

PROPOSED AMENDMENTS
SUBMITTED BY CASEY CHAPMAN ON BEHALF OF DAN FRANK
MARCH 18, 2025

ND SB2385

Licensure and regulation of mobile home parks; and to provide a penalty

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

SECTION 1.

A new chapter to title 23 of the North Dakota Century Code is created and enacted as follows: Definitions For purpose of this chapter: 1. "Commissioner" means the commissioner of the department. 2. "Department" means the department of health and human services. Conditions for appointment of receiver. 1. When the department revokes the license of a mobile home park, the department may file a petition with the district court to place the mobile home park under the control of a receiver for repeated or serious violations of chapter 23-10 or the administrative rules of the department, or to protect health or safety. 2. The court may grant the petition after finding by clear and convincing evidence: a. The mobile home park committed, or is continuing to commit repeated or serious violations of chapter 23-10 or the administrative rules of the department; or b. Health or safety would be seriously threatened if a condition existing at the time the petition was filed continues. Appointment of receiver, and c. for claims under both subparagraphs a. and b. above, the mobile home park was provided both a specific reason for the threatened revocation and a reasonable time under all the circumstances to complete the correction. In considering the petition, the department shall be required to present evidence in a court hearing which is sufficient to sustain the petition by clear and convincing evidence, and, unless the mobile home park consents in a writing filed with the court, the provisions of Section 28-32-46, North Dakota Century Code, shall not apply to proceedings on the petition. If the court grants the petition to place the mobile home park into receivership, the court shall appoint the commissioner as receiver. The commissioner may designate a qualified individual or a nonprofit organization to execute the receivership. An individual designated to execute the receivership may not be employed by this state or a political subdivision. The receiver shall use the income and assets of the mobile home park to maintain and operate the mobile home park and to attempt to correct the violations of chapter 23-10, the administrative rules of the department, or other condition which constitutes a threat to health or safety. The receiver may not liquidate the assets of the mobile home park. Termination of receivership. The receivership terminates when: 1. The receiver and the court certify the conditions that prompted the receivership are corrected; 2. The license to operate the mobile home park is restored; 3. A new license to operate a mobile home park is issued; or 4. The owner of the mobile home park discontinues operation and the residents of the mobile home park have secured other appropriate housing. Accounting. Upon termination of the receivership, the receiver shall render a complete accounting to the court and shall dispose of surplus funds as the court directs.

SECTION 7.

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

23-10-12. Revocation or suspension of license - Penalty for operating without license. 1. The department may deny an application or take disciplinary action, up to and including suspension or revocation of a license for a mobile home park, recreational vehicle park, or campground, ~~and revocation of a license for a recreational vehicle park or campground~~, against any applicant or licensee upon the failure of the applicant or licensee to comply with this chapter or with any of the rules and regulations promulgated by the department. 2. Before the department takes disciplinary action against a license, the department shall notify the licensee in writing of the ~~specific~~ reason disciplinary action is being considered and shall provide a reasonable amount of time ~~under all the circumstances~~ for correction to be made. Action taken under the authority granted in this section must comply with chapter 28-32. Any person who maintains or operates a mobile home park, recreational vehicle park, or campground without first obtaining a license, or who operates the same during suspension of the license, is guilty of ~~an infraction~~ a class B misdemeanor. 3. The department may assess a civil penalty of one hundred dollars per day against a person who maintains or operates a mobile home park, recreational vehicle park, or campground without first obtaining a license. The civil penalty may not exceed ten thousand dollars. The proceeds of the civil penalty must be transferred to the department's general operating fund.