

HOUSE BILL NO. 1529

Introduced by

Representatives Marschall, Blum, Dockter, Hatlestad, B. Koppelman, Meier, Skroch, Steiner
Senators Clemens, Meyer, J. Roers

1 A BILL for an Act to create and enact a new chapter to title 47 of the North Dakota Century
2 Code, relating to utility services in mobile home parks, prohibiting retaliation, and eviction
3 proceedings.

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

5 **SECTION 1.** A new chapter to title 47 of the North Dakota Century Code is created and
6 enacted as follows:

7 **Definitions.**

8 As used in this chapter:

- 9 1. "Landlord" means the owner or agent responsible for operating and managing a
10 mobile home park.
- 11 2. "Mobile home" has the meaning provided in section 23-10-01.
- 12 3. "Mobile home park" has the meaning provided in section 23-10-01.
- 13 4. "Mobile home lot" means a parcel of land within a mobile home park designated by the
14 landlord to accommodate one mobile home and its accessory buildings and to which
15 the required sewer and utility connections are provided by the mobile home park.
- 16 5. "Tenant" means any person owning a mobile home who is renting a mobile home lot in
17 a mobile home park under a rental agreement.
- 18 6. "Utility services" includes electric, gas, water, or sewer services.

19 **Mobile home park - Utility services - Records - Itemized bills.**

- 20 1. A landlord that purchases utility services on behalf of tenants shall provide tenants
21 access to records of meter readings taken at the mobile home lot of the tenant.
- 22 2. A landlord who purchases utility services on behalf of tenants shall provide each
23 tenant a monthly itemized bill that includes:
 - 24 a. A list of charges assessed to the tenant for each individual utility service; and

1 b. The amount of rent due, separate from the charges for utility services.

2 **Eviction - Nonpayment of utility services.**

3 Notwithstanding section 47-32-01:

4 1. A landlord shall engage in good faith negotiations with a tenant regarding the amount
5 a tenant owes for utility services, if the tenant:

6 a. Provides written notice to the landlord regarding the tenant's disagreement with
7 the amount charged to the tenant for utility services, no later than the date on
8 which the payment for the utility services is due; and

9 b. Pays the landlord an amount reasonably close to the average amount the tenant
10 has incurred for monthly utility services during the duration of the lease
11 agreement.

12 2. A landlord may initiate an action for eviction against a tenant if the landlord and tenant
13 have not resolved the disagreement regarding the payment of charges for utility
14 services within thirty days after the payment is due to the landlord.

15 3. A landlord may continue to charge a tenant rent under the rental agreement until the
16 landlord or tenant terminates the lease agreement.

17 **Retaliation prohibited.**

18 1. A landlord may not initiate an action for eviction against a tenant, threaten to initiate an
19 action for eviction against a tenant, increase a tenant's rent, threaten to increase a
20 tenant's rent or fees, eject a tenant, threaten to eject a tenant, decrease a tenant's
21 services, threaten to decrease a tenant's services, alter or decline to renew a lease, or
22 threaten to alter or decline to renew a lease, in retaliation if a tenant:

23 a. Files a complaint in good faith to the landlord or a public official regarding the
24 conditions, rent, utility services, charges, or fees related to the mobile home park;

25 b. Attempts in good faith to exercise the tenant's legal rights or remedies; or

26 c. Attends meetings or public hearings related to the conditions, rent, utility
27 services, charges, or fees related to the mobile home park.

28 2. If a landlord undertakes an action listed in subsection 1 against a tenant who engages
29 in an action under subdivision a, b, or c of subsection 1, the tenant bears the burden of
30 establishing the action is retaliatory.