

HOUSE BILL NO. 1528

Introduced by

Representatives B. Koppelman, Beadle, Dockter, Hatlestad, Marschall, Meier, Steiner

Senators Clemens, Meyer

1 A BILL for an Act to amend and reenact sections 35-20-17, 47-17-01, and 47-32-04 of the North
2 Dakota Century Code, relating to mobile home lien notices, the amount of time required before
3 a lienholder may sell a mobile home, nonrenewals of at-will leases mobile home lots, and the
4 ability of a mobile home park tenant to cure a nonpayment of rent prior to being evicted.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 35-20-17 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **35-20-17. Landlord's mobile home lien - Penalty.**

- 9 1. A landlord of a mobile home lot has a lien for accrued rents, storage, and removal
10 relating to any mobile home left on the lot after the tenant has vacated the premises
11 after an eviction or the expiration of the lease term. A lien under this section does not
12 have priority over a prior perfected security interest in the property. A holder of a lien
13 under this section may retain possession of the mobile home subject to the lien until
14 the amount due is paid.
- 15 2. For the lien or subsequent title obtained by the lienholder to be valid against a
16 good-faith purchaser, the landlord shall post a signed and dated notice of the lien on
17 the primary entrance to the mobile home, and mail by certified mail copies of the
18 notice of lien to the last-known address of the owner and secured parties of record of
19 the mobile home. An individual who without authorization from the landlord willfully
20 removes the posted notice is guilty of a class B misdemeanor. The notice of lien must
21 contain ~~the~~:
- 22 a. The name and last-known address of the owner of the mobile home,~~the~~
23 b. The name and post-office address of the lien claimant,~~the~~
24 c. The amount and itemization of the lien,~~a~~

- 1 d. A description of the location and type of mobile home, and a;
2 e. A recitation of the penalty provisions of this section;
3 f. Notification the landlord may sell the mobile home within sixty days if the amount
4 due is not paid;
5 g. The date, time, and location of the sale of the mobile home, or the manner by
6 which the sale will occur if the date, time, and location of the sale has not been
7 determined at the time of posting the notice of lien; and
8 h. The process for placing an offer on the mobile home if the mobile home is offered
9 for sale.
- 10 3. A lienholder may sell a mobile home ~~thirty, within commercially reasonable standards,~~
11 sixty days after the lienholder mails notice of the lien to the owner of the mobile home
12 and secured parties of record. After the sale, the lienholder shall forward by certified
13 mail to the last-known address of the former owner any and secured parties of record
14 of the mobile home:
- 15 a. Notice of the date, time, place, and manner of the sale;
16 b. The name of the purchaser of the mobile home;
17 c. The sale price of the mobile home;
18 d. An itemization of the accrued rent, storage, and removal costs constituting the
19 lien;
20 e. An itemization of the disposition of the sale proceeds; and
21 f. Any money resulting from the sale of the mobile home in excess of the amount
22 owed to the lienholder for accrued rents, storage, and removal relating to the
23 mobile home. If the location of the former mobile home owner is not known and
24 the certified letter is returned as undeliverable, any money from a sale in excess
25 of the amount owed is presumed abandoned under chapter 47-30.1.

26 **SECTION 2. AMENDMENT.** Section 47-17-01 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **47-17-01. Month's notice terminates estate at will.**

29 A tenancy or other estate at will, however created, may be terminated by the landlord's
30 giving notice to the tenant in the manner prescribed by section 47-17-02 to remove from the
31 premises within a period specified in the notice of not less than one month. However, if the

1 landlord of a mobile home park, without cause, decides not to renew an at-will lease agreement
2 with a tenant, the landlord shall provide the tenant at least one hundred eighty-days written
3 notice of the nonrenewal decision.

4 **SECTION 3. AMENDMENT.** Section 47-32-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **47-32-04. Eviction actions not joinable with other actions - Exception - When**
7 **counterclaims only interposable.**

8 1. An action of eviction cannot be brought in a district court in connection with any other
9 action, except for rents and profits accrued or for damages arising by reason of the
10 defendant's possession. No counterclaim can be interposed in such action, except as
11 a setoff to a demand made for damages or for rents and profits. If the court finds for
12 the plaintiff in the action, the court shall enter judgment that the plaintiff have
13 immediate restitution of the premises. Upon a showing by the defendant that
14 immediate restitution of the premises would work a substantial hardship on the
15 defendant or the defendant's family, except in cases in which the eviction judgment is
16 based in whole or in part on a disturbance of the peace, the court may stay the special
17 execution for a reasonable period, not to exceed five days.

18 2. If a court finds for a plaintiff in an action of eviction from a mobile home park, the court
19 shall specify in the judgment the amount the defendant owes the plaintiff in rent and
20 other costs, including court costs and reasonable attorney's fees. The court also shall
21 stay the eviction for thirty days. If the defendant pays the plaintiff the full amount
22 specified by the court within the thirty days, the court shall relieve the defendant from
23 the judgment, and the defendant may remain in possession of the mobile home lot. If
24 the defendant does not pay the plaintiff the full amount before the end of the thirty
25 days, the plaintiff may recover possession of the mobile home lot.