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Property: mobile home parks

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COMMENT

Although legislation of copyright laws is not an exclusively federal concern,⁸ Chapter 83 may be preempted by federal copyright law.⁹ An argument for preempting a cause of action brought under Chapter 83 may be made if the elements of the cause of action are identical to rights under federal copyright law, or if the purpose and effect of the state cause of action is at odds with federal copyright law.¹⁰

MWP

8. See *Goldstein v. California*, 412 U.S. 546, 560-70 (1973) (copyright law is not exclusively within federal control and a state is not precluded from promulgating legislation involving copyright law when a statute, making criminal the sale of pirated recordings, avoids similar coverage to the copyright law).

9. See 17 U.S.C. § 301 (1978) (outlining the scope of preemption under the Federal Copyright Act of 1976).

10. Horowitz, *Artists' Rights in the United States: Toward Federal Legislation*, 25 HARV. J. ON LEGIS. 153, 194-9 (1988) (state laws supporting artists' moral rights might avoid sharing identical elements with federal law, but moral rights guaranteed by state law may conflict with economic rights protected by federal law). *But see* Gantz, *Protecting Artists' Moral Rights: A Critique of the California Art Preservation Act as a Model for Statutory Reform*, 49 GEO. WASH. L. REV. 873, 897 (1981) (physical damage to a work of art causing harm to an artist's reputation is not an element of copyright infringement) and Damich, *The New York Artists' Authorship Rights Act: A Comparative Critique*, 84 COLUM. L. REV. 1733, 1738-39 (state law protecting an artist's reputation resembles tort law). A California statute allowing artists to receive royalties upon resale of their works of art was not preempted because federal law did not speak to an artist's royalty interest upon resale of works of art. *Morseburg v. Balyon*, 621 F.2d 972, 977-78 (9th Cir. 1980), *cert. denied*, 449 U.S. 983 (1980). *But cf.* *Ronald Litoff, Ltd. v. American Express Co.*, 621 F.Supp. 981, 986 (S.D.N.Y. 1985) (a state law claim protecting an artist's right of reproduction was preempted because the state law claim was identical to a claim brought under federal law).

Property: mobile home parks

NEV. REV. STAT. §§ 118B.010, 118B.040, 118B.050, 118B.070, 118B.080, 118B.085, 118B.095, 118B.100, 118B.110, 118B.140, 118B.150, 118B.153, 118B.160, 118B.170, 118B.173, 118B.177, 118B.180, 118B.183, 118B.210, 118B.220, 118B.230, 118B.260 (amended).

SB 230 (Committee on Judiciary); 1989 STAT. Ch. 758

Existing law requires that the landlord of a mobile home park provide a copy of certain statutory provisions with each tenant's

rental agreement.¹ Chapter 758 clarifies existing law by specifying that the landlord must give the tenant a current copy of these provisions at the time that the rental agreement is signed.² These statutory provisions must also be posted in a conspicuous place.³ Under Chapter 758, the landlord must include in the posted notice the address and telephone number of the Manufactured Housing Division of the Department of Commerce.⁴

Under existing law, the landlord is responsible for the condition of all common areas of the park and utilities.⁵ Chapter 758 mandates that if a landlord receives mail for distribution to the tenants, then the landlord is additionally responsible for maintaining each tenant's individual mailbox in a safe and secure place.⁶

Existing law requires that the landlord reduce the amount of rent charged for a service if the landlord decreases the availability of that service.⁷ Chapter 758 clarifies existing law by prohibiting the landlord from increasing the rent to recover this lost revenue.⁸ In addition, under Chapter 758, the landlord cannot increase the rent during the 180 day period following an application for a change in land use or a permit affecting the mobile home park.⁹

KR

1. NEV. REV. STAT. § 118B.070 1 (1987) (amended by 1989 Nev. Stat. ch. 758, sec. 9, at 1792). The provisions of Nevada Revised Statutes Chapter 118B must be disclosed. *Id.*

2. 1989 Nev. Stat. ch. 758, sec. 9, at 1792 (amending NEV. REV. STAT. § 118B.070 1).

3. NEV. REV. STAT. § 118B.070 1 (amended by 1989 Nev. Stat. ch. 758, sec. 9, at 1792). The notice must be posted in a conspicuous place in the park's community or recreation facility or other common area. *Id.*

4. 1989 Nev. Stat. ch. 758, sec. 9, at 1792 (amending NEV. REV. STAT. § 118B.070).

5. NEV. REV. STAT. § 118B.090 (1987) (amended by 1989 Nev. Stat. ch. 758, sec. 11, at 1793).

6. 1989 Nev. Stat. ch. 758, sec. 11, at 1793 (amending NEV. REV. STAT. § 118B.090).

7. NEV. REV. STAT. § 118B.153 (1987) (amended by 1989 Nev. Stat. ch. 758, sec. 16, at 1796).

8. 1989 Nev. Stat. ch. 758, sec. 16, at 1796 (amending NEV. REV. STAT. § 118B.153).

9. *Id.* sec. 20, at 1797 (amending NEV. REV. STAT. § 118B.183).