

Introduced by

Senators Dever, Larson, Paulson

Representatives Karls, Kempenich, Louser

1 A BILL for an Act to amend and reenact sections 23-10-06.2, 23-10-12, and 47-10-28 of the
2 North Dakota Century Code, relating to the transferability, revocation, and suspension of
3 licenses for a mobile home park and required disclosures to tenants residing in a mobile home
4 park; and to provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 23-10-06.2 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **23-10-06.2. License transferability.**

9 The department shall transfer a license without charge if the proposed new owner applies in
10 writing for a transfer of the license and certifies that the mobile home park, recreational vehicle
11 park, or campground will be operated in accordance with section 47-10-28 and this chapter. A
12 new owner applying for a transfer under this section and a person holding a license issued
13 under section 23-10-03, shall provide the name, address, and telephone number for the mobile
14 home park managers, ~~officers, directors, partners,~~ and ~~shareholders~~ any individual possessing
15 more than a twenty percent ownership interest in the entity subject to the license to the
16 department once per calendar year.

17 **SECTION 2. AMENDMENT.** Section 23-10-12 of the North Dakota Century Code is
18 amended and reenacted as follows:

19 **23-10-12. Revocation or suspension of license - Penalty for operating without license.**

20 1. The department may deny an application or take disciplinary action, up to and
21 including suspension of a license for a mobile home park, recreational vehicle park, or
22 campground, and revocation of a license for a recreational vehicle park or
23 campground, against any applicant or licensee upon the failure of the applicant or
24 licensee to comply with this chapter or with any of the rules adopted by the health

1 council and regulations promulgated by the department. A license for the operation of
2 a mobile home park may be revoked only by the appropriate district court of the
3 county where the mobile home park is situated.

4 2. Before the department takes disciplinary action against a license, the department shall
5 notify the licensee in writing of the reason disciplinary action is being considered and
6 shall provide a reasonable amount of time for correction to be made. Action taken
7 under the authority granted in this section must comply with chapter 28-32. Any person
8 who maintains or operates a mobile home park, recreational vehicle park, or
9 campground without first obtaining a license, or who operates the same ~~after~~
10 ~~revocation~~during suspension of the license, is guilty of an infraction.

11 **SECTION 3. AMENDMENT.** Section 47-10-28 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **47-10-28. Mobile home park - Ownership - Transfer of ownership - Tenant rights -**
14 **Penalty.**

- 15 1. A person that owns or purchases an existing mobile home park shall:
- 16 a. Obtain an annual license under section 23-10-03;
- 17 b. Designate an official local office, except if the mobile home park contains fewer
- 18 than twenty-six lots, which must be operational on the fifth business day after the
- 19 change of ownership;
- 20 c. The mobile home park shall:
- 21 (1) Have a designated telephone number manned on weekdays between the
- 22 hours of eight a.m. and five p.m.;
- 23 (2) Have an operational emergency contact number manned at all times;
- 24 (3) Designate at least one individual for the property who has the authority to
- 25 make decisions on behalf of and perform, or direct the performance of,
- 26 duties imposed on the owner; and
- 27 (4) Provide a tenant with the contact information of the individual under
- 28 paragraph 3;
- 29 d. Provide written notice to a tenant of the mobile home park regarding the change
- 30 of ownership within five business days after the change of ownership becomes

- 1 effective. The written notice must include the information required under
2 subdivision c; and
- 3 e. Acknowledge receipt of tenant inquiries or complaints regarding the park,
4 pursuant to section 23-10-10.1, within two business days of receiving the inquiry
5 or complaint;
- 6 f. Provide to each tenant, upon a written request by the tenant or the tenant's
7 agent, a copy of the existing lease terms along with any modifications or
8 amendments, within ten business days of receipt of a written request;
- 9 g. Provide each tenant with the name, address, and telephone number of the legal
10 entity that owns the mobile home park; and
- 11 h. Provide the telephone number of any existing property manager or designated
12 site agent.
- 13 2. A person that owns or purchases an existing mobile home park may not require a
14 tenant who owns a mobile home located on the property to sell or transfer ownership
15 of the home to the owner of the mobile home park, except as otherwise provided by
16 law.
- 17 3. A person that owns or purchases an existing mobile home park shall provide a tenant
18 advance written notice of any modifications to park rules or regulations at least thirty
19 days before the date the modifications take effect. Except for the rules and regulations
20 under subsections 4 and 5, upon the effective date of modifications to park rules and
21 regulations, an owner shall provide a tenant who owns a dwelling unit that fails to
22 comply with the park rules and regulations written notice of the failure to comply and
23 provide the tenant three months to remedy the failure or vacate the premises before
24 initiating an action for eviction against the tenant. During the three-month period the
25 tenant shall comply with the park rules and regulations that were in effect before the
26 modifications became effective, including the payment of rent and any other financial
27 obligations under the terms of the lease. During the three-month period, if the tenant
28 provides the owner a signed document from a person in the business of relocating
29 mobile homes declaring it is not possible to relocate the tenant's dwelling unit within
30 the three-month period, the three-month period must be extended to a date when the

- 1 dwelling unit can be relocated or the date that is two months after the end of the
2 three-month period, whichever date occurs first.
- 3 4. A person that owns or purchases an existing mobile home park shall provide a tenant
4 advance written notice of any modifications to park rules and regulations addressing
5 sanitation and safety concerns at least thirty days before the date the modifications
6 take effect.
- 7 5. A person that owns or purchases an existing mobile home park shall provide a tenant
8 advance written notice at least thirty days before implementing a rule or regulation
9 regarding the removal of a tongue hitch, or any other modification to the dwelling unit
10 to comply with state or federal housing or financing requirements.
- 11 6. Mobile home park rules in effect on the date advance written notice regarding
12 modifications is provided to a tenant remain in effect until the date the modified rules
13 or regulations take effect.
- 14 7. A person that purchases an existing mobile home park may not increase the monthly
15 tenant rental obligation for six months if the rental amount was increased within the
16 sixty-day period before the date the new owner acquired ownership of the park. Any
17 month-to-month tenancy agreement must provide a minimum of ninety days' notice to
18 the tenant before any rent increase is effective.
- 19 8. A person that owns or purchases an existing mobile home park may purchase utility
20 services, including water and sewer services on behalf of a tenant, and include the
21 amount in the monthly rental obligation or bill the tenant as a separate charge based
22 on actual usage. An owner may not charge a tenant more than the actual cost per unit
23 amount paid by the landlord to the utility service provider, except for a reasonable
24 administrative fee that may not exceed three dollars. An owner may not charge or
25 back charge for the utility services of a tenant paying for the services as a portion of
26 the tenant's monthly rental obligation, unless the cost of providing the services
27 increases. If the cost of providing utility services increases, an owner of a mobile home
28 park may charge a tenant a reasonable amount to cover the increased cost of
29 providing the service. The owner shall provide the tenant access to the records of
30 meter readings taken at the mobile home lot of the tenant.

1 9. A person that violates a provision of this section is subject to a civil penalty not
2 exceeding ~~one~~fiveten thousand dollars or actual damages, whichever is ~~less~~greater,
3 plus reasonable attorney's fees and costs. A mobile home park license may be
4 suspended ~~or revoked~~ as provided in section 23-10-12. If a landlord's license is
5 suspended ~~or revoked~~, the rental obligations of the park tenants are suspended until
6 the license is reinstated.

7 10. Notwithstanding section 23-10-02, in a dispute between a landlord and a tenant under
8 this section, the district court of the county in which the dispute arose has original
9 jurisdiction over the dispute.