

SENATE BILL NO. 141—COMMITTEE ON
COMMERCE, LABOR AND ENERGY

FEBRUARY 10, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises various provisions governing manufactured home parks. (BDR 10-925)

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

~

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

AN ACT relating to property; revising various provisions governing manufactured home parks; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, when a tenant of a manufactured home park pays rent to
2 the landlord of the park, the landlord must issue a receipt to the tenant indicating
3 the amount and date of the payment. (NRS 118B.073) **Section 1** of this bill revises
4 this provision and requires a landlord to issue a receipt only when a tenant requests
5 such a receipt.
6 A landlord is prohibited under existing law from requiring a tenant to pay rent
7 by check or money order and from requiring any tenant who pays rent by cash to
8 apply any change to which the tenant may be entitled toward the tenant’s next rent
9 payment. (NRS 118B.150) **Section 3** of this bill removes these provisions.
10 Existing law also requires that repairs which may affect certain features of a
11 manufactured home be made by a person licensed to make such repairs. (NRS
12 118B.097) **Section 2** of this bill revises this requirement by specifying that only
13 certain repairs that may materially affect the home must be made by a person
14 licensed to make such repairs. **Section 5** of this bill authorizes a licensed contractor
15 to make repairs to a manufactured home that do not materially affect the home.
16 Additionally, existing law prohibits a landlord from purchasing a manufactured
17 home within a manufactured home park if the landlord has denied a prospective
18 buyer the right to purchase the home. (NRS 118B.160) **Section 4** of this bill
19 provides that if a landlord denies a prospective buyer the right to purchase such a
20 home, the landlord may purchase the home if the landlord offers to pay a price that
21 is equal to or greater than the price offered by the prospective buyer.



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

1 **Section 1.** NRS 118B.073 is hereby amended to read as
2 follows:

3 118B.073 Upon payment of the periodic rent by a tenant of a
4 manufactured home park, the landlord of that park shall , *upon*
5 *request by the tenant*, issue to the tenant a receipt which indicates
6 the amount and the date of the payment. The landlord shall issue the
7 receipt as soon as practicable after ~~payment,~~ *the request*, but not
8 later than 5 days after the landlord receives ~~payment,~~ *the request*.

9 **Sec. 2.** NRS 118B.097 is hereby amended to read as follows:

10 118B.097 1. If a repair to a manufactured home may
11 *materially* affect the structural, electrical, plumbing, drainage,
12 roofing, mechanical or solid fuel burning systems of the home, or
13 requires a permit before the repair may be made, the repair may be
14 performed legally only by a person who is qualified by licensure to
15 perform such a repair, and:

16 (a) A person shall not perform the repair unless the person has
17 such qualifications; and

18 (b) A tenant or a landlord, or his or her agent or employee, shall
19 not employ a third party to perform the repair if he or she knows or,
20 in light of all the surrounding facts and circumstances, reasonably
21 should know that the third party does not have such qualifications.

22 2. The Administrator shall adopt regulations to specify the
23 repairs that a person without an applicable license may make to a
24 manufactured home in accordance with the provisions of this section
25 and chapter 489 of NRS.

26 **Sec. 3.** NRS 118B.150 is hereby amended to read as follows:

27 118B.150 1. Except as otherwise provided in subsections 2
28 and 3, the landlord or his or her agent or employee shall not:

29 (a) Increase rent or additional charges unless:

30 (1) The rent charged after the increase is the same rent
31 charged for manufactured homes of the same size or lots of the same
32 size or of a similar location within the park, including, without
33 limitation, manufactured homes and lots which are held pursuant to
34 a long-term lease, except that a discount may be selectively given to
35 persons who:

36 (I) Are handicapped;

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

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

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



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

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

5 (3) Written notice advising a tenant of the increase is
6 received by the tenant 90 days before the first payment to be
7 increased and written notice of the increase is given to prospective
8 tenants before commencement of their tenancy. In addition to the
9 notice provided to a tenant pursuant to this subparagraph, if the
10 landlord or his or her agent or employee knows or reasonably should
11 know that the tenant receives assistance from the Fund for Low-
12 Income Owners of Manufactured Homes created pursuant to NRS
13 118B.215, the landlord or his or her agent or employee shall provide
14 to the Administrator written notice of the increase 90 days before
15 the first payment to be increased.

16 (b) Require a tenant to pay for an improvement to the common
17 area of a manufactured home park unless the landlord is required to
18 make the improvement pursuant to an ordinance of a local
19 government.

20 (c) Require a tenant to pay for a capital improvement to the
21 manufactured home park unless the tenant has notice of the
22 requirement at the time the tenant enters into the rental agreement.
23 A tenant may not be required to pay for a capital improvement after
24 the tenant enters into the rental agreement unless the tenant consents
25 to it in writing or is given 60 days' notice of the requirement in
26 writing. The landlord may not establish such a requirement unless a
27 meeting of the tenants is held to discuss the proposal and the
28 landlord provides each tenant with notice of the proposal and
29 the date, time and place of the meeting not less than 60 days before
30 the meeting. The notice must include a copy of the proposal. A
31 notice in a periodic publication of the park does not constitute notice
32 for the purposes of this paragraph.

33 ~~(d) [Require a tenant to pay the rent by check or money order.~~
34 ~~—(e) Require a tenant who pays the rent in cash to apply any~~
35 ~~change to which the tenant is entitled to the next periodic payment~~
36 ~~that is due. The landlord or his or her agent or employee shall have~~
37 ~~an adequate amount of money available to provide change to such a~~
38 ~~tenant.~~

39 ~~—(f)]~~ Prohibit or require fees or deposits for any meetings held in
40 the park's community or recreational facility by the tenants or
41 occupants of any manufactured home or recreational vehicle in the
42 park to discuss the park's affairs, or any political meeting sponsored
43 by a tenant, if the meetings are held at reasonable hours and when
44 the facility is not otherwise in use, or prohibit the distribution of
45 notices of those meetings.



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

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

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

19 ~~[(h)]~~ (h) Prohibit a tenant from erecting a fence on the tenant's
20 lot if the fence complies with any standards for fences established
21 by the landlord, including limitations established for the location
22 and height of fences, the materials used for fences and the manner in
23 which fences are to be constructed.

24 ~~[(i)]~~ (i) Prohibit any tenant from soliciting membership in any
25 association which is formed by the tenants who live in the park. As
26 used in this paragraph, "solicit" means to make an oral or written
27 request for membership or the payment of dues or to distribute,
28 circulate or post a notice for payment of those dues.

29 ~~[(j)]~~ (j) Prohibit a public officer, candidate for public office or
30 the representative of a public officer or candidate for public office
31 from walking through the park to talk with the tenants or distribute
32 political material.

33 ~~[(k)]~~ (k) If a tenant has voluntarily assumed responsibility to
34 trim the trees on his or her lot, require the tenant to trim any
35 particular tree located on the lot or dispose of the trimmings unless a
36 danger or hazard exists.

37 2. The landlord is entitled to require a security deposit from a
38 tenant who wants to use the manufactured home park's clubhouse,
39 swimming pool or other park facilities for the tenant's exclusive use.
40 The landlord may require the deposit at least 1 week before the use.
41 The landlord shall apply the deposit to costs which occur due to
42 damage or cleanup from the tenant's use within 1 week after the use,
43 if any, and shall, on or before the eighth day after the use, refund
44 any unused portion of the deposit to the tenant making the deposit.



1 The landlord is not required to place such a deposit into a financial
2 institution or to pay interest on the deposit.

3 3. The provisions of paragraphs (a), (b), (c), ~~[(j)]~~ *(h)* and ~~[(m)]~~
4 *(k)* of subsection 1 do not apply to a corporate cooperative park.

5 4. As used in this section, "long-term lease" means a rental
6 agreement or lease the duration of which exceeds 12 months.

7 **Sec. 4.** NRS 118B.160 is hereby amended to read as follows:

8 118B.160 1. Except as otherwise provided in subsection 2,
9 the landlord or his or her agent or employee shall not:

10 (a) Deny any tenant the right to sell his or her manufactured
11 home or recreational vehicle within the park or require the tenant to
12 remove the manufactured home or recreational vehicle from the
13 park solely on the basis of the sale, except as otherwise provided in
14 NRS 118B.170.

15 (b) Prohibit any tenant desiring to sell his or her manufactured
16 home or recreational vehicle within the park from advertising the
17 location of the home or vehicle and the name of the manufactured
18 home park or prohibit the tenant from displaying at least one sign of
19 reasonable size advertising the sale of the home or vehicle.

20 (c) Require that the landlord be an agent of an owner of a
21 manufactured home or recreational vehicle who desires to sell the
22 home or vehicle.

23 (d) Unless subleasing of lots is prohibited by a rental agreement
24 or lease, prohibit a tenant from subleasing his or her manufactured
25 home lot if the prospective subtenant meets the general requirements
26 for tenancy in the park.

27 (e) Require a tenant to make any additions to his or her
28 manufactured home unless those additions are required by an
29 ordinance of a local government.

30 (f) Purchase a manufactured home within the park if the
31 landlord has denied:

32 (1) A tenant the right to sell that manufactured home; or

33 (2) A prospective buyer the right to purchase that
34 manufactured home ~~[(j)]~~, *except that the landlord may purchase the*
35 *manufactured home at a price that is equal to or greater than the*
36 *price offered by the prospective buyer.*

37 2. The provisions of this section do not apply to a corporate
38 cooperative park.

39 **Sec. 5.** NRS 624.284 is hereby amended to read as follows:

40 624.284 A contractor's license issued pursuant to this chapter
41 does not authorize a contractor to construct or repair a mobile home,
42 manufactured home, manufactured building or commercial coach or
43 factory-built housing ~~[(j)]~~, *except in accordance with the provisions*
44 *of NRS 118B.097.*



1 **Sec. 6.** NRS 624.3015 is hereby amended to read as follows:
2 624.3015 The following acts, among others, constitute cause
3 for disciplinary action under NRS 624.300:
4 1. Acting in the capacity of a contractor beyond the scope of
5 the license.
6 2. Bidding to contract or contracting for a sum for one
7 construction contract or project in excess of the limit placed on the
8 license by the Board.
9 3. Knowingly bidding to contract or entering into a contract
10 with a contractor for work in excess of his or her limit or beyond the
11 scope of his or her license.
12 4. Knowingly entering into a contract with a contractor while
13 that contractor is not licensed.
14 5. Constructing or repairing a mobile home, manufactured
15 home, manufactured building or commercial coach or factory-built
16 housing unless the contractor:
17 (a) Is licensed pursuant to NRS 489.311; ~~or~~
18 (b) Owns, leases or rents the mobile home, manufactured home,
19 manufactured building, commercial coach or factory-built housing
20 ~~or~~; *or*
21 (c) *Is making repairs in accordance with the provisions of*
22 *NRS 118B.097.*
23 6. Engaging in any work or activities that require a contractor's
24 license while the license is placed on inactive status pursuant to
25 NRS 624.282.



