

ASSEMBLY BILL NO. 368—ASSEMBLYMEN OHRENSCHALL,
MANENDO, HARDY, PARKS, BEERS, BOBZIEN, CARPENTER,
CLABORN, DENIS, GERHARDT, HOGAN, KIHUEN, KOIVISTO,
MCCLAIN, MORTENSON, MUNFORD, PIERCE, SEGERBLOM,
STEWART AND WOMACK

MARCH 15, 2007

Referred to Committee on Taxation

SUMMARY—Makes various changes concerning manufactured
home parks. (BDR 32-1023)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; providing a partial
abatement of the property taxes imposed on certain
manufactured home parks that rent to households of low
income; revising the provisions governing the obligation
of a landlord who closes a manufactured home park or
converts such a park to another use; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides a partial abatement of 25 percent of the property
taxes imposed on a manufactured home park if at least 51 percent of the lots in the
park are rented to households whose annual income does not exceed 80 percent of
the median income for the county and the rental amount does not exceed the fair
market rent for such lots in the county.

Existing law requires a landlord who closes a manufactured home park or
converts such a park to any other use to pay to a tenant who does not move his
manufactured home the fair market value of the manufactured home less the
reasonable cost of removing and disposing of that home. (NRS 118B.177,
118B.183) **Sections 2 and 3** of this bill amend existing law to require such a
landlord to pay to such a tenant the fair market value of the manufactured home,
without deducting the cost of removing and disposing of that home, and an
additional amount equal to six times the monthly fair market rent for manufactured
home lots in that county.



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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The owner of a manufactured home park is entitled to a partial abatement of the tax imposed on the real property that comprises the manufactured home park in the amount of 25 percent of the tax otherwise due for that property if at least 51 percent of the lots in the park are rented to households whose annual income does not exceed 80 percent of the median income for the county in which the lots are located, as determined by the Department in accordance with the guidelines most recently published by the United States Department of Housing and Urban Development, for a rental amount that does not exceed the fair market rent for such lots in the county in which the lots are located, as determined by the Department in accordance with the guidelines most recently published by the United States Department of Housing and Urban Development.

2. As used in this section:

(a) "Lot" has the meaning ascribed to it in NRS 118B.016.

(b) "Manufactured home park" has the meaning ascribed to it in NRS 118B.017.

Sec. 2. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park, 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



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1 damaged, or there is no manufactured home park within 50 miles
2 that is willing to accept the manufactured home, the landlord:

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

4 (b) Shall pay to the tenant ~~the~~ :

5 (1) ~~The~~ fair market value of the manufactured home ~~less the~~
6 ~~reasonable cost of removing and disposing of the manufactured~~
7 ~~home;~~ ; and

8 (2) *An amount equal to six times the monthly fair market*
9 *rent for the lot in the county in which the lot is located, as*
10 *determined by the Division in accordance with the guidelines most*
11 *recently published by the United States Department of Housing*
12 *and Urban Development.*

13 4. Written notice of any closure must be served timely on each:

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

17 (b) Prospective tenant by:

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

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

22 5. For the purposes of this section, the fair market value of a
23 manufactured home ~~[and the reasonable cost of removing and~~
24 ~~disposing of a manufactured home]~~ must be determined by:

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

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

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

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

34 **Sec. 3.** NRS 118B.183 is hereby amended to read as follows:

35 118B.183 1. A landlord may convert an existing
36 manufactured home park to any other use of the land if the change is
37 approved by the appropriate local zoning board, planning
38 commission or governing body. In addition to any other reasons, a
39 landlord may apply for such approval if the landlord is forced to
40 close the manufactured home park because of a valid order of a state
41 or local governmental agency or court requiring the closure of the
42 manufactured home park for health or safety reasons.

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



(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 3 or 4, 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.

3. 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.

4. 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~~ :

(1) ~~The fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home;~~ and

(2) *An amount equal to six times the monthly fair market rent for the lot in the county in which the lot is located, as determined by the Division in accordance with the guidelines most recently published by the United States Department of Housing and Urban Development.*

5. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

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

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



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

6. 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.

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

Sec. 4. 1. The provisions of section 1 of this act do not apply to any property taxes due for any period ending on or before June 30, 2008.

2. The amendatory provisions of:

(a) Section 2 of this act apply to each tenant to whom the last day for which the notice required pursuant to subsection 4 of NRS 118B.177 must be served is on or after January 1, 2008.

(b) Section 3 of this act apply to each tenant to whom notice is required to be served pursuant to paragraph (c) of subsection 2 of NRS 118B.183 on or after January 1, 2008.

Sec. 5. This act becomes effective on July 1, 2008.

