Sixty-seventh Legislative Assembly of North Dakota

SENATE BILL NO. 2159

Introduced by

Senators Dever, Larson, Poolman

Representatives Bellew, Karls, Toman

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

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 SECTION 1. A new section to chapter 47-10 of the North Dakota Century Code is created 6

and enacted as follows:

7	<u>Mot</u>	<u>Mobile home park - Transfer of ownership - Tenant rights - Penalty.</u>					
8	<u>1.</u>	<u>A p</u>	erson that purchases an existing mobile home park shall:				
9		<u>a.</u>	<u>Obt</u>	ain an annual license under section 23-10-03;			
10		<u>b.</u>	Des	ignate an official local office, which must be operational on the first day after			
11			<u>acq</u>	uiring ownership. The official local office shall:			
12			<u>(1)</u>	Have a designated telephone number manned on weekdays between the			
13				hours of eight a.m. and five p.m.;			
14			<u>(2)</u>	Have an operational emergency contact number manned at all times;			
15			<u>(3)</u>	Employ at least one individual on the site of the property who has the			
16				authority to make decisions on behalf of and perform, or direct the			
17				performance of, duties imposed on the owner; and			
18			<u>(4)</u>	Provide a tenant with the contact information of the individual under			
19				paragraph 3;			
20		<u>C.</u>	<u>Pro</u>	vide advance written notice to a tenant of the mobile home park regarding the			
21			<u>tran</u>	sfer of ownership at least thirty days before the change of ownership			
22			bec	omes effective. The written notice must include the information required under			
23			sub	division b;			

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Sixty-seventh Legislative Assembly

1		d. Provide a tenant with a copy of the rules and regulations of the mobile home		
2		park, pursuant to section 23-10-10, on the first day after acquiring ownership; and		
3		e. Respond to tenant inquiries or complaints regarding the park, pursuant to section		
4		23-10-10.1, within forty-eight hours of receiving the inquiry or complaint.		
5	<u>2.</u>	A person that purchases an existing mobile home park may not require a tenant who		
6		owns a mobile home located on the property to sell or transfer ownership of the home		
7		to the owner of the mobile home park.		
8	<u>3.</u>	Except as provided under subsections 4 and 5, a person that purchases an existing		
9		mobile home park shall provide a tenant advance written notice of any modifications to		
10		park rules or regulations at least six months before the date the modifications take		
11		effect. Upon the effective date of modifications to park rules and regulations, an owner		
12		shall provide a tenant who owns a dwelling unit that fails to comply with the park rules		
13		and regulations written notice of the failure to comply and provide the tenant six		
14		months to remedy the failure or vacate the premises before initiating an action for		
15		eviction against the tenant.		
16	<u>4.</u>	A person that purchases an existing mobile home park must provide a tenant advance		
17		written notice of any modifications to park rules and regulations addressing sanitation		
18		and safety concerns at least thirty days before the date the modifications take effect.		
19	<u>5.</u>	A person that purchases an existing mobile home park shall provide a tenant advance		
20		written notice at least thirty days before implementing a rule or regulation regarding		
21		the removal of a tongue hitch, or any other modification to the dwelling unit to comply		
22		with state or federal housing or financing requirements.		
23	<u>6.</u>	Mobile home park rules in effect on the date advance written notice regarding		
24		modifications is provided to a tenant remain in effect until the date the modified rules		
25		or regulations take effect.		
26	<u>7.</u>	An owner or employee of a mobile home park may not enter the dwelling unit of a		
27		tenant located in the park unless:		
28		a. The tenant provides consent:		
29		b. The owner or employee provides the tenant advance notice identifying a specific		
30		date and time for the entry; or		

Sixty-seventh Legislative Assembly

1		c. An emergency exists which would result in serious injury, damage to the dwelling
2		unit, or damage to a neighboring dwelling unit.
3	<u>8.</u>	A person that purchases an existing mobile home park may not increase the monthly
4		tenant rental obligation for six months if the rental amount was increased within the
5		sixty day period before the date the new owner acquired ownership of the park.
6	<u>9.</u>	A person that purchases an existing mobile home park may purchase utility services,
7		including electric, gas, water, and sewer services on behalf of a tenant, and include
8		the amount in the monthly rental obligation. An owner may not charge a tenant more
9		than the actual cost per unit amount paid by the landlord to the utility service provider,
10		except for a reasonable administrative fee. An owner may not charge or back charge
11		for the utility services of a tenant paying for the services as a portion of the tenant's
12		monthly rental obligation, unless the cost of providing the services increases. If the
13		cost of providing utility services increases, an owner of a mobile home park may
14		charge a tenant a reasonable amount to cover the increased cost of providing the
15		service. The owner shall provide the tenant access to the records of meter readings
16		taken at the mobile home lot of the tenant.
17	<u>10.</u>	A person that violates a provision of this section is subject to a civil penalty not
18		exceeding one thousand dollars or actual damages, whichever is less, plus
19		reasonable attorney's fees and costs.