

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED 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; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **Mobile home park - Ownership - Transfer of ownership - Tenant rights - Penalty.**

7 1. A person that owns or purchases an existing mobile home park shall:

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

9 b. Designate an official local office, except if the mobile home park contains fewer
10 than twenty-six lots, which must be operational on the fifth business day after the
11 change of ownership.

12 c. The mobile home park shall:

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

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

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

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

21 d. Provide written notice to a tenant of the mobile home park regarding the change
22 of ownership within five business days after the change of ownership becomes
23 effective. The written notice must include the information required under
24 subdivision c; and

- 1 e. Acknowledge receipt of tenant inquiries or complaints regarding the park,
2 pursuant to section 23-10-10.1, within two business days of receiving the inquiry
3 or complaint.
- 4 2. A person that owns or purchases an existing mobile home park may not require a
5 tenant who owns a mobile home located on the property to sell or transfer ownership
6 of the home to the owner of the mobile home park, except as otherwise provided by
7 law.
- 8 3. A person that owns or purchases an existing mobile home park shall provide a tenant
9 advance written notice of any modifications to park rules or regulations at least thirty
10 days before the date the modifications take effect. Except for the rules and regulations
11 under subsections 4 and 5, upon the effective date of modifications to park rules and
12 regulations, an owner shall provide a tenant who owns a dwelling unit that fails to
13 comply with the park rules and regulations written notice of the failure to comply and
14 provide the tenant three months to remedy the failure or vacate the premises before
15 initiating an action for eviction against the tenant. During the three-month period the
16 tenant shall comply with the park rules and regulations that were in effect before the
17 modifications became effective, including the payment of rent and any other financial
18 obligations under the terms of the lease. During the three-month period, if the tenant
19 provides the owner a signed document from a person in the business of relocating
20 mobile homes declaring it is not possible to relocate the tenant's dwelling unit within
21 the three-month period, the three-month period must be extended to a date when the
22 dwelling unit can be relocated or the date that is two months after the end of the
23 three-month period, whichever date occurs first.
- 24 4. A person that owns or purchases an existing mobile home park shall provide a tenant
25 advance written notice of any modifications to park rules and regulations addressing
26 sanitation and safety concerns at least thirty days before the date the modifications
27 take effect.
- 28 5. A person that owns or purchases an existing mobile home park shall provide a tenant
29 advance written notice at least thirty days before implementing a rule or regulation
30 regarding the removal of a tongue hitch, or any other modification to the dwelling unit
31 to comply with state or federal housing or financing requirements.

- 1 6. Mobile home park rules in effect on the date advance written notice regarding
2 modifications is provided to a tenant remain in effect until the date the modified rules
3 or regulations take effect.
- 4 7. A person that purchases an existing mobile home park may not increase the monthly
5 tenant rental obligation for six months if the rental amount was increased within the
6 sixty day period before the date the new owner acquired ownership of the park.
- 7 8. A person that owns or purchases an existing mobile home park may purchase utility
8 services, including water and sewer services on behalf of a tenant, and include the
9 amount in the monthly rental obligation or bill the tenant as a separate charge based
10 on actual usage. An owner may not charge a tenant more than the actual cost per unit
11 amount paid by the landlord to the utility service provider, except for a reasonable
12 administrative fee that may not exceed three dollars. An owner may not charge or
13 back charge for the utility services of a tenant paying for the services as a portion of
14 the tenant's monthly rental obligation, unless the cost of providing the services
15 increases. If the cost of providing utility services increases, an owner of a mobile home
16 park may charge a tenant a reasonable amount to cover the increased cost of
17 providing the service. The owner shall provide the tenant access to the records of
18 meter readings taken at the mobile home lot of the tenant.
- 19 9. A person that violates a provision of this section is subject to a civil penalty not
20 exceeding one thousand dollars or actual damages, whichever is less, plus
21 reasonable attorney's fees and costs.