

MOBILE HOME PARK EVICTIONS

Your Rights as a Tenant: A Fact Sheet from Nevada Legal Services, Inc.

This fact sheet will focus on owners of mobile home renting space in a mobile home park. If you rent the mobile home you live in, please see our fact sheet on summary eviction.



What is the eviction process against an owner of a mobile home?

Under Nevada law, an owner of a mobile home who rents space from a mobile home park must be evicted by using the formal or not summary eviction process. The formal eviction process requires service of a Notice (see below) and service of a Summons and Complaint. The Complaint must be served on the mobile home owner personally - which generally means handed to you by a process server, sheriff or constable. JCRCP 4. The tenant has the right to file an Answer with the court and a hearing will be held before an eviction can be ordered.

What are the reasons a mobile home park can terminate a rental agreement?

The grounds on which a mobile home park can terminate a rental agreement are found in NRS 118B.200:

- (a) Failure to pay rent, utility charges or reasonable service fees within 10 days after notice;
- (b) Failure to correct any violation of law, ordinance or governmental regulation pertaining to manufactured homes, or of NRS 118B.100, or failure to cure a violation of the rental agreement after reasonable written notice of at least 45 days;
- (c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to the other tenants;
- (d) Violation of valid rules of conduct, occupancy or use of park facilities after at least 45 day written notice of the violation;
- (e) A park closure or change of use of the land NRS 118B.180 upon 6 months notice;
- (f) Conduct which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, upon 5 days notice, or on 3 days notice if the nuisance involves:
 - (1) Discharge of a weapon;
 - (2) Prostitution;
 - (3) Illegal drug manufacture or use;
 - (4) Child molestation or abuse;
 - (5) Elder molestation or abuse;
 - (6) Property damage as a result of vandalism; and
 - (7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance.

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www.nevadalegalservices.org

Resources

You can access additional information and forms on the NLS website at nlslaw.net.

For additional information and resources in Southern Nevada visit: civillawselfhelpcenter.org.

For general forms, including fee waivers statewide: selfhelp.nvcourts.gov.

What starts the eviction process?

The mobile home park must serve you an eviction notice before filing a Complaint for Eviction or Unlawful Detainer in court. The landlord must allow the notice time period to expire before proceeding with a Complaint. The relevant time periods for notices are contained in NRS 118B.190. The notice should describe the basis for the eviction and you generally have the time period of the notice to cure the violation. If the issue is resolved, your landlord should not proceed with eviction. The notice must be served by a licensed process server, Constable or Sheriff, or the agent of the mobile home park's attorney. NRS 40.280. The notice must be first served personally on you, or left with someone of suitable age and discretion at your home, or if no one is home, posted in a conspicuous place and mailed to you.

What is an Answer in response to an eviction action?

If your landlord serves you with a Complaint, you have the right to respond to the Complaint in court. An Answer is what you file with the court to respond to the allegations in the Complaint. Typically, you have 20 days to file an Answer, but the landlord can request an order shortening the time you have to file your Answer. Generally, an Answer is just that: it answers the allegations contained in the Complaint. You will need to respond to each paragraph in the Complaint and state whether you admit the allegations, deny the alle-

gations, or do not have enough information to properly respond which acts as a denial of the allegations. You will also have to raise any Affirmative Defenses you may have to the eviction action. An affirmative defense is essentially an excuse for the conduct at issue and may raise additional facts or circumstances that mitigate the damages alleged in the complaint. Affirmative defenses may include partial payment or acceptance of the rent, refusal of the rent, that the lease violation has been cured or the nuisance abated, or that they landlord waived their right to evict you (this list is not all inclusive).

What is the trial process?

If you are served with an Order to Show Cause this means the judge has scheduled a hearing to decide whether a Temporary Writ of Restitution should be granted. NRS 40.300. A Temporary Writ of Restitution gives the landlord possession of the mobile home while the eviction action is still pending and before the trial is scheduled. The hearing on a temporary writ cannot be set sooner than 11 days after service of the Complaint.

You can request discovery in a formal eviction proceeding and will need to seek permission from the court to set a discovery schedule. Discovery is the procedure where parties to a lawsuit exchange information and documents in an effort to "discover" facts relevant to the case and identify potential witnesses and evidence.

The trial can be scheduled 21 days after service of the Complaint. Be on time to the trial. You have to inform the court of your side of the story through witnesses and evidence. The judge will decide whether the landlord has presented enough evidence to make it 'more likely than not' that the landlord's version of the facts is true, and whether those facts are enough to justify evicting you.

TENANTS' RIGHTS CENTERS

Nevada Legal Services offers 2 Tenants' Rights Centers—one in our Las Vegas office and one in Reno. Please feel free to contact either Center for further assistance and information if you are a tenant facing eviction or other housing issues:

Las Vegas TRC: (702) 383-6095

Reno TRC: (775) 284-3491 x. 316 or email to renotrc@nlslaw.net.