

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2243

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 and any individual possessing more than a twenty percent ownership
15 interest in the entity subject to the license to the department once per calendar year.

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

18 **23-10-12. Revocation or suspension of license - Penalty for operating without license.**

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

1 a mobile home park may be revoked only by the appropriate district court of the county
2 where the mobile home park is situated.

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

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

12 **47-10-28. Mobile home park - Ownership - Transfer of ownership - Tenant rights -**
13 **Penalty.**

- 14 1. A person that owns or purchases an existing mobile home park shall:
- 15 a. Obtain an annual license under section 23-10-03;
- 16 b. Designate an official local office, except if the mobile home park contains fewer
17 than twenty-six lots, which must be operational on the fifth business day after the
18 change of ownership;
- 19 c. The mobile home park shall:
- 20 (1) Have a designated telephone number manned on weekdays between the
21 hours of eight a.m. and five p.m.;
- 22 (2) Have an operational emergency contact number manned at all times;
- 23 (3) Designate at least one individual for the property who has the authority to
24 make decisions on behalf of and perform, or direct the performance of,
25 duties imposed on the owner; and
- 26 (4) Provide a tenant with the contact information of the individual under
27 paragraph 3;
- 28 d. Provide written notice to a tenant of the mobile home park regarding the change
29 of ownership within five business days after the change of ownership becomes
30 effective. The written notice must include the information required under
31 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 f. Provide to each tenant, upon a written request by the tenant or the tenant's
5 agent, a copy of the existing lease terms along with any modifications or
6 amendments, within ten business days of receipt of a written request;
- 7 g. Provide each tenant with the name, address, and telephone number of the legal
8 entity that owns the mobile home park; and
- 9 h. Provide the telephone number of any existing property manager or designated
10 site agent.
- 11 2. A person that owns or purchases an existing mobile home park may not require a
12 tenant who owns a mobile home located on the property to sell or transfer ownership
13 of the home to the owner of the mobile home park, except as otherwise provided by
14 law.
- 15 3. A person that owns or purchases an existing mobile home park shall provide a tenant
16 advance written notice of any modifications to park rules or regulations at least thirty
17 days before the date the modifications take effect. Except for the rules and regulations
18 under subsections 4 and 5, upon the effective date of modifications to park rules and
19 regulations, an owner shall provide a tenant who owns a dwelling unit that fails to
20 comply with the park rules and regulations written notice of the failure to comply and
21 provide the tenant three months to remedy the failure or vacate the premises before
22 initiating an action for eviction against the tenant. During the three-month period the
23 tenant shall comply with the park rules and regulations that were in effect before the
24 modifications became effective, including the payment of rent and any other financial
25 obligations under the terms of the lease. During the three-month period, if the tenant
26 provides the owner a signed document from a person in the business of relocating
27 mobile homes declaring it is not possible to relocate the tenant's dwelling unit within
28 the three-month period, the three-month period must be extended to a date when the
29 dwelling unit can be relocated or the date that is two months after the end of the
30 three-month period, whichever date occurs first.

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

1 as provided in section 23-10-12. If a landlord's license is suspended the rental
2 obligations of the park tenants are suspended until the license is reinstated.
3 10. Notwithstanding section 23-10-02, in a dispute between a landlord and a tenant under
4 this section, the district court of the county in which the dispute arose has original
5 jurisdiction over the dispute.