

Amendment No. 234

Assembly Amendment to Assembly Bill No. 216

(BDR 10-141)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

JLW/BJE



Date: 4/15/2007

A.B. No. 216—Provides additional requirements for closing or converting
manufactured home parks. (BDR 10-141)



ASSEMBLY BILL NO. 216—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF THE LEGISLATIVE COMMISSION'S
SUBCOMMITTEE TO STUDY THE AVAILABILITY
AND INVENTORY OF AFFORDABLE HOUSING)

FEBRUARY 28, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Provides additional requirements for closing or converting manufactured home parks. (BDR 10-141)

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; requiring a landlord who proposes to close or convert a manufactured home park to submit a resident impact statement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law describes the obligations that a landlord must meet when closing or converting a manufactured home park. (NRS 118B.177, 118B.180, 118B.183) **Sections 1-4** of this bill add to those requirements by requiring the landlord to submit a resident impact statement before beginning the process of closure or conversion. Additionally, **section 1** sets forth the requirements for a resident impact statement.

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:

Before a landlord begins the process of closing or converting a manufactured home park, he shall first submit a resident impact statement to the appropriate local zoning board, planning commission or governing body. The resident impact statement must be in such form as the Division shall prescribe by regulation and must include, without limitation, the following information:

1. The ~~names,~~ addresses and corresponding manufactured home identification numbers of all tenants of the park;

2. An analysis of replacement housing needs or requirements for the tenants; and

3. An analysis of any sites to which the homes of the tenants may be moved.

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

2 118B.177 1. If a landlord closes a manufactured home park, or if a landlord
3 is forced to close a manufactured home park because of a valid order of a state or
4 local governmental agency or court requiring the closure of the manufactured home
5 park permanently for health or safety reasons, the landlord shall pay the amount
6 described in subsection 2 or 3, in accordance with the choice of the tenant.

7 2. If the tenant chooses to move the manufactured home, the landlord shall
8 pay to the tenant:

9 (a) The cost of moving each tenant's manufactured home and its appurtenances
10 to a new location within 50 miles from the manufactured home park; or

11 (b) If the new location is more than 50 miles from the manufactured home
12 park, the cost of moving the manufactured home for the first 50 miles,
13 including fees for inspection, any deposits for connecting utilities, and the cost
14 of taking down, moving, setting up and leveling the manufactured home and its
15 appurtenances in the new lot or park.

16 3. If the tenant chooses not to move the manufactured home, the
17 manufactured home cannot be moved without being structurally damaged ~~or~~ or
18 there is no manufactured home park within 50 miles that is willing to accept the
19 manufactured home, the landlord:

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

21 (b) Shall pay to the tenant the fair market value of the manufactured home less
22 the reasonable cost of removing and disposing of the manufactured home.

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

24 (a) Tenant in the manner provided in NRS 40.280, giving the tenant at least
25 180 days after the date of the notice before he is required to move his manufactured
26 home from the lot.

27 (b) Prospective tenant by:

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

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

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

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

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

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

42 7. *Before a landlord may begin the process of closing a manufactured home*
43 *park, he shall submit a resident impact statement pursuant to section 1 of this act.*

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

46 **Sec. 3.** NRS 118B.180 is hereby amended to read as follows:

47 118B.180 1. A landlord may convert an existing manufactured home park
48 into individual manufactured home lots for sale to manufactured home owners if
49 the change is approved by the appropriate local zoning board, planning commission
50 or governing body. In addition to any other reasons, a landlord may apply for such
51 approval if the landlord is forced to close the manufactured home park because of a
52 valid order of a state or local governmental agency or court requiring the closure of
53 the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this 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 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; ~~land~~

(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 ~~H~~; and

(f) Before he begins the process of converting a manufactured home park, the landlord submits a resident impact statement pursuant to section 1 of this act.

3. Notice sent pursuant to paragraph (a) of subsection 2 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 2 does not constitute notice of termination of the tenancy.

4. 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.

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

Sec. 4. 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. 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:

(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; ~~land~~

(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

1 least 180 days after the date of the notice before he is required to move his
2 manufactured home from the lot ~~H~~ ; and

3 *(d) Before he begins the process of converting a manufactured home park,*
4 *the landlord submits a resident impact statement pursuant to section 1 of this act.*

5 3. If the tenant chooses to move the manufactured home, the landlord shall
6 pay to the tenant:

7 (a) The cost of moving the tenant's manufactured home and its appurtenances
8 to a new location within 50 miles from the manufactured home park; or

9 (b) If the new location is more than 50 miles from the manufactured home
10 park, the cost of moving the manufactured home for the first 50 miles,
11 including fees for inspection, any deposits for connecting utilities and the cost of
12 taking down, moving, setting up and leveling his manufactured home and its
13 appurtenances in the new lot or park.

14 4. If the tenant chooses not to move the manufactured home, the
15 manufactured home cannot be moved without being structurally damaged ~~H~~ or
16 there is no manufactured home park within 50 miles that is willing to accept the
17 manufactured home, the landlord:

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

19 (b) Shall pay to the tenant the fair market value of the manufactured home less
20 the reasonable cost of removing and disposing of the manufactured home.

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

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

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

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

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

30 6. For the purposes of this section, the fair market value of a manufactured
31 home and the reasonable cost of removing and disposing of a manufactured home
32 must be determined by:

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

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

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