

Introduced by

Senators Dever, Larson, Paulson

Representatives Karls, Kempenich, Louser

1 A BILL for an Act to amend and reenact sections 23-10-06.2 and 47-10-28 of the North Dakota  
2 Century Code, relating to the transferability of licenses for a mobile home park and required  
3 disclosures to tenants residing in a mobile home park; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 23-10-06.2 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **23-10-06.2. License transferability.**

8 The department shall transfer a license without charge if the proposed new owner applies in  
9 writing for a transfer of the license and certifies that the mobile home park, recreational vehicle  
10 park, or campground will be operated in accordance with section 47-10-28 and this chapter. A  
11 new owner applying for a transfer under this section and a person holding a license issued  
12 under section 23-10-03, shall provide the name, address, and telephone number for the  
13 managers, officers, directors, partners, and shareholders to the department once per calendar  
14 year.

15 **SECTION 2. AMENDMENT.** Section 47-10-28 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **47-10-28. Mobile home park - Ownership - Transfer of ownership - Tenant rights -**  
18 **Penalty.**

- 19 1. A person that owns or purchases an existing mobile home park shall:
- 20 a. Obtain an annual license under section 23-10-03;
- 21 b. Designate an official local office, except if the mobile home park contains fewer
- 22 than twenty-six lots, which must be operational on the fifth business day after the
- 23 change of ownership;
- 24 c. The mobile home park shall:

- 1           (1) Have a designated telephone number manned on weekdays between the  
2           hours of eight a.m. and five p.m.;
- 3           (2) Have an operational emergency contact number manned at all times;
- 4           (3) Designate at least one individual for the property who has the authority to  
5           make decisions on behalf of and perform, or direct the performance of,  
6           duties imposed on the owner; and
- 7           (4) Provide a tenant with the contact information of the individual under  
8           paragraph 3;
- 9           d. Provide written notice to a tenant of the mobile home park regarding the change  
10          of ownership within five business days after the change of ownership becomes  
11          effective. The written notice must include the information required under  
12          subdivision c; and
- 13          e. Acknowledge receipt of tenant inquiries or complaints regarding the park,  
14          pursuant to section 23-10-10.1, within two business days of receiving the inquiry  
15          or complaint;
- 16          f. Provide to each tenant, upon a written request by the tenant or the tenant's  
17          agent, a copy of the existing lease terms along with any modifications or  
18          amendments, within ten business days of receipt of a written request;
- 19          g. Provide each tenant with the name, address, and telephone number of the legal  
20          entity that owns the mobile home park; and
- 21          h. Provide the telephone number of any existing property manager or designated  
22          site agent.
- 23          2. A person that owns or purchases an existing mobile home park may not require a  
24          tenant who owns a mobile home located on the property to sell or transfer ownership  
25          of the home to the owner of the mobile home park, except as otherwise provided by  
26          law.
- 27          3. A person that owns or purchases an existing mobile home park shall provide a tenant  
28          advance written notice of any modifications to park rules or regulations at least thirty  
29          days before the date the modifications take effect. Except for the rules and regulations  
30          under subsections 4 and 5, upon the effective date of modifications to park rules and  
31          regulations, an owner shall provide a tenant who owns a dwelling unit that fails to

1           comply with the park rules and regulations written notice of the failure to comply and  
2           provide the tenant three months to remedy the failure or vacate the premises before  
3           initiating an action for eviction against the tenant. During the three-month period the  
4           tenant shall comply with the park rules and regulations that were in effect before the  
5           modifications became effective, including the payment of rent and any other financial  
6           obligations under the terms of the lease. During the three-month period, if the tenant  
7           provides the owner a signed document from a person in the business of relocating  
8           mobile homes declaring it is not possible to relocate the tenant's dwelling unit within  
9           the three-month period, the three-month period must be extended to a date when the  
10          dwelling unit can be relocated or the date that is two months after the end of the  
11          three-month period, whichever date occurs first.

12          4. A person that owns or purchases an existing mobile home park shall provide a tenant  
13          advance written notice of any modifications to park rules and regulations addressing  
14          sanitation and safety concerns at least thirty days before the date the modifications  
15          take effect.

16          5. A person that owns or purchases an existing mobile home park shall provide a tenant  
17          advance written notice at least thirty days before implementing a rule or regulation  
18          regarding the removal of a tongue hitch, or any other modification to the dwelling unit  
19          to comply with state or federal housing or financing requirements.

20          6. Mobile home park rules in effect on the date advance written notice regarding  
21          modifications is provided to a tenant remain in effect until the date the modified rules  
22          or regulations take effect.

23          7. A person that purchases an existing mobile home park may not increase the monthly  
24          tenant rental obligation for six months if the rental amount was increased within the  
25          sixty-day period before the date the new owner acquired ownership of the park. Any  
26          month-to-month tenancy agreement must provide a minimum of ninety days' notice to  
27          the tenant before any rent increase is effective.

28          8. A person that owns or purchases an existing mobile home park may purchase utility  
29          services, including water and sewer services on behalf of a tenant, and include the  
30          amount in the monthly rental obligation or bill the tenant as a separate charge based  
31          on actual usage. An owner may not charge a tenant more than the actual cost per unit

1 amount paid by the landlord to the utility service provider, except for a reasonable  
2 administrative fee that may not exceed three dollars. An owner may not charge or  
3 back charge for the utility services of a tenant paying for the services as a portion of  
4 the tenant's monthly rental obligation, unless the cost of providing the services  
5 increases. If the cost of providing utility services increases, an owner of a mobile home  
6 park may charge a tenant a reasonable amount to cover the increased cost of  
7 providing the service. The owner shall provide the tenant access to the records of  
8 meter readings taken at the mobile home lot of the tenant.

- 9 9. A person that violates a provision of this section is subject to a civil penalty not  
10 exceeding ~~one~~five thousand dollars or actual damages, whichever is ~~less~~greater, plus  
11 reasonable attorney's fees and costs. A mobile home park license may be suspended  
12 or revoked as provided in section 23-10-12. If a landlord's license is suspended or  
13 revoked, the rental obligations of the park tenants are suspended until the license is  
14 reinstated.