21.0204.01002

Sixty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2159

Introduced by

Senators Dever, Larson, Poolman

Representatives Bellew, Karls, Toman

A BILL for an Act to create and enact ~~a~~two new ~~section~~sections to chapter 47-10 of the North Dakota Century Code, relating to mobile home park tenant rights ~~when ownership of the park is transferred~~; ~~and~~ to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Mobile home park - Transfer of ownership - Tenant rights - Penalty.

1. A person that purchases an existing mobile home park shall:
   a. Obtain an annual license under section 23-10-03;
   b. Designate an official local office, which must be operational on the first day after acquiring ownership. The official local office shall:
      (1) Have a designated telephone number manned on weekdays between the hours of eight a.m. and five p.m.;
      (2) Have an operational emergency contact number manned at all times;
      (3) Employ at least one individual ~~on the site of~~for the property who has the authority to make decisions on behalf of and perform, or direct the performance of, duties imposed on the owner; and
      (4) Provide a tenant with the contact information of the individual under paragraph 3;
   c. Provide advance written notice to a tenant of the mobile home park regarding the transfer of ownership at least thirty days before the change of ownership becomes effective. The written notice must include the information required under subdivision b;

d. Provide a tenant with a copy of the rules and regulations of the mobile home park, pursuant to section 23-10-10, on the first day after acquiring ownership; and

e. Respond to tenant inquiries or complaints regarding the park, pursuant to section 23-10-10.1, within forty-eight hours of receiving the inquiry or complaint.

2. A person that purchases an existing mobile home park may not require a tenant who owns a mobile home located on the property to sell or transfer ownership of the home to the owner of the mobile home park.

3. Except as provided under subsections 4 and 5, a person that purchases an existing mobile home park shall provide a tenant advance written notice of any modifications to park rules or regulations at least six months before the date the modifications take effect. Upon the effective date of modifications to park rules and regulations, an owner shall provide a tenant who owns a dwelling unit that fails to comply with the park rules and regulations written notice of the failure to comply and provide the tenant six months to remedy the failure or vacate the premises before initiating an action for eviction against the tenant.

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

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

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

7. An owner or employee of a mobile home park may not enter the dwelling unit of a tenant located in the park unless:

a. The tenant provides consent;

b. The owner or employee provides the tenant advance notice identifying a specific date and time for the entry; or

c. An emergency exists which would result in serious injury, damage to the dwelling unit, or damage to a neighboring dwelling unit.

8. A person that purchases an existing mobile home park may not increase the monthly tenant rental obligation for six months if the rental amount was increased within the sixty day period before the date the new owner acquired ownership of the park.

9. A person that purchases an existing mobile home park may purchase utility services, including ~~electric, gas,~~ water~~,~~ and sewer services on behalf of a tenant, and include the amount in the monthly rental obligation. An owner may not charge a tenant more than the actual cost per unit amount paid by the landlord to the utility service provider, except for a reasonable administrative fee. An owner may not charge or back charge for the utility services of a tenant paying for the services as a portion of the tenant's monthly rental obligation, unless the cost of providing the services increases. If the cost of providing utility services increases, an owner of a mobile home park may charge a tenant a reasonable amount to cover the increased cost of providing the service. The owner shall provide the tenant access to the records of meter readings taken at the mobile home lot of the tenant.

10. A person that violates a provision of this section is subject to a civil penalty not exceeding one thousand dollars or actual damages, whichever is less, plus reasonable attorney's fees and costs.

SECTION 2. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Mobile home park - Ownership - Tenant rights - Penalty.

1. A person that owns a mobile home park shall:

a. Obtain an annual license under section 23-10-03;

b. Designate an official local office, which must:

(1) Have a designated telephone number manned on weekdays between the hours of eight a.m. and five p.m.;

(2) Have an operational emergency contact number manned at all times;

(3) Employ at least one individual for the property who has the authority to make decisions on behalf of and perform, or direct the performance of, duties imposed on the owner; and

(4) Provide a tenant with the contact information of the individual under paragraph 3;

c. Provide advance written notice to a tenant of the mobile home park at least thirty days before a change of ownership becomes effective. The written notice must include the information required under subdivision b;

d. Provide a tenant with a copy of the rules and regulations of the mobile home park, pursuant to section 23-10-10; and

e. Respond to tenant inquiries or complaints regarding the park, pursuant to section 23-10-10.1, within forty-eight hours of receiving the inquiry or complaint.

2. A person that owns a mobile home park may not require a tenant who owns a mobile home located on the property to sell or transfer ownership of the home to the owner of the mobile home park.

3. Except as provided under subsections 4 and 5, a person that owns a mobile home park shall provide a tenant advance written notice of any modifications to park rules or regulations at least six months before the date the modifications take effect. Upon the effective date of modifications to park rules and regulations, an owner shall provide a tenant who owns a dwelling unit that fails to comply with the park rules and regulations written notice of the failure to comply and provide the tenant six months to remedy the failure or vacate the premises before initiating an action for eviction against the tenant.

4. A person that owns a mobile home park must provide a tenant advance written notice of any modifications to park rules and regulations addressing sanitation and safety concerns at least thirty days before the date the modifications take effect.

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

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

7. An owner or employee of a mobile home park may not enter the dwelling unit of a tenant located in the park unless:

a. The tenant provides consent;

b. The owner or employee provides the tenant advance notice identifying a specific date and time for the entry; or

c. An emergency exists which would result in serious injury, damage to the dwelling unit, or damage to a neighboring dwelling unit.

8. A person that owns a mobile home park may purchase utility services, including water and sewer services on behalf of a tenant, and include the amount in the monthly rental obligation. An owner may not charge a tenant more than the actual cost per unit amount paid by the landlord to the utility service provider, except for a reasonable administrative fee. An owner may not charge or back charge for the utility services of a tenant paying for the services as a portion of the tenant's monthly rental obligation, unless the cost of providing the services increases. If the cost of providing utility services increases, an owner of a mobile home park may charge a tenant a reasonable amount to cover the increased cost of providing the service. The owner shall provide the tenant access to the records of meter readings taken at the mobile home lot of the tenant.

9. A person that violates a provision of this section is subject to a civil penalty not exceeding one thousand dollars or actual damages, whichever is less, plus reasonable attorney's fees and costs.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective on October 1, 2021.