



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1979 | Issue 1

Article 57

1-1-1979

Property; Mobile Home Tenancies

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Recommended Citation

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PROPERTY; MOBILE HOME TENANCIES

Adds to NRS Chapters 118, 489

Amends NRS 40.215, 40.250, 40.253, 40.255, 118.230, 118.241,
118.243, 118.245, 118.249, 118.260, 118.270, 118.280, 118.291,
118.295, 118.330, 118.340

AB 784 (Committee on Commerce); STATS 1979, Ch 692

Chapter 692 provides for the creation of a grievance board for mobile home park landlords and tenants¹ and revises provisions dealing with mobile home lots which (a) govern renting and leasing; (b) relate to unlawful detainer; and (c) restrict the renting of lots by dealers, installers and salesmen. The provisions of Chapter 692 do not apply to mobile home parks operated by public housing authorities² established pursuant to the United States Housing Act of 1937.³

The governing body of each city and county may establish a board to mediate grievances between landlords and tenants of mobile home parks.⁴ The board must include owners and tenants of the mobile home parks and members of the general public; landlords are not specifically included.⁵

Chapter 692 also establishes procedures to be followed in renting mobile home lots. A written rental contract or lease must be executed between the landlord and the tenant of any mobile home lot at the request of either party.⁶ Existing law specifies certain provisions that the lease or rental contract must contain;⁷ these have been expanded to include (a) the amount of any charges for late payment and dishonored checks; (b) any appurtenances the tenant is required to provide; (c) any restrictions on subletting; (d) the number of and charges for persons occupying the mobile home on the lot; and (e) any recreational facilities and other amenities provided to the tenant.⁸

Chapter 692 prohibits specified activities on the part of the landlord relating to the adoption of rules and imposition of fees. For example, the landlord may not increase rents or service fees unless the increase applies to all tenants similarly situated, but a discount may be selectively given to persons who are handicapped or are sixty-two years of age or older.⁹ Additionally, the landlord may not arbitrarily

restrict conduct¹⁰ or adopt a rule or regulation used to impose an additional charge for occupancy of a mobile home lot,¹¹ although the landlord may adopt other rules and regulations not inconsistent with NRS Chapter 118.¹² Other provisions prohibit the landlord from: (a) unreasonably requiring a change in any capital improvement made by the tenant and previously approved by the landlord;¹³ (b) charging any fee for the tenant's spouse or children other than as provided in the lease;¹⁴ (c) charging any unreasonable fee for pets kept by the tenant in the park (however, if there are special facilities or services provided, the landlord may charge a fee reasonably related to the cost of maintaining the facilities and the number of pets kept in the facility);¹⁵ (d) requiring that he be the agent of a mobile home owner who desires to sell the mobile home¹⁶ (however, the landlord may require approval of any prospective buyer of the mobile home if the mobile home will remain in the park,¹⁷ but he cannot unreasonably withhold his approval of the prospective buyer);¹⁸ and (e) unless otherwise prohibited in a written lease or a general rule or regulation, unreasonably prohibiting a tenant from subleasing his mobile home.¹⁹

Chapter 692 establishes the amount of notice that the landlord must give the tenant before the tenant will be guilty of unlawful detainer. Under existing law, the landlord must give five days written notice if the termination is based on tenant's conduct constituting a nuisance.²⁰ If the tenant has failed to pay his rent or utility or service charges, the landlord is required to give the tenant ten days written notice before terminating their agreement.²¹ If the lot is condemned or the land use is changed, the landlord is required to give the tenant at least six months notice or pay the tenant's costs of moving to a new location not more than ten miles away.²² If the termination is for any other reason, the landlord is required to give the tenant forty-five days notice.²³

If the landlord interrupts utility services in order to terminate the tenancy, he is liable to the tenant for all actual damages and \$100 in exemplary damages for each day that the tenant is deprived of the services.²⁴ Any landlord that charges or received any entrance or exit fee will (a) for the first offense, be guilty of a misdemeanor; (b) for the second offense, be guilty of a gross misdemeanor; and (c) for the third or subsequent offense, be punished by imprisonment in the state prison for one to six years or by a fine of not more than \$5,000, or both.²⁵

Chapter 692 provides that if more than eighty percent of the lots in a mobile home park are occupied, then it is unlawful for any dealer, installer or salesman to rent or lease a vacant lot, unless within sixty days he takes up residence in a mobile home placed upon the lot or releases the lot to a qualified tenant.²⁶ This provision appears to be directed at the low vacancy rate of many mobile home parks. It will prohibit lots from being leased by parties who would tie up much needed lots with unoccupied mobile homes.

Don H. Gallian

FOOTNOTES

1. 1979 Nev. Stats. ch. 692 (hereinafter "Ch. 692") §1.6 (adding to NRS Ch. 118).
2. Ch. 692 §1.4 (adding to NRS Ch. 118).
3. 42 U.S.C. §§1437 to 1437j (1976).
4. Ch. 692 §1.6 ¶1 (adding to NRS Ch. 118).
5. Id. §1.6 ¶2 (adding to NRS Ch. 118).
6. Id. §3 (amending NRS 118.241).
7. 1977 Nev. Stats. ch. 572 §2, at 1446 (NRS 118.241, amended by 1979 Nev. Stats. Ch. 692 §3).
8. Ch. 692 §3 (amending NRS 118.241).
9. Id. §8 (amending NRS 118.270(2)(a)).
10. Id. §7 (amending NRS 118.260(2)(d)).
11. Id. §7 (amending NRS 118.260(3)).
12. Id. §7 (amending NRS 118.260(6)).
13. Id. §7 (amending NRS 118.260(2)(d)).
14. Id. §8 (amending NRS 118.270(1)(d)).
15. Id. §8 (amending NRS 118.270(1)(e)).
16. Id. §8 (adding NRS 118.270(7)).
17. Id. §9 (amending NRS 118.280(1)).
18. Id.
19. Id. §8 (adding NRS 118.270(8)).
20. Id. §10 (changing NRS 118.291(1)(c) to (1)(a)).
21. Id. §10 (amending NRS 118.291(1)(b)).
22. Id. §11 (amending NRS 118.295(5)). See NRS 37.030 (condemnation of real

- property.²³ Id. §10 (amending NRS 118.291(1)(c)).
24. Id. §8 (adding NRS 118.270(6)). See generally Hale v. Morgan, 22 Cal.3d 388, 149 Cal.Rptr. 375, 584 P.2d 512 (1978).
25. Ch. 692 §13 (adding NRS 118.340(2)).
26. Id. §18 (adding to NRS Ch. 489).

PUBLIC ENTITIES; ALTERNATIVE ANNEXATION
PROCEDURES IN LARGE COUNTIES

Adds to NRS Chapter 268

SB 427 (Committee on Government Affairs); STATS 1979, Ch 432

Chapter 432 provides for a streamlined procedure by which a city in a large county may annex vacant or unimproved land, when all owners of the territory to be annexed petition the city government for annexation.¹ Chapter 432 also raises the population level that determines which are large counties.²

Two entirely different sets of rules for annexation exist; one set of rules applies to cities in large counties,³ another for smaller counties.⁴ Chapter 432 raises the threshold population level for large counties to 250,000 from 200,000.⁵

Under the normal procedure, the governing body of a city may begin annexation proceedings upon receipt of a petition of only 10% of the property owners⁶ or upon petition of the board of county commissioners.⁷ However, this procedure consists of: (1) the adoption of a resolution stating the city's intent to annex the territory;⁸ (2) completion and approval of an extensive report of the territory to be annexed and the effect of annexation on city services;⁹ (3) a hearing, scheduled between thirty and sixty days after adoption of the resolution to annex,¹⁰ and for which there has been twenty days notice;¹¹ (4) a fifteen day period following the hearing during which written objections to the annexation may be filed by property owners of the territory to be annexed;¹² and (5) if the majority of property owners do not protest, an ordinance passed by the governing body of the city, extending the corporate limits of the city.¹³

Chapter 432 establishes an alternative procedure by which a city government can pass an ordinance within a few days after submission of a petition by property owners. However, in order to qualify for the streamlined procedure, the request for