unless the land upon which the mobile home park is located or the improvements to that land are owned by any

governmental entity, patented to any governmental entity or leased to the nonprofit organization by any governmental entity.

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

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

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

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

7. The Attorney General shall:

(a) Enforce the provisions of this section;

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

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

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

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

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

(a) The nonprofit organization;

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

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

(d) A resident of the mobile home park;

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

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

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

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

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

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

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

11. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

Amend the bill as a whole by renumbering sec. 11 as sec. 14 and adding a new section designated sec. 13, following sec. 10, to read as follows:

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

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

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

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

Amend sec. 11, page 11, by deleting line 16 and inserting:

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

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

Amend the title of the bill, between lines 5 and 6, by inserting:

“revising provisions governing the membership of the board of directors or trustees of certain mobile home parks;”.