

Amendment No. 101

Senate Amendment to Senate Bill No. 275	(BDR 10-958)
Proposed by: Senate 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

SLD/ERS



Date: 4/11/2023

S.B. No. 275—Revises provisions relating to manufactured home parks.
(BDR 10-958)



SENATE BILL NO. 275--SENATOR DALY

MARCH 14, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to manufactured home parks. (BDR 10-958)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~formatted material~~ is material to be omitted.

AN ACT relating to manufactured home parks; requiring the Housing Division of the Department of Business and Industry to calculate annually and publish a maximum annual rent increase percentage in manufactured home parks; authorizing certain persons to apply for an exemption to certain requirements relating to increases in rent; revising certain requirements related to increases in rent for certain tenancies in manufactured home parks; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes certain requirements relating to manufactured home parks. (Chapter 118B of NRS) Existing law prohibits a landlord or his or her agent or employee from increasing rent or additional charges unless the increased rent is the same rent charged for manufactured homes of the same size or lots of the same size or of a similar location within the park, except that a discount may be given to certain persons. (NRS 118B.150) **Section 6** of this bill prohibits a landlord or his or her agent or employee from increasing rent for a tenancy that is from month to month and not a long-term lease unless the amount of the increase does not exceed the maximum annual rent increase percentage calculated by the Housing Division of the Department of Business and Industry, plus the amount of pass-through expenses actually incurred by the landlord of the manufactured home park.

Section 4 of this bill: (1) authorizes a landlord or his or her agent or employee to apply to the Division for an exemption from this limit on the maximum annual rent increase if the operating costs of the manufactured home park exceed the amount the park would earn with the increase in rent; ~~and~~ (2) **requires an application for an exemption to include any proof necessary to justify an exemption and a report that demonstrates the need for an exemption prepared by a certified public accountant; and (3)** requires the Division to adopt regulations to establish the application process.

Section 3 of this bill requires the Division to calculate annually and publish on an Internet website maintained by the Division the maximum annual rent increase percentage. **Section 3** also requires the Division to: (1) issue a press release containing the maximum annual rent increase percentage for that fiscal year; and (2) maintain on the Internet website for at least 2 years information relating to each maximum annual rent increase percentage.

Section 2 of this bill defines “maximum annual rent increase percentage” to mean the maximum annual rent increase percentage calculated by the Division pursuant to **section 3**.

25 **Section 5** of this bill makes a conforming change to indicate the proper placement of **section 2**
 26 in the Nevada Revised Statutes.

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

1 **Section 1.** Chapter 118B of NRS is hereby amended by adding thereto the
 2 provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *“Maximum annual rent increase percentage” means the maximum*
 4 *annual rent increase percentage calculated by the Division pursuant to section 3*
 5 *of this act.*

6 **Sec. 3.** *1. On or before ~~August~~ July 1 of each year, the Division shall:*

7 *(a) Calculate the maximum annual rent increase percentage required*
 8 *pursuant to NRS 118B.150 for the following fiscal year, which must be equal to*
 9 *60 percent of the ~~June~~ May annual 12-month average change in the Consumer*
 10 *Price Index for All Urban Consumers, West Region (All Items), as most recently*
 11 *published by the United States Department of Labor;*

12 *(b) Publish on an Internet website maintained by the Division the maximum*
 13 *annual rent increase percentage for that fiscal year; and*

14 *(c) Issue a press release containing the maximum annual rent increase*
 15 *percentage for that fiscal year.*

16 *2. The Division shall maintain the information for each maximum annual*
 17 *rent increase percentage calculated pursuant to subsection 1 on an Internet*
 18 *website maintained by the Division for at least 2 years.*

19 *3. As used in this section, “fiscal year” has the meaning ascribed to it in*
 20 *NRS 354.526.*

21 **Sec. 4.** *1. A landlord or his or her agent or employee may apply to the*
 22 *Division for an exemption from the requirements of paragraph (b) of subsection*
 23 *1 of NRS 118B.150 if the cost of operating the manufactured home park exceeds*
 24 *the amount the park would earn with the limit on the maximum annual rent*
 25 *increase established pursuant to paragraph (b) of subsection 1 of NRS 118B.150.*

26 *2. An application for an exemption submitted pursuant to subsection 1 must*
 27 *include:*

28 *(a) Any proof necessary to justify an exemption; and*

29 *(b) A report that demonstrates the need for an exemption which must be*
 30 *prepared by a certified public accountant certified to practice in this State*
 31 *pursuant to the provisions of chapter 628 of NRS.*

32 *3. The Division shall adopt regulations to carry out the provisions of*
 33 *~~subsection 1~~ this section.*

34 **Sec. 5.** NRS 118B.010 is hereby amended to read as follows:

35 118B.010 As used in this chapter, unless the context otherwise requires, the
 36 words and terms defined in NRS 118B.0105 to 118B.0195, inclusive, *and section 2*
 37 *of this act* have the meanings ascribed to them in those sections.

38 **Sec. 6.** NRS 118B.150 is hereby amended to read as follows:

39 118B.150 1. Except as otherwise provided in subsections 2 and 3, the
 40 landlord or his or her agent or employee shall not:

41 (a) Increase rent or additional charges unless:

42 (1) The rent charged after the increase is the same rent charged for
 43 manufactured homes of the same size or lots of the same size or of a similar
 44 location within the park, including, without limitation, manufactured homes and

1 lots which are held pursuant to a long-term lease, except that a discount may be
2 selectively given to persons who:

3 (I) Are handicapped;

4 (II) Are 55 years of age or older;

5 (III) Are long-term tenants of the park if the landlord has specified in
6 the rental agreement or lease the period of tenancy required to qualify for such a
7 discount;

8 (IV) Pay their rent in a timely manner; or

9 (V) Pay their rent by check, money order or electronic means;

10 (2) Any increase in additional charges for special services is the same
11 amount for each tenant using the special service; and

12 (3) Written notice advising a tenant of the increase is received by the
13 tenant 90 days before the first payment to be increased and written notice of the
14 increase is given to prospective tenants before commencement of their tenancy. In
15 addition to the notice provided to a tenant pursuant to this subparagraph, if the
16 landlord or his or her agent or employee knows or reasonably should know that the
17 tenant receives assistance from the Account, the landlord or his or her agent or
18 employee shall provide to the Administrator written notice of the increase 90 days
19 before the first payment to be increased.

20 (b) *Except as otherwise provided in section 4 of this act and in addition to the*
21 *requirements of paragraph (a), increase rent for a tenancy that is from month to*
22 *month and not a long-term lease unless the amount of the increase does not*
23 *exceed the maximum annual rent increase percentage calculated by the Division*
24 *pursuant to section 3 of this act ~~that is in effect at the time the landlord or his~~*
25 *or her agent or employee is required to provide notice of an increase pursuant to*
26 *subparagraph (3) of paragraph (a), plus the amount of pass-through expenses*
27 *actually incurred by the landlord of the manufactured home park.*

28 (c) Require a tenant to pay for an improvement to the common area of a
29 manufactured home park unless the landlord is required to make the improvement
30 pursuant to an ordinance of a local government.

31 ~~(d)~~ (d) Require a tenant to pay for a capital improvement to the manufactured
32 home park unless the tenant has notice of the requirement at the time the tenant
33 enters into the rental agreement. A tenant may not be required to pay for a capital
34 improvement after the tenant enters into the rental agreement unless the tenant
35 consents to it in writing or is given 60 days' notice of the requirement in writing.
36 The landlord may not establish such a requirement unless a meeting of the tenants
37 is held to discuss the proposal and the landlord provides each tenant with notice of
38 the proposal and the date, time and place of the meeting not less than 60 days
39 before the meeting. The notice must include a copy of the proposal. A notice in a
40 periodic publication of the park does not constitute notice for the purposes of this
41 paragraph.

42 ~~(e)~~ (e) Require a tenant to pay the rent by check or money order.

43 ~~(f)~~ (f) Require a tenant who pays the rent in cash to apply any change to
44 which the tenant is entitled to the next periodic payment that is due. The landlord or
45 his or her agent or employee shall have an adequate amount of money available to
46 provide change to such a tenant.

47 ~~(g)~~ (g) Prohibit or require fees or deposits for any meetings held in the park's
48 community or recreational facility by the tenants or occupants of any manufactured
49 home or recreational vehicle in the park to discuss the park's affairs, or any
50 political meeting sponsored by a tenant, if the meetings are held at reasonable hours
51 and when the facility is not otherwise in use, or prohibit the distribution of notices
52 of those meetings.

1 ~~(g)~~ (h) Interrupt, with the intent to terminate occupancy, any utility service
 2 furnished the tenant except for nonpayment of utility charges when due. Any
 3 landlord who violates this paragraph is liable to the tenant for actual damages.

4 ~~(h)~~ (i) Prohibit a tenant from having guests, but the landlord may require the
 5 tenant to register the guest within 48 hours after his or her arrival, Sundays and
 6 legal holidays excluded, and if the park is a secured park, a guest may be required
 7 to register upon entering and leaving.

8 ~~(i)~~ (j) Charge a fee for a guest who does not stay with the tenant for more
 9 than a total of 60 days in a calendar year. The tenant of a manufactured home lot
 10 who is living alone may allow one other person to live in his or her home without
 11 paying an additional charge or fee, unless such a living arrangement constitutes a
 12 violation of chapter 315 of NRS. No agreement between a tenant and his or her
 13 guest alters or varies the terms of the rental contract between the tenant and the
 14 landlord, and the guest is subject to the rules and regulations of the landlord.

15 ~~(j)~~ (k) Prohibit a tenant from erecting a fence on the tenant's lot if the fence
 16 complies with any standards for fences established by the landlord, including
 17 limitations established for the location and height of fences, the materials used for
 18 fences and the manner in which fences are to be constructed.

19 ~~(k)~~ (l) Prohibit any tenant from soliciting membership in any association
 20 which is formed by the tenants who live in the park. As used in this paragraph,
 21 "solicit" means to make an oral or written request for membership or the payment
 22 of dues or to distribute, circulate or post a notice for payment of those dues.

23 ~~(l)~~ (m) Prohibit a public officer, candidate for public office or the
 24 representative of a public officer or candidate for public office from walking
 25 through the park to talk with the tenants or distribute political material.

26 ~~(m)~~ (n) If a tenant has voluntarily assumed responsibility to trim the trees on
 27 his or her lot, require the tenant to trim any particular tree located on the lot or
 28 dispose of the trimmings unless a danger or hazard exists.

29 ~~(n)~~ (o) Charge a fee for a late monthly rental payment by a federal worker,
 30 tribal worker, state worker or household member of such a worker during a
 31 shutdown.

32 2. The landlord is entitled to require a security deposit from a tenant who
 33 wants to use the manufactured home park's clubhouse, swimming pool or other
 34 park facilities for the tenant's exclusive use. The landlord may require the deposit at
 35 least 1 week before the use. The landlord shall apply the deposit to costs which
 36 occur due to damage or cleanup from the tenant's use within 1 week after the use, if
 37 any, and shall, on or before the eighth day after the use, refund any unused portion
 38 of the deposit to the tenant making the deposit. The landlord is not required to place
 39 such a deposit into a financial institution or to pay interest on the deposit.

40 3. The provisions of paragraphs (a), ~~(b)~~ (c), ~~(j)~~ (d), (k) and ~~(m)~~ (n) of
 41 subsection 1 do not apply to a corporate cooperative park.

42 4. As used in this section ~~["long-term"]~~ :

43 (a) "Long-term lease" means a rental agreement or lease the duration of which
 44 exceeds 12 months.

45 (b) "Pass-through expense" means the actual costs and expenses incurred by
 46 a landlord that are passed on to a tenant without markup. The term does not
 47 include overhead, administrative expenses or profits.

48 Sec. 6.5. On or before July 1, 2023, the Housing Division of the
 49 Department of Business and Industry shall, in accordance with section 3 of this
 50 act, determine the maximum annual rent increase percentage for Fiscal Year
 51 2023-2024.

52 Sec. 7. 1. This section ~~becomes~~ and section 6.5 of this act become
 53 effective upon passage and approval.

- 1 2. Sections 1 to 6, inclusive, of this act become effective:
2 (a) Upon passage and approval for the purposes of adopting any regulations
3 and performing any other preparatory administrative tasks that are necessary to
4 carry out the provisions of this act; and
5 (b) On ~~January~~ July 1, ~~2024,~~ 2023, for all other purposes.