

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1124**

Introduced by Engel, 17.

Read first time January 23, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to mobile home parks; to amend sections  
2 71-4629, 71-4631, 71-4632, and 71-4634, Reissue Revised  
3 Statutes of Nebraska; to provide for health and safety  
4 standards; to provide for inspections and fees; to  
5 provide for enforcement; to harmonize provisions; and  
6 to repeal the original sections.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-4629, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-4629 (1) The department shall adopt, promulgate, and  
4 enforce by rules and regulations standards governing utility  
5 systems and sanitary conditions for mobile home parks.

6           (2) The department with the advice of the Public  
7 Service Commission shall adopt and promulgate rules and regulations  
8 regarding minimum health and safety requirements for individual  
9 mobile homes in a mobile home park.

10          (3) The department shall not adopt or enforce by rules  
11 and regulations any design, construction, or land-use standards for  
12 any mobile home park.

13          Sec. 2. Section 71-4631, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15          71-4631 (1) The department shall issue licenses for the  
16 establishment, operation, and maintenance of mobile home parks  
17 which are found to comply with the Uniform Standard Code for  
18 Mobile Home Parks and such rules, regulations, and standards as  
19 are lawfully adopted and promulgated by the department pursuant  
20 thereto.

21          (2) The department shall deny, refuse renewal of,  
22 suspend, or revoke licenses on any of the following grounds:

23          ~~(1)~~ (a) Violation of any of the provisions of the code  
24 or the rules, regulations, and standards lawfully adopted and  
25 promulgated pursuant thereto;

1           ~~(2)~~ (b) Permitting, aiding, or abetting the commission of  
2 any unlawful act; ~~or~~

3           ~~(3)~~ (c) Conduct or utility or sanitation practices  
4 detrimental to the health or safety of residents of a mobile  
5 home park; or ~~Should~~

6           (d) Failure to comply with an order under section 4 or 5  
7 of this act.

8           (3) If the department ~~determine~~ determines to deny,  
9 refuse renewal of, suspend, or revoke a license, it shall send to  
10 the applicant or licensee, by either certified or registered mail,  
11 a notice setting forth the specific reasons for the determination.  
12 The denial, refusal of renewal, suspension, or revocation shall  
13 become final thirty days after the mailing of the notice in all  
14 cases of failure to pay the required licensure fee if not paid  
15 by the end of such period, and in all other instances unless the  
16 applicant or licensee, within such thirty-day period, shall give  
17 written notice of a desire for a hearing. Thereupon the applicant  
18 or licensee shall be given opportunity for a formal hearing before  
19 the department and shall have the right to present evidence on  
20 his or her own behalf. The procedure governing hearings authorized  
21 by this section shall be in accordance with the Administrative  
22 Procedure Act. On the basis of the evidence presented, the  
23 determination involved shall be affirmed or set aside, and a  
24 copy of such decision setting forth the findings of facts and the  
25 specific reasons upon which it is based shall be sent by either

1 certified or registered mail to the applicant or licensee. The  
2 applicant or licensee may appeal such decision, and the appeal  
3 shall be in accordance with the Administrative Procedure Act.

4 Sec. 3. Section 71-4632, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 71-4632 Any person who establishes, conducts, operates,  
7 or maintains a mobile home park without first obtaining a license  
8 therefor from the department as provided in ~~sections 71-4621 to~~  
9 ~~71-4634~~ the Uniform Standard Code for Mobile Home Parks shall  
10 be guilty of a Class IV misdemeanor, and each day such mobile  
11 home park ~~shall operate~~ operates without a license after a first  
12 conviction shall be considered a separate offense. Such person  
13 shall also be guilty of maintaining a nuisance pursuant to section  
14 28-1321, and upon conviction thereof, in addition to payment of the  
15 fine, such nuisance shall be removed.

16 Sec. 4. (1) The department or any city, village, or  
17 county that has a certificate of exemption from the department  
18 pursuant to section 71-4630 may contract with the Public Service  
19 Commission to inspect and reinspect, if necessary, any mobile home  
20 in a mobile home park for compliance with the minimum health and  
21 safety standards adopted and promulgated under the Uniform Standard  
22 Code for Mobile Home Parks.

23 (2) The department or political subdivision requesting  
24 the inspection shall establish and assess a fee for such inspection  
25 or reinspection to cover not more than the actual costs of

1 making such inspection or reinspection. All fees collected by the  
2 department shall be remitted to the State Treasurer for credit to  
3 the Health and Human Services Cash Fund.

4 (3) The fee shall be paid by the licensee of the mobile  
5 home park. The licensee may recover the fee from the owner of the  
6 mobile home which is inspected.

7 (4) If the owner or tenant of a mobile home refuses to  
8 allow the Public Service Commission to inspect the mobile home he  
9 or she owns or occupies within thirty days after being notified by  
10 the department of the request for an inspection, the mobile home  
11 shall be subject to a condemnation order under section 5 of this  
12 act.

13 (5) If upon inspection a mobile home fails to meet  
14 the minimum health and safety standards, the commission shall  
15 supply a notice of deficiencies to the owner of the mobile home,  
16 the licensee of the mobile home park, and the department. The  
17 department shall notify the owner of the mobile home that he or  
18 she has ninety days in which to correct the deficiencies or remove  
19 the mobile home from the mobile home park or be subject to a  
20 condemnation order under section 5 of this act.

21 Sec. 5. The department may condemn and by order direct  
22 the destruction, repair, or alteration of any mobile home in a  
23 mobile home park which fails to meet the minimum health and safety  
24 standards adopted and promulgated under the Uniform Standard Code  
25 for Mobile Home Parks or which was not allowed to be inspected

1 under section 4 of this act. The order, if considered necessary by  
2 the department for the protection of life or property, may direct  
3 that the mobile home be closed and not further used or occupied  
4 until such repairs are made. Any person who willfully disobeys the  
5 order directing the closing of the mobile home shall be guilty of a  
6 Class III misdemeanor. Each day such person neglects or refuses to  
7 obey the order shall be deemed a separate and distinct offense in  
8 violation thereof.

9       (2) The order shall be in writing, shall recite the  
10 grounds therefor, and shall be filed in the office of the clerk  
11 of the district court of the county in which the mobile home is  
12 situated, and thereupon all further proceedings for the enforcement  
13 thereof shall be had in such court.

14       (3) A copy of the order filed in accordance with this  
15 section together with a written notice that the same has been so  
16 filed and will be put in force unless the owner or occupying tenant  
17 files with the clerk of the district court his or her objections  
18 and answer thereto within the time specified in subsection (4) of  
19 this section, shall be served upon the owner of the mobile home,  
20 and if there is a tenant occupying the mobile home, then also upon  
21 the occupant. Service shall be made upon such owner and tenant, if  
22 there is one, in the manner provided for service of a summons in a  
23 civil action.

24       (4) The owner of any mobile home so condemned or any  
25 tenant upon whom such notice and order are served, within twenty

1 days from the date of such service, may file with the clerk of  
2 the district court and serve upon the department, by certified or  
3 registered mail, written objections to the order in the form of  
4 an answer denying the existence of any of the facts recited in he  
5 order which he or she desires to controvert. If no answer is so  
6 filed and served, the owner and all other persons in interest shall  
7 be deemed to be in default, and thereupon the court shall affirm  
8 the order of condemnation and direct the department to proceed  
9 with the enforcement thereof. If an answer is filed and served,  
10 the court shall hear and determine the issues so raised and give  
11 judgment thereon.

12 (5) The court, upon application of the department, shall  
13 make its order fixing a time and place for such hearing, which  
14 place may be at any convenient point within the judicial district,  
15 and which time shall be within ten days after the date of the  
16 filing of the answer. If upon such trial the order is sustained,  
17 judgment shall be given accordingly, fixing a time within which  
18 the mobile home shall be altered, destroyed, or repaired, as the  
19 case may be, in compliance with such order, but otherwise the court  
20 shall annul and set aside the order of condemnation.

21 (6) If the owner or other party in interest fails to  
22 comply with the order of condemnation of the mobile home within the  
23 time fixed in the order of condemnation or within the time fixed  
24 by the court, if a hearing was held, then the department shall  
25 proceed to sell the mobile home and contents at public auction

1 in accordance with the direction contained in such order. The  
2 purchaser shall be required to comply with the directions contained  
3 in the order. If the department is unable to sell the mobile home  
4 and contents, then the mobile home and contents shall become the  
5 property of the mobile home park owner in which the mobile home  
6 exists and it shall be the duty of the mobile home park owner to  
7 comply with the directions contained in such order. All expenses  
8 incurred by the mobile home park owner in the demolition or repair  
9 of the mobile home and contents may be assessed as a special charge  
10 against the owner of the mobile home.

11 (7) The county attorney of any county, upon request  
12 of the department, shall act as attorney for the department in  
13 all court proceedings in connection with the enforcement of this  
14 section when, in the exercise of a reasonable discretion, the  
15 county attorney determines that the evidence is sufficient to  
16 justify the bringing of such court proceedings.

17 Sec. 6. Section 71-4634, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 71-4634 Sections 71-4621 to ~~71-4634~~ 71-4635 and sections  
20 4 and 5 of this act shall be known and may be cited as the Uniform  
21 Standard Code for Mobile Home Parks.

22 Sec. 7. Original sections 71-4629, 71-4631, 71-4632, and  
23 71-4634, Reissue Revised Statutes of Nebraska, are repealed.