

Amendment No. 763

Senate Amendment to Assembly Bill No. 454 First Reprint (BDR 10-839)

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

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 dashed underlining*** is newly added transitory language.

AMI/RRY



Date: 5/15/2009

A.B. No. 454—Revises certain provisions relating to housing. (BDR 10-839)



ASSEMBLY BILL NO. 454—ASSEMBLYMEN OHRENSCHALL, BUCKLEY, MANENDO, SEGERBLOM, KIHUEN; AIZLEY, ANDERSON, BOBZIEN, CLABORN, CONKLIN, DENIS, GOICOECHEA, HOGAN, KOIVISTO, LESLIE, MASTROLUCA, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, PIERCE AND SMITH

MARCH 16, 2009

JOINT SPONSORS: SENATORS PARKS; CARLTON AND LEE

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions relating to housing. (BDR 10-839)

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 housing; revising certain provisions relating to the grounds of termination for certain rental or lease agreements affecting certain tenants in a manufactured home park; ~~revising certain provisions relating to an appeal from a judgment in an unlawful detainer action;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill provides that a rental agreement between a landlord and a tenant for the rental or lease of certain lots in a manufactured home park in this State may only be terminated on one or more of the grounds listed in existing law regardless of the fact that a notice of termination may have been served upon the tenant. (NRS 118B.190, 118B.200)

~~{ Existing law provides that an eviction may be initiated by filing an unlawful detainer action or by using the procedures for summary eviction. (NRS 40.215-40.425) Existing law also generally provides that a person may obtain a stay of execution upon an appeal from an order entered in an action: (1) for summary eviction by filing with the trial court a bond in the amount of \$250; and (2) for unlawful detainer if the person is a defendant and, within 10 days after the judgment is rendered, he files with the court or justice a bond with two or more sureties in the amount determined by the court or justice but that is not less than twice the amount of the judgment and costs. (NRS 40.380, 40.385) Existing law further provides that the summary eviction process may not be used against certain tenants in mobile home parks. (NRS 40.252) Section 6 of this bill changes the amount of the bond that certain defendants who are tenants in a mobile home park are required to file to obtain a stay of execution upon an appeal from an order entered in an action for unlawful detainer from twice the amount of the judgment and costs to \$250. Section 6 also: (1) requires certain tenants in a mobile home park who retain possession of the premises that are the subject of the appeal to pay the landlord the rent in the amount provided in the underlying contract as it becomes due; and (2) authorizes, under certain circumstances, the court or justice to vacate the stay of execution if such a tenant fails to pay the rent. (NRS 40.380) }~~

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy ~~or~~ **or service of a notice pursuant to subsection 1 of NRS 118B.190**, the rental agreement described in NRS 118B.190 may not be terminated except ~~for~~ **on one or more of the following grounds:**

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

(1) Discharge of a weapon;

(2) Prostitution;

(3) Illegal drug manufacture or use;

(4) Child molestation or abuse;

(5) Elder molestation or abuse;

(6) Property damage as a result of vandalism; and

(7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

(1) Are set forth in the lease signed by the tenant; and

(2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to quit for failure to pay rent in the preceding 12-month period may have his tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 6. ~~NRS 40.380 is hereby amended to read as follows:~~

~~40.380 1. Either party may, within 10 days, appeal from the judgment rendered. [But] Except as otherwise provided in subsection 2, an appeal by the defendant shall not stay the execution of the judgment, unless, within the 10 days, he [shall execute and file] executes and files with the court or justice his undertaking to the plaintiff, with two or more sureties, in an amount to be fixed by the court or justice, but which [shall] must not be less than twice the amount of the~~

1 judgment and costs, to the effect that, if the judgment appealed from be affirmed or
2 the appeal be dismissed, the appellant will pay the judgment and the cost of appeal;
3 the value of the use and occupation of the property, and damages justly accruing
4 to the plaintiff during the pendency of the appeal. Upon taking the appeal and filing
5 the undertaking, all further proceedings in the case [shall] must be stayed.

6 ~~2. If the appeal is by a defendant who is a tenant of a mobile home lot in a~~
7 ~~mobile home park or a tenant of a recreational vehicle lot in an area of a mobile~~
8 ~~home park in this State other than an area designated as a recreational vehicle~~
9 ~~lot pursuant to the provisions of subsection 6 of NRS 40.215, the total amount of~~
10 ~~the sureties required to be executed and filed with the court or justice pursuant to~~
11 ~~subsection 1 is \$250 except as otherwise provided in this subsection. In an action~~
12 ~~concerning a lease of a such a lot in a mobile home park for which the monthly~~
13 ~~rent exceeds \$1,000, the court or justice may, upon its or his own motion or that~~
14 ~~of a party, and upon a showing of good cause, order an additional bond to be~~
15 ~~posted to cover the expected costs on appeal.~~

16 ~~3. A tenant of a mobile home lot in a mobile home park or a tenant of a~~
17 ~~recreational vehicle lot in an area of a mobile home park in this State other than~~
18 ~~an area designated as a recreational vehicle lot pursuant to the provisions of~~
19 ~~subsection 6 of NRS 40.215 who retains possession of the premises that are the~~
20 ~~subject of the appeal during the pendency of the appeal shall pay to the landlord~~
21 ~~rent in the amount provided in the underlying contract between the tenant and~~
22 ~~the landlord as it becomes due. If such a tenant fails to pay rent within 10 days~~
23 ~~after the date on which the rent is due, the court or justice shall vacate the stay of~~
24 ~~execution upon proper motion by the landlord if the court or justice determines~~
25 ~~that the tenant has failed to pay the required rent for the applicable period. Any~~
26 ~~payment made by a tenant pursuant to this subsection must first be credited~~
27 ~~against the rent required for the current month. (Deleted by amendment.)~~