

Amendment No. 431

Assembly Amendment to Assembly Bill No. 429

(BDR 10-565)

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

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____		Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Receded	<input type="checkbox"/>	Not <input type="checkbox"/> _____

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 underlining* is newly added transitory language.

AAK/WLK



Date: 4/18/2011

A.B. No. 429—Revises provisions governing manufactured home parks.
(BDR 10-565)



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:

Existing law requires a landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home if the landlord closes or converts the park. (NRS 118B.130, 118B.177, 118B.180, 118B.183) ~~[Section 1 of this bill similarly requires a landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home if the tenant elects to move after a landlord raises cumulatively the rent on a manufactured home lot by 40 percent or more within 5 consecutive years. Section 1 also: (1) requires a tenant to provide written notice of his or her intention to move; and (2) gives the landlord the opportunity to reduce the rent before the landlord is required to pay such costs.]~~

~~Existing law also authorizes a landlord to remove and dispose of a manufactured home and requires the landlord to pay to the tenant the fair market value of the manufactured home if the tenant chooses not to move the manufactured home under certain circumstances. (NRS 118B.130, 118B.177, 118B.180, 118B.183) Sections 1-5 of this bill require a landlord, under those circumstances, to pay to the tenant the fair market value of the manufactured home minus the reasonable cost of removing and disposing of the manufactured home or \$5,000, whichever is greater. Sections 1-5 also~~ **2-5 of this bill** require a landlord to pay costs associated with moving a tenant's manufactured home to a new location in this State or another state that is within 150 miles from the manufactured home park.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 118B.130 is hereby amended to read as follows:

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 less the reasonable cost of removing and disposing of the manufactured home or \$5,000, whichever is greater.

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 ~~less the reasonable cost of removing and disposing of the manufactured home or \$5,000, whichever is greater.~~

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.

(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 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 ~~less the reasonable cost of removing and disposing of the manufactured home or \$5,000, whichever is greater.~~

6. 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.

7. 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.

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 5.

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

Sec. 5. 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 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 pays the amounts required by subsections 4, 5 and 6;

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

(d) 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 tenant chooses to move the manufactured home:

(a) The tenant shall, within 75 days after receiving notice of the conversion, 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 (1) The cost of moving the tenant's manufactured home and its
2 appurtenances to a new location in this State or another state within ~~100~~ 150 miles
3 from the manufactured home park; or

4 (2) If the new location is more than ~~100~~ 150 miles from the manufactured
5 home park, the cost of moving the manufactured home for the first ~~100~~ 150 miles,
6 including fees for inspection, any deposits for connecting utilities and the cost of
7 taking down, moving, setting up and leveling his or her manufactured home and its
8 appurtenances in the new lot or park.

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

14 6. If the tenant chooses not to move the manufactured home, the
15 manufactured home cannot be moved without being structurally damaged or there
16 is no manufactured home park within ~~100~~ 150 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 =
20 ~~less the reasonable cost of removing and disposing of the manufactured home or~~
21 ~~\$5,000, whichever is greater.~~

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

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

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

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

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

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

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

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

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

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

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

- 1 **Sec. 6.** (Deleted by amendment.)
- 2 **Sec. 7.** (Deleted by amendment.)
- 3 **Sec. 8.** This act becomes effective on July 1, 2011.