

ASSEMBLY BILL NO. 429—ASSEMBLYMEN OHRENSCHALL,
ANDERSON, FRIERSON, CARRILLO, HOGAN; AIZLEY,
BENITEZ-THOMPSON, BROOKS, BUSTAMANTE ADAMS,
CARLTON, DALY, DONDERO LOOP, MUNFORD, NEAL,
PIERCE AND SEGERBLOM

MARCH 21, 2011

JOINT SPONSORS: SENATORS MANENDO, KIHUEN; AND PARKS

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing manufactured home
parks. (BDR 10-565)

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 housing; requiring a landlord of a
manufactured home park to pay certain costs associated
with moving a tenant's manufactured home under certain
circumstances; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires a landlord of a manufactured home park to pay certain
2 costs associated with moving a tenant's manufactured home if the landlord closes
3 or converts the park. (NRS 118B.130, 118B.177, 118B.180, 118B.183) **Sections**
4 **2-5** of this bill require a landlord to pay costs associated with moving a tenant's
5 manufactured home to a new location in this State or another state that is within
6 150 miles from the manufactured home park.

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

- 1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** NRS 118B.130 is hereby amended to read as follows:
3 118B.130 1. A landlord may not change:



(a) An existing park to a park for older persons pursuant to federal law unless the tenants who do not meet those restrictions and may lawfully be evicted are moved to other parks at the expense of the landlord; or

(b) The restriction of a park for older persons pursuant to federal law unless the tenants are given the option of remaining in their spaces or moving to other parks at the expense of the landlord.

2. A tenant who elects to move pursuant to a provision of subsection 1 shall give the landlord notice in writing of the tenant's election to move within 75 days after receiving notice of the change in restrictions in the park.

3. At the time of providing notice of the change in restrictions in the park, the landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within ~~100~~ 150 miles that have reported having vacant spaces.

4. If a landlord is required to move a tenant to another park pursuant to subsection 1, the landlord shall pay:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location in this State or another state within ~~100~~ 150 miles from the manufactured home park; or

(b) If the new location is more than ~~100~~ 150 miles from the manufactured home park, the cost of moving the manufactured home for the first ~~100~~ 150 miles,

➤ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his or her manufactured home and its appurtenances in the new lot or park.

5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

6. 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 ~~100~~ 150 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 fair market value of the manufactured home.



7. A landlord of a park in which restrictions have been or are being changed shall give written notice of the change to each:

(a) Tenant of the park who does not meet the new restrictions; and

(b) Prospective tenant before the commencement of the tenancy.

8. For the purposes of this section, the fair market value of a manufactured home must be determined as follows:

(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who shall make the determination.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the cost of removing and disposing of a manufactured home pursuant to subsection 6.

Sec. 3. 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 amounts required by subsections 3, 4 and 5.

2. At the time of providing notice of the closure of the park, a landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and



(c) Any list published by the Division setting forth the names of mobile home parks within ~~100~~ 150 miles that have reported having vacant spaces.

3. If the tenant chooses to move the manufactured home:

(a) The tenant shall, within 75 days after receiving notice of the closure, notify the landlord in writing of the tenant's election to move the manufactured home; and

(b) The landlord shall pay to the tenant:

(1) The cost of moving each tenant's manufactured home and its appurtenances to a new location in this State or another state within ~~100~~ 150 miles from the manufactured home park; or

(2) If the new location is more than ~~100~~ 150 miles from the manufactured home park, the cost of moving the manufactured home for the first ~~100~~ 150 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.

4. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

5. 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 ~~100~~ 150 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 fair market value of the manufactured home.

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

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

(b) Prospective tenant by:

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

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

7. For the purposes of this section, the fair market value of a manufactured home must be determined as follows:

(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.



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(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who shall make the determination.

8. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the cost of removing and disposing of a manufactured home pursuant to subsection 5.

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

10. If a landlord begins the process of closing a manufactured home park, the landlord shall comply with the provisions of NRS 118B.184 concerning the submission of a resident impact statement.

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

Sec. 4. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners 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 the Division and each tenant within 5 days after the landlord files his or her 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 or her 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 in this State or another state within ~~100~~ 150 miles from the manufactured home park; or

(2) If the new location is more than ~~100~~ 150 miles from the manufactured home park, the cost of moving the manufactured home for the first ~~100~~ 150 miles,

↳ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his or her manufactured home and its appurtenances in the new lot or park;

(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 the tenant is required to move his or her manufactured home from the lot; and

(f) The landlord complies with the provisions of NRS 118B.184 concerning the submission of a resident impact statement.

3. At the time of providing notice of the conversion of the park pursuant to this section, a landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within ~~100~~ 150 miles that have reported having vacant spaces.

4. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

5. If a 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 ~~100~~ 150
2 miles 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 fair market value of the
5 manufactured home.

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

10 7. Upon the sale of a manufactured home lot and a
11 manufactured home which is situated on that lot, the landlord shall
12 indicate what portion of the purchase price is for the manufactured
13 home lot and what portion is for the manufactured home.

14 8. For the purposes of this section, the fair market value of a
15 manufactured home must be determined as follows:

16 (a) A dealer licensed pursuant to chapter 489 of NRS who is a
17 certified appraiser and who is selected jointly by the landlord or his
18 or her agent and the tenant shall make the determination.

19 (b) If there are insufficient dealers licensed pursuant to chapter
20 489 of NRS who are certified appraisers available for the purposes
21 of paragraph (a), a person who possesses the qualifications pursuant
22 to the Appraiser Qualifications for Manufactured Homes Classified
23 as Personal Property as set forth in section 8-3 of Valuation
24 Analysis for Single Family One- to Four-Unit Dwellings, HUD
25 Directive Number 4150.2 CHG-1, of the United States Department
26 of Housing and Urban Development, and who is selected jointly by
27 the landlord or his or her agent and the tenant shall make the
28 determination.

29 (c) If there are insufficient persons available for the purposes of
30 paragraphs (a) and (b) or if the landlord or his or her agent and the
31 tenant cannot agree pursuant to paragraphs (a) and (b), the landlord
32 or his or her agent or the tenant may request the Administrator to,
33 and the Administrator shall, appoint a dealer licensed pursuant to
34 chapter 489 of NRS or a certified appraiser who shall make the
35 determination.

36 9. The landlord shall pay the costs associated with determining
37 the fair market value of a manufactured home and the cost of
38 removing and disposing of a manufactured home pursuant to
39 subsection 5.

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

42 **Sec. 5.** NRS 118B.183 is hereby amended to read as follows:

43 118B.183 1. A landlord may convert an existing
44 manufactured home park to any other use of the land if the change is
45 approved by the appropriate local zoning board, planning



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1 commission or governing body. In addition to any other reasons, a
2 landlord may apply for such approval if the landlord is forced to
3 close the manufactured home park because of a valid order of a state
4 or local governmental agency or court requiring the closure of the
5 manufactured home park for health or safety reasons.

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

8 (a) The landlord gives notice in writing to the Division and each
9 tenant within 5 days after the landlord files his or her application for
10 the change in land use with the local zoning board, planning
11 commission or governing body;

12 (b) The landlord pays the amounts required by subsections 4, 5
13 and 6;

14 (c) After the landlord is granted final approval of the change by
15 the appropriate local zoning board, planning commission or
16 governing body, written notice is served on each tenant in the
17 manner provided in NRS 40.280, giving the tenant at least 180 days
18 after the date of the notice before the tenant is required to move his
19 or her manufactured home from the lot; and

20 (d) The landlord complies with the provisions of NRS 118B.184
21 concerning the submission of a resident impact statement.

22 3. At the time of providing notice of the conversion of the park
23 pursuant to this section, a landlord shall provide to each tenant:

24 (a) The address and telephone number of the Division;

25 (b) Any list published by the Division setting forth the names of
26 licensed transporters of manufactured homes approved by the
27 Division; and

28 (c) Any list published by the Division setting forth the names of
29 mobile home parks within ~~100~~ 150 miles that have reported having
30 vacant spaces.

31 4. If the tenant chooses to move the manufactured home:

32 (a) The tenant shall, within 75 days after receiving notice of the
33 conversion, notify the landlord in writing of the tenant's election to
34 move the manufactured home; and

35 (b) The landlord shall pay to the tenant:

36 (1) The cost of moving the tenant's manufactured home and
37 its appurtenances to a new location in this State or another state
38 within ~~100~~ 150 miles from the manufactured home park; or

39 (2) If the new location is more than ~~100~~ 150 miles from the
40 manufactured home park, the cost of moving the manufactured
41 home for the first ~~100~~ 150 miles,

42 ➔ including fees for inspection, any deposits for connecting utilities
43 and the cost of taking down, moving, setting up and leveling his or
44 her manufactured home and its appurtenances in the new lot or park.



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5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

6. 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 ~~100~~ 150 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 fair market value of the manufactured home.

7. 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.

8. For the purposes of this section, the fair market value of a manufactured home must be determined as follows:

(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to



chapter 489 of NRS or a certified appraiser who shall make the determination.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the cost of removing and disposing of a manufactured home pursuant to subsection 6.

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

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective on July 1, 2011.

