

Sixty-seventh
Legislative Assembly
of North Dakota

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 ~~two~~^a new ~~sections~~^{section} to chapter 47-10 of the North
2 Dakota Century Code, relating to mobile home park tenant rights; ~~and~~ to provide a penalty; ~~and~~
3 ~~to provide an effective date.~~

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

- 8 1. A person that owns or purchases an existing mobile home park shall:
- 9 a. Obtain an annual license under section 23-10-03;
- 10 b. Designate an official local office, except if the mobile home park contains fewer
11 than twenty-six lots, which must be operational on the first~~st~~th business day after
12 acquiring~~ing~~ the change of ownership.
- 13 c. The official ~~local office~~ mobile home park shall:
- 14 (1) Have a designated telephone number manned on weekdays between the
15 hours of eight a.m. and five p.m.;
- 16 (2) Have an operational emergency contact number manned at all times;
- 17 (3) Employ~~Designate~~ at least one individual for the property who has the
18 authority to make decisions on behalf of and perform, or direct the
19 performance of, duties imposed on the owner; and
- 20 (4) Provide a tenant with the contact information of the individual under
21 paragraph 3;
- 22 e.d. Provide ~~advance~~-written notice to a tenant of the mobile home park regarding the
23 transfer~~change~~ of ownership at least ~~thirty~~^{within five} business days ~~before~~^{after}.

1 the change of ownership becomes effective. The written notice must include the
2 information required under subdivision ~~bc~~;

3 ~~d. Provide a tenant with a copy of the rules and regulations of the mobile home~~
4 ~~park, pursuant to section 23-10-10, on the first day after acquiring ownership; and~~
5 e. ~~Respond to~~Acknowledge receipt of tenant inquiries or complaints regarding the
6 park, pursuant to section 23-10-10.1, within ~~forty-eight hours~~two business days of
7 receiving the inquiry or complaint.

8 2. A person that owns or purchases an existing mobile home park may not require a
9 tenant who owns a mobile home located on the property to sell or transfer ownership
10 of the home to the owner of the mobile home park, except as otherwise provided by
11 law.

12 3. ~~Except as provided under subsections 4 and 5, a~~ person that owns or purchases an
13 existing mobile home park shall provide a tenant advance written notice of any
14 modifications to park rules or regulations at least ~~six months~~thirty days before the date
15 the modifications take effect. ~~Upon~~Except for the rules and regulations under
16 subsections 4 and 5, upon the effective date of modifications to park rules and
17 regulations, an owner shall provide a tenant who owns a dwelling unit that fails to
18 comply with the park rules and regulations written notice of the failure to comply and
19 provide the tenant ~~six~~three months to remedy the failure or vacate the premises before
20 initiating an action for eviction against the tenant. During the three-month period the
21 tenant shall comply with the park rules and regulations that were in effect before the
22 modifications became effective, including the payment of rent and any other financial
23 obligations under the terms of the lease. During the three-month period, if the tenant
24 provides the owner a signed document from a person in the business of relocating
25 mobile homes declaring it is not possible to relocate the tenant's dwelling unit within
26 the three-month period, the three-month period must be extended to a date when the
27 dwelling unit can be relocated or the date that is two months after the end of the
28 three-month period, whichever date occurs first.

29 4. A person that owns or purchases an existing mobile home park shall provide a tenant
30 advance written notice of any modifications to park rules and regulations addressing

1 sanitation and safety concerns at least thirty days before the date the modifications
2 take effect.

3 5. A person that owns or purchases an existing mobile home park shall provide a tenant
4 advance written notice at least thirty days before implementing a rule or regulation
5 regarding the removal of a tongue hitch, or any other modification to the dwelling unit
6 to comply with state or federal housing or financing requirements.

7 6. Mobile home park rules in effect on the date advance written notice regarding
8 modifications is provided to a tenant remain in effect until the date the modified rules
9 or regulations take effect.

10 ~~7. An owner or employee of a mobile home park may not enter the dwelling unit of a~~
11 ~~tenant located in the park unless:~~

12 ~~a. The tenant provides consent;~~

13 ~~b. The owner or employee provides the tenant advance notice identifying a specific~~
14 ~~date and time for the entry; or~~

15 ~~c. An emergency exists which would result in serious injury, damage to the dwelling~~
16 ~~unit, or damage to a neighboring dwelling unit.~~

17 ~~8. A person that purchases an existing mobile home park may not increase the monthly~~
18 ~~tenant rental obligation for six months if the rental amount was increased within the~~
19 ~~sixty day period before the date the new owner acquired ownership of the park.~~

20 9:8. A person that owns or purchases an existing mobile home park may purchase utility
21 services, including water and sewer services on behalf of a tenant, and include the
22 amount in the monthly rental obligation or bill the tenant as a separate charge based
23 on actual usage. An owner may not charge a tenant more than the actual cost per unit
24 amount paid by the landlord to the utility service provider, except for a reasonable
25 administrative fee that may not exceed three dollars. An owner may not charge or
26 back charge for the utility services of a tenant paying for the services as a portion of
27 the tenant's monthly rental obligation, unless the cost of providing the services
28 increases. If the cost of providing utility services increases, an owner of a mobile home
29 park may charge a tenant a reasonable amount to cover the increased cost of
30 providing the service. The owner shall provide the tenant access to the records of
31 meter readings taken at the mobile home lot of the tenant.

1 ~~10.9.~~ A person that violates a provision of this section is subject to a civil penalty not
2 exceeding one thousand dollars or actual damages, whichever is less, plus
3 reasonable attorney's fees and costs.

4 ~~SECTION 2. 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 - Tenant rights - Penalty.~~

7 ~~1. A person that owns a mobile home park shall:~~

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

9 ~~b. Designate an official local office, which must:~~

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

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

13 ~~(3) Employ at least one individual for the property who has the authority to~~
14 ~~make decisions on behalf of and perform, or direct the performance of,~~
15 ~~duties imposed on the owner; and~~

16 ~~(4) Provide a tenant with the contact information of the individual under~~
17 ~~paragraph 3;~~

18 ~~c. Provide advance written notice to a tenant of the mobile home park at least thirty~~
19 ~~days before a change of ownership becomes effective. The written notice must~~
20 ~~include the information required under subdivision b;~~

21 ~~d. Provide a tenant with a copy of the rules and regulations of the mobile home~~
22 ~~park, pursuant to section 23-10-10; and~~

23 ~~e. Respond to tenant inquiries or complaints regarding the park, pursuant to section~~
24 ~~23-10-10.1, within forty-eight hours of receiving the inquiry or complaint.~~

25 ~~2. A person that owns a mobile home park may not require a tenant who owns a mobile~~
26 ~~home located on the property to sell or transfer ownership of the home to the owner of~~
27 ~~the mobile home park.~~

28 ~~3. Except as provided under subsections 4 and 5, a person that owns a mobile home~~
29 ~~park shall provide a tenant advance written notice of any modifications to park rules or~~
30 ~~regulations at least six months before the date the modifications take effect. Upon the~~
31 ~~effective date of modifications to park rules and regulations, an owner shall provide a~~

~~tenant who owns a dwelling unit that fails to comply with the park rules and regulations written notice of the failure to comply and provide the tenant six months to remedy the failure or vacate the premises before initiating an action for eviction against the tenant.~~

~~4. A person that owns a mobile home park shall provide a tenant advance written notice of any modifications to park rules and regulations addressing sanitation and safety concerns at least thirty days before the date the modifications take effect.~~

~~5. A person that owns a mobile home park shall provide a tenant advance written notice at least thirty days before implementing a rule or regulation regarding the removal of a tongue hitch, or any other modification to the dwelling unit to comply with state or federal housing or financing requirements.~~

~~6. Mobile home park rules in effect on the date advance written notice regarding modifications is provided to a tenant remain in effect until the date the modified rules or regulations take effect.~~

~~7. An owner or employee of a mobile home park may not enter the dwelling unit of a tenant located in the park unless:~~

~~a. The tenant provides consent;~~

~~b. The owner or employee provides the tenant advance notice identifying a specific date and time for the entry; or~~

~~c. An emergency exists which would result in serious injury, damage to the dwelling unit, or damage to a neighboring dwelling unit.~~

~~8. A person that owns a mobile home park may purchase utility services, including water and sewer services on behalf of a tenant, and include the amount in the monthly rental obligation. An owner may not charge a tenant more than the actual cost per unit amount paid by the landlord to the utility service provider, except for a reasonable administrative fee. An owner may not charge or back charge for the utility services of a tenant paying for the services as a portion of the tenant's monthly rental obligation, unless the cost of providing the services increases. If the cost of providing utility services increases, an owner of a mobile home park may charge a tenant a reasonable amount to cover the increased cost of providing the service. The owner shall provide the tenant access to the records of 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 thousand dollars or actual damages, whichever is less, plus~~
3 ~~reasonable attorney's fees and costs.~~

4 ~~**SECTION 3. EFFECTIVE DATE.** Section 2 of this Act becomes effective on October 1,~~
5 ~~2021.~~