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**ENGROSSED SUBSTITUTE SENATE BILL 5482**

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Passed Legislature - 1993 Regular Session

**State of Washington                      53rd Legislature                      1993 Regular Session**

**By** Senate Committee on Trade, Technology & Economic Development  
(originally sponsored by Senators Skratek, M. Rasmussen, Spanel,  
Prentice, Franklin, McAuliffe, A. Smith, Drew and von Reichbauer)

Read first time 03/03/93.

1            AN ACT Relating to mobile home parks; amending RCW 59.22.020,  
2 59.20.030, 59.20.070, 59.20.073, 59.20.080, and 59.20.130; adding new  
3 sections to chapter 59.22 RCW; adding a new section to chapter 59.20  
4 RCW; adding a new chapter to Title 59 RCW; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** The legislature finds that mobile home parks  
7 provide a significant source of homeownership for many Washington  
8 residents, but increasing rents and low vacancy rates, as well as the  
9 pressure to convert mobile home parks to other uses, increasingly make  
10 mobile home park living insecure for mobile home owners. The  
11 legislature also finds that many homeowners who reside in mobile home  
12 parks are also those residents most in need of reasonable security in  
13 the siting of their manufactured homes. It is the intent of the  
14 legislature to encourage and facilitate the conversion of mobile home  
15 parks to resident ownership in the event of a voluntary sale of the  
16 park.

17            NEW SECTION.    **Sec. 2.** An obligation of good faith is imposed on  
18 the parties in the conduct of transactions affected by this chapter.

1 Rights created by this chapter are forfeited by any party failing to  
2 act in good faith. Further obligations under this chapter on other  
3 parties are also discharged by a failure to act in good faith.

4 NEW SECTION. **Sec. 3.** If a qualified tenant organization gives  
5 written notice to the mobile home park owner where the tenants reside  
6 that they have a present and continuing desire to purchase the mobile  
7 home park, the park may then be sold only according to this chapter.

8 "Notice" for the purposes of this section means a writing signed by  
9 sixty percent of the tenants in the park indicating that they desire to  
10 participate in the purchase of the park, and that they are  
11 contractually bound to the other signators of the notice to participate  
12 by purchasing an ownership interest that will entitle them to occupy a  
13 mobile home space for the remainder of their life or for a term of at  
14 least fifteen years.

15 NEW SECTION. **Sec. 4.** (1) "Mobile home park" means the same as  
16 defined in RCW 59.20.030.

17 (2)(a) The terms "sold" or "sale" for the purposes of this chapter  
18 have their ordinary meaning and include: (i) A conveyance, grant,  
19 assignment, quitclaim, or transfer of ownership or title to real  
20 property and improvements that comprise the mobile home park, or mobile  
21 homes, for a valuable consideration; (ii) a contract for the  
22 conveyance, grant, assignment, quitclaim, or transfer; (iii) a lease  
23 with an option to purchase the real property and improvements, or  
24 mobile home, or any estate or interest therein; or (iv) other contract  
25 under which possession of the property is given to the purchaser, or  
26 any other person by his or her direction, where title is retained by  
27 the vendor as security for the payment of the purchase price. These  
28 terms also include any other transfer of the beneficial or equitable  
29 interest in the mobile home park such as a transfer of equity stock or  
30 other security evidencing ownership that results in a change in  
31 majority interest ownership.

32 (b) The terms "sale" or "sold" do not include: (i) A transfer by  
33 gift, devise, or inheritance; (ii) a transfer of a leasehold interest  
34 other than of the type described in this subsection; (iii) a  
35 cancellation or forfeiture of a vendee's interest in a contract for the  
36 sale of the mobile home park; (iv) a deed in lieu of foreclosure of a  
37 mortgage; (v) the assumption by a grantee of the balance owing on an

1 obligation that is secured by a mortgage or deed in lieu of forfeiture  
2 of the vendee's interest in a contract of sale where no consideration  
3 passes otherwise; (vi) the partition of property by tenants in common  
4 by agreement or as the result of a court decree; (vii) a transfer,  
5 conveyance, or assignment of property or interest in property from one  
6 spouse to the other in accordance with the terms of a decree of divorce  
7 or dissolution or in fulfillment of a property settlement agreement  
8 incident thereto; (viii) the assignment or other transfer of a vendor's  
9 interest in a contract for the sale of real property, even though  
10 accompanied by a conveyance of the vendor's interest in the real  
11 property involved; (ix) transfers by appropriation or decree in  
12 condemnation proceedings brought by the United States, the state or any  
13 political subdivision thereof, or a municipal corporation; (x) a  
14 mortgage or other transfer of an interest in real property or mobile  
15 home merely to secure a debt, or the assignment thereof; (xi) a  
16 transfer or conveyance made under an order of sale by the court in a  
17 mortgage or lien foreclosure proceeding or upon execution of a  
18 judgment; (xii) a deed in lieu of foreclosure to satisfy a mortgage;  
19 (xiii) a conveyance to the federal housing administration or veteran's  
20 administration by an authorized mortgagee made under a contract of  
21 insurance or guarantee with the federal housing administration or  
22 veteran's administration; (xiv) a transfer in compliance with the terms  
23 of any lease or contract upon which notice has already been given under  
24 this chapter, or where the lease or contract was entered into before  
25 the effective date of this act; or (xv) a transfer to a corporation or  
26 partnership the majority interest of which is wholly owned by the  
27 transferor.

28 (3) A "qualified tenant organization" means a formal organization  
29 of tenants in the park in question, organized for the purpose of  
30 purchasing the park, with membership made available to all tenants with  
31 the only requirements for membership being: (a) Payment of reasonable  
32 dues; and (b) being a tenant in the park.

33 NEW SECTION. **Sec. 5.** If notice of a desire to purchase has been  
34 given under section 3 of this act, a park owner shall notify the  
35 qualified tenant organization that an agreement to purchase and sell  
36 has been reached and the terms of the agreement, including the  
37 availability and terms of seller financing, before closing a sale with  
38 any other person or entity. If, within thirty days after the actual

1 notice has been received, the qualified tenant organization tenders to  
2 the park owner an amount equal to two percent of the agreed purchase  
3 price, refundable only according to this chapter, together with a fully  
4 executed purchase and sale agreement at least as favorable to the park  
5 owner as the original agreement, the mobile home park owner must sell  
6 the mobile home park to the qualified tenant organization. The tenant  
7 organization must then close the sale on the same terms as outlined in  
8 the original agreement between the park owner and the prospective  
9 purchaser. In the case of seller financing, a mobile home park owner  
10 may decline to sell the mobile home park to the qualified tenant  
11 organization if, based on reasonable and objective evidence, to do so  
12 would present a greater financial risk to the seller than would selling  
13 on the same terms to the original offeror.

14 If the qualified tenant organization fails to perform under the  
15 terms of the agreement the owner may proceed with the sale to any other  
16 party at these terms. If the park owner thereafter elects to accept an  
17 offer at a price lower than the price specified in the notice, the  
18 homeowners will have an additional ten days to meet the price and terms  
19 and conditions of this lower offer by executing a contract. If the  
20 qualified tenant organization fails to perform following two such  
21 opportunities, the park owner shall be free for a period of twenty-four  
22 months to execute a sale of the park to any other party.

23 A mobile home park owner who enters into a signed agreement to  
24 sell or transfer the ownership of the mobile home park to a relative or  
25 a legal entity composed of relatives or established for the benefit of  
26 relatives of the mobile home park owner, who signs an agreement stating  
27 the intention to maintain the property as a mobile home park is  
28 exempted from the requirements of this section and section 6 of this  
29 act.

30 NEW SECTION. **Sec. 6.** Failure on the part of a mobile home park  
31 owner to give notice as required by this chapter renders a sale of the  
32 mobile home park that occurs within thirty days of the time the  
33 qualified tenant organization knows or has reason to know that a  
34 violation of the notice provisions of section 3 of this act has  
35 occurred, voidable upon application to superior court after notice and  
36 hearing. If the court determines that the notice provisions of this  
37 chapter have been violated, the court shall issue an order setting  
38 aside the improper sale. In an action brought under this section, the

1 court shall award the prevailing party attorneys' fees and costs. For  
2 the purposes of this section, a "prevailing party" includes any third  
3 party purchaser who appears and successfully defends his or her  
4 interest.

5 NEW SECTION. **Sec. 7.** If a mobile home park owner gives written  
6 notice to all tenants residing in the park, including new tenants at  
7 the commencement of their tenancy, that he or she has a desire to  
8 purchase their mobile homes, the mobile homes may be sold only  
9 according to the following provisions:

10 (1) Before transfer of title to any other person or entity, the  
11 mobile home owner shall notify the park owner if an agreement to  
12 purchase and sell has been reached and specify the terms of the  
13 agreement.

14 (2) If, within ten days of the notice, the mobile home park owner  
15 tenders to the mobile home owner an amount equal to five percent of the  
16 agreed purchase price, together with a fully executed purchase and sale  
17 agreement, the mobile home owner must sell the mobile home to the  
18 mobile home park owner.

19 (3) The mobile home park owner must then perform under the  
20 agreement and stand ready to close the sale according to the terms of  
21 the agreement between buyer and seller. Failure to perform under the  
22 terms of the agreement on the part of the mobile home park owner  
23 results in the forfeiture of the five percent deposit and voids the  
24 purchase and sale agreement.

25 (4) The rights of the mobile home park owner or of the mobile home  
26 owner under the purchase and sale agreement, including the deposit, are  
27 not forfeited if the transaction fails to close due to no fault or  
28 inability to perform on the part of the seller.

29 (5) In the case of seller financing, the mobile home owner may  
30 decline to sell to the mobile home park owner if, based on reasonable  
31 and objective evidence, to do so would present a greater financial risk  
32 to the seller than would selling to the original offeror.

33 A mobile home owner who enters into a signed agreement to sell or  
34 transfer the ownership of the mobile home to a relative is exempted  
35 from the requirements of this section and section 8 of this act.

36 NEW SECTION. **Sec. 8.** Failure on the part of a mobile home owner  
37 to give notice as required by this chapter renders a sale of the mobile

1 home that occurs within sixty days of the time the mobile home park  
2 owner knows or has reason to know that a violation of the notice  
3 provisions of section 7 of this act has occurred, voidable upon  
4 application to superior court after notice and hearing. If the court  
5 determines that the notice provisions of this chapter have been  
6 violated, the court shall issue an order setting aside the improper  
7 sale. In an action brought under this section, the court shall award  
8 the prevailing party attorneys' fees and costs. For the purposes of  
9 this section a "prevailing party" includes a third party purchaser who  
10 appears and successfully defends his or her interest.

11 **Sec. 9.** RCW 59.22.020 and 1991 c 327 s 2 are each amended to read  
12 as follows:

13 The following definitions shall apply throughout this chapter  
14 unless the context clearly requires otherwise:

15 (1) "Account" means the mobile home affairs account created under  
16 RCW 59.22.070.

17 (2) "Affordable" means that, where feasible, low-income residents  
18 should not pay more than thirty percent of their monthly income for  
19 housing costs.

20 (3) "Conversion costs" includes the cost of acquiring the mobile  
21 home park, the costs of planning and processing the conversion, the  
22 costs of any needed repairs or rehabilitation, and any expenditures  
23 required by a government agency or lender for the project.

24 (4) "Department" means the department of community development.

25 (5) "Fee" means the mobile home title transfer fee (~~created~~)  
26 imposed under RCW (~~59.21.060~~) 59.22.080.

27 (6) "Fund" or "park purchase account" means the mobile home park  
28 purchase (~~fund~~) account created pursuant to RCW 59.22.030.

29 (7) "Housing costs" means the total cost of owning, occupying, and  
30 maintaining a mobile home and a lot or space in a mobile home park.

31 (8) "Individual interest in a mobile home park" means any interest  
32 which is fee ownership or a lesser interest which entitles the holder  
33 to occupy a lot or space in a mobile home park for a period of not less  
34 than either fifteen years or the life of the holder. Individual  
35 interests in a mobile home park include, but are not limited to, the  
36 following:

37 (a) Ownership of a lot or space in a mobile home park or  
38 subdivision;

1 (b) A membership or shares in a stock cooperative, or a limited  
2 equity housing cooperative; or

3 (c) Membership in a nonprofit mutual benefit corporation which  
4 owns, operates, or owns and operates the mobile home park.

5 (9) "Low-income resident" means an individual or household who  
6 resided in the mobile home park prior to application for a loan  
7 pursuant to this chapter and with an annual income at or below eighty  
8 percent of the median income for the county of standard metropolitan  
9 statistical area of residence. Net worth shall be considered in the  
10 calculation of income with the exception of the resident's  
11 mobile/manufactured home which is used as their primary residence.

12 (10) "Low-income spaces" means those spaces in a mobile home park  
13 operated by a resident organization which are occupied by low-income  
14 residents.

15 (11) "Mobile home park" means a mobile home park, as defined in RCW  
16 59.20.030(4), or a manufactured home park subdivision as defined by RCW  
17 59.20.030(6) created by the conversion to resident ownership of a  
18 mobile home park.

19 (12) "Resident organization" means a group of mobile home park  
20 residents who have formed a nonprofit corporation, cooperative  
21 corporation, or other entity or organization for the purpose of  
22 acquiring the mobile home park in which they reside and converting the  
23 mobile home park to resident ownership. The membership of a resident  
24 organization shall include at least two-thirds of the households  
25 residing in the mobile home park at the time of application for  
26 assistance from the department.

27 (13) "Resident ownership" means, depending on the context, either  
28 the ownership, by a resident organization, as defined in this section,  
29 of an interest in a mobile home park which entitles the resident  
30 organization to control the operations of the mobile home park for a  
31 term of no less than fifteen years, or the ownership of individual  
32 interests in a mobile home park, or both.

33 (14) "Landlord" shall have the same meaning as it does in RCW  
34 59.20.030.

35 (15) "Manufactured housing" means residences constructed on one or  
36 more chassis for transportation, and which bear an insignia issued by  
37 a state or federal regulatory agency indication compliance with all  
38 applicable construction standards of the United States department of  
39 housing and urban development.

1 (16) "Mobile home" shall have the same meaning as it does in RCW  
2 46.04.302.

3 (17) "Mobile home lot" shall have the same meaning as it does in  
4 RCW 59.20.030.

5 (18) "Tenant" means a person who rents a mobile home lot for a term  
6 of one month or longer and owns the mobile home on the lot.

7 NEW SECTION. **Sec. 10.** (1) The department may make loans from the  
8 fund to resident organizations for the purpose of financing mobile home  
9 park conversion costs. The department may only make loans to resident  
10 organizations of mobile home parks where a significant portion of the  
11 residents are low-income or infirm.

12 (2) The department may make loans from the fund to low-income  
13 residents of mobile home parks converted to resident ownership or which  
14 plan to convert to resident ownership. The purpose of providing loans  
15 under this subsection is to reduce the monthly housing costs for low-  
16 income residents to an affordable level. The department may establish  
17 flexible repayment terms for loans provided under this subsection if  
18 the terms are necessary to reduce the monthly housing costs for low-  
19 income residents to an affordable level, and do not represent an  
20 unacceptable risk to the security of the fund. Flexible repayment  
21 terms may include, but are not limited to, graduated payment schedules  
22 with negative amortization.

23 NEW SECTION. **Sec. 11.** (1) Any loans granted under section 10 of  
24 this act shall be for a term of no more than thirty years.

25 (2) The department shall establish the rate of interest to be  
26 paid on loans made from the fund.

27 (3) The department shall obtain security for loans made under this  
28 chapter. The security may be in the form of a note, deed of trust,  
29 assignment of lease, or other form of security on real or personal  
30 property which the department determines is adequate to protect the  
31 security of the fund and the interests of the state. To the extent  
32 applicable, the documents evidencing the security shall be recorded or  
33 referenced in a recorded document in the office of the county auditor  
34 of the county in which the mobile home park is located.

35 (4) The department may contract with private lenders, nonprofit  
36 organizations, or units of local government to provide program  
37 administration and to service loans made under this chapter.

1        NEW SECTION.    **Sec. 12.**    Before providing financing under this  
2 chapter, the department shall require:

3        (1) Verification that at least two-thirds of the households  
4 residing in the mobile home park support the plan for acquisition and  
5 conversion of the park;

6        (2) Verification that either no park residents will be  
7 involuntarily displaced as a result of the park conversion, or the  
8 impacts of displacement will be mitigated so as not to impose a  
9 hardship on the displaced resident;

10       (3) Projected costs and sources of funds for conversion activities;

11       (4) A projected operating budget for the park during and after  
12 conversion; and

13       (5) A management plan for the conversion and operation of the park.

14       NEW SECTION.    **Sec. 13.**    The department shall consider the following  
15 factors in determining the eligibility for, and the amount, of loans  
16 made under this chapter:

17       (1) The reasonableness of the conversion costs relating to repairs,  
18 rehabilitation, construction, or other costs;

19       (2) The number of available and affordable mobile home park spaces  
20 in the general area;

21       (3) The adequacy of the management plan for the conversion and  
22 operation of the park; and

23       (4) Other factors established by the department by rule.

24       NEW SECTION.    **Sec. 14.**    The department may provide technical  
25 assistance to resident organizations who wish to convert the mobile  
26 home park in which they reside to resident ownership.    Technical  
27 assistance does not include details connected with the sale or  
28 conversion of a mobile home park which would require the department to  
29 act in a representative capacity, or the drafting of documents  
30 affecting legal or property rights of the parties by the department.

31       **Sec. 15.**    RCW 59.20.030 and 1981 c 304 s 4 are each amended to read  
32 as follows:

33       For purposes of this chapter:

34       (1) "Abandoned" as it relates to a mobile home owned by a tenant in  
35 a mobile home park, mobile home park cooperative, or mobile home park  
36 subdivision or tenancy in a mobile home lot means the tenant has

1 defaulted in rent and by absence and by words or actions reasonably  
2 indicates the intention not to continue tenancy;

3 (2) "Landlord" means the owner of a mobile home park and includes  
4 the agents of a landlord;

5 (3) "Mobile home lot" means a portion of a mobile home park  
6 designated as the location of one mobile home and its accessory  
7 buildings, and intended for the exclusive use as a primary residence by  
8 the occupants of that mobile home;

9 (4) "Mobile home park" means any real property which is rented or  
10 held out for rent to others for the placement of two or more mobile  
11 homes for the primary purpose of production of income, except where  
12 such real property is rented or held out for rent for seasonal  
13 recreational purpose only and is not intended for year-round occupancy;

14 (5) "Mobile home park cooperative" means real property consisting  
15 of common areas and two or more lots held out for placement of mobile  
16 homes in which both the individual lots and the common areas are owned  
17 by an association of shareholders which leases or otherwise extends the  
18 right to occupy individual lots to its own members;

19 (6) "Mobile home park subdivision" means real property, whether it  
20 is called a subdivision, condominium, or planned unit development,  
21 consisting of common areas and two or more lots held for placement of  
22 mobile homes in which there is private ownership of the individual lots  
23 and common, undivided ownership of the common areas by owners of the  
24 individual lots;

25 (7) "Recreational vehicle" means a travel trailer, motor home,  
26 truck camper, or camping trailer that is primarily designed and used as  
27 temporary living quarters, is either self-propelled or mounted on or  
28 drawn by another vehicle, is transient, is not occupied as a primary  
29 residence, and is not immobilized or permanently affixed to a mobile  
30 home lot;

31 (8) "Tenant" means any person, except a transient, who rents a  
32 mobile home lot; and

33 (~~((+8))~~) (9) "Transient" means a person who rents a mobile home lot  
34 for a period of less than one month for purposes other than as a  
35 primary residence.

36 **Sec. 16.** RCW 59.20.070 and 1987 c 253 s 1 are each amended to read  
37 as follows:

38 A landlord shall not:

1 (1) Deny any tenant the right to sell such tenant's mobile home  
2 within a park or require the removal of the mobile home from the park  
3 because of the sale thereof. Requirements for the transfer of the  
4 rental agreement are in RCW 59.20.073;

5 (2) Restrict the tenant's freedom of choice in purchasing goods or  
6 services but may reserve the right to approve or disapprove any  
7 exterior structural improvements on a mobile home space: PROVIDED,  
8 That door-to-door solicitation in the mobile home park may be  
9 restricted in the rental agreement. Door-to-door solicitation does not  
10 include public officials or candidates for public office meeting or  
11 distributing information to tenants in accordance with subsection (4)  
12 of this section;

13 (3) Prohibit meetings by tenants of the mobile home park to discuss  
14 mobile home living and affairs, including political caucuses or forums  
15 for or speeches of public officials or candidates for public office, or  
16 meetings of organizations that represent the interest of tenants in the  
17 park, held in any of the park community or recreation halls if these  
18 halls are open for the use of the tenants, conducted at reasonable  
19 times and in an orderly manner on the premises, nor penalize any tenant  
20 for participation in such activities;

21 (4) Prohibit a public official or candidate for public office from  
22 meeting with or distributing information to tenants in their individual  
23 mobile homes, nor penalize any tenant for participating in these  
24 meetings or receiving this information;

25 (5) Evict a tenant, terminate a rental agreement, decline to renew  
26 a rental agreement, increase rental or other tenant obligations,  
27 decrease services, or modify park rules in retaliation for any of the  
28 following actions on the part of a tenant taken in good faith:

29 (a) Filing a complaint with any state, county, or municipal  
30 governmental authority relating to any alleged violation by the  
31 landlord of an applicable statute, regulation, or ordinance;

32 (b) Requesting the landlord to comply with the provision of this  
33 chapter or other applicable statute, regulation, or ordinance of the  
34 state, county, or municipality;

35 (c) Filing suit against the landlord for any reason;

36 (d) Participation or membership in any homeowners association or  
37 group;

38 ~~((+5))~~ (6) Charge to any tenant a utility fee in excess of actual  
39 utility costs or intentionally cause termination or interruption of any

1 tenant's utility services, including water, heat, electricity, or gas,  
2 except when an interruption of a reasonable duration is required to  
3 make necessary repairs;

4 ~~((+6+))~~ (7) Remove or exclude a tenant from the premises unless  
5 this chapter is complied with or the exclusion or removal is under an  
6 appropriate court order; or

7 ~~((+7+))~~ (8) Prevent the entry or require the removal of a mobile  
8 home for the sole reason that the mobile home has reached a certain  
9 age. Nothing in this subsection shall limit a landlords' right to  
10 exclude or expel a mobile home for any other reason provided such  
11 action conforms to chapter 59.20 RCW or any other statutory provision.

12 **Sec. 17.** RCW 59.20.073 and 1981 c 304 s 20 are each amended to  
13 read as follows:

14 (1) Any rental agreement shall be assignable by the tenant to any  
15 person to whom he sells or transfers title to the mobile home.

16 (2) A tenant who sells a mobile home within a park shall notify the  
17 landlord in writing of the date of the intended sale and transfer of  
18 the rental agreement at least fifteen days in advance of such intended  
19 transfer and shall notify the buyer in writing of the provisions of  
20 this section. The tenant shall verify in writing to the landlord  
21 payment of all taxes, rent, and reasonable expenses due on the mobile  
22 home and mobile home lot.

23 (3) The landlord shall notify the selling tenant of a refusal to  
24 permit transfer of the rental agreement at least seven days in advance  
25 of such intended transfer.

26 (4) The landlord shall approve or disapprove of the assignment of  
27 a rental agreement on the same basis that the landlord approves or  
28 disapproves of any new tenant, and any disapproval shall be in writing.  
29 Consent to an assignment shall not be unreasonably withheld.

30 (5) Failure to notify the landlord ~~((of the intended sale and~~  
31 ~~transfer of the rental agreement))~~ in writing, as required under  
32 subsection (2) of this section; or failure of the new tenant to make a  
33 good faith attempt to arrange an interview with the landlord to discuss  
34 assignment of the rental agreement; or failure of the current or new  
35 tenant to obtain written approval of the landlord for assignment of the  
36 rental agreement, shall be grounds for disapproval of such transfer.

1        NEW SECTION. Sec. 18. A new section is added to chapter 59.20 RCW  
2 to read as follows:

3        Rules are enforceable against a tenant only if:

4        (1) Their purpose is to promote the convenience, health, safety, or  
5 welfare of the residents, protect and preserve the premises from  
6 abusive use, or make a fair distribution of services and facilities  
7 made available for the tenants generally;

8        (2) They are reasonably related to the purpose for which they are  
9 adopted;

10       (3) They apply to all tenants in a fair manner;

11       (4) They are not for the purpose of evading an obligation of the  
12 landlord; and

13       (5) They are not retaliatory or discriminatory in nature.

14       **Sec. 19.** RCW 59.20.080 and 1989 c 201 s 12 are each amended to  
15 read as follows:

16       (1) ~~((Except as provided in subsection (2) of this section, the))~~  
17 A landlord shall not terminate or fail to renew a tenancy, of whatever  
18 duration except for one or more of the following reasons:

19       (a) Substantial violation, or repeated or periodic violations of  
20 the rules of the mobile home park as established by the landlord at the  
21 inception of the tenancy or as assumed subsequently with the consent of  
22 the tenant or for violation of the tenant's duties as provided in RCW  
23 59.20.140. The tenant shall be given written notice to cease the rule  
24 violation immediately. The notice shall state that failure to cease  
25 the violation of the rule or any subsequent violation of that or any  
26 other rule shall result in termination of the tenancy, and that the  
27 tenant shall vacate the premises within fifteen days: PROVIDED, That  
28 for a periodic violation the notice shall also specify that repetition  
29 of the same violation shall result in termination: PROVIDED FURTHER,  
30 That in the case of a violation of a "material change" in park rules  
31 with respect to pets, tenants with minor children living with them, or  
32 recreational facilities, the tenant shall be given written notice under  
33 this chapter of a six month period in which to comply or vacate;

34       (b) Nonpayment of rent or other charges specified in the rental  
35 agreement, upon five days written notice to pay rent and/or other  
36 charges or to vacate;

37       (c) Conviction of the tenant of a crime, commission of which  
38 threatens the health, safety, or welfare of the other mobile home park

1 tenants. The tenant shall be given written notice of a fifteen day  
2 period in which to vacate;

3 (d) Failure of the tenant to comply with local ordinances and state  
4 laws and regulations relating to mobile homes or mobile home living  
5 within a reasonable time after the tenant's receipt of notice of such  
6 noncompliance from the appropriate governmental agency;

7 (e) Change of land use of the mobile home park including, but not  
8 limited to, conversion to a use other than for mobile homes or  
9 conversion of the mobile home park to a mobile home park cooperative or  
10 mobile home park subdivision: PROVIDED, That the landlord shall give  
11 the tenants twelve months' notice in advance of the effective date of  
12 such change, except that for the period of six months following April  
13 28, 1989, the landlord shall give the tenants eighteen months' notice  
14 in advance of the proposed effective date of such change;

15 (f) Engaging in "~~((drug-related))~~ criminal activity." "~~((Drug-~~  
16 ~~related))~~ Criminal activity" means ~~((that activity which constitutes a~~  
17 ~~violation of chapter 69.41, 69.50, or 69.52 RCW))~~ a criminal act  
18 defined by statute or ordinance that threatens the health, safety, or  
19 welfare of the tenants. A park owner seeking to evict a tenant under  
20 this subsection need not produce evidence of a criminal conviction,  
21 even if the alleged misconduct constitutes a criminal offense. Notice  
22 from a law enforcement agency of criminal activity constitutes  
23 sufficient grounds, but not the only grounds, for an eviction under  
24 this subsection. Notification of the seizure of illegal drugs under  
25 RCW 59.20.155 is evidence of criminal activity and is grounds for an  
26 eviction under this subsection. If criminal activity is alleged to be  
27 a basis of termination, the park owner may proceed directly to an  
28 unlawful detainer action;

29 (g) The tenant's application for tenancy contained a material  
30 misstatement that induced the park owner to approve the tenant as a  
31 resident of the park, and the park owner discovers and acts upon the  
32 misstatement within one year of the time the resident began paying  
33 rent;

34 (h) If the landlord serves a tenant three fifteen-day notices  
35 within a twelve-month period to comply or vacate for failure to comply  
36 with the material terms of the rental agreement or park rules. The  
37 applicable twelve-month period shall commence on the date of the first  
38 violation;

1 (i) Failure of the tenant to comply with obligations imposed upon  
2 tenants by applicable provisions of municipal, county, and state codes,  
3 statutes, ordinances, and regulations, including chapter 59.20 RCW.  
4 The landlord shall give the tenant written notice to comply  
5 immediately. The notice must state that failure to comply will result  
6 in termination of the tenancy and that the tenant shall vacate the  
7 premises within fifteen days;

8 (j) The tenant engages in disorderly or substantially annoying  
9 conduct upon the park premises that results in the destruction of the  
10 rights of others to the peaceful enjoyment and use of the premises.  
11 The landlord shall give the tenant written notice to comply  
12 immediately. The notice must state that failure to comply will result  
13 in termination of the tenancy and that the tenant shall vacate the  
14 premises within fifteen days;

15 (k) The tenant creates a nuisance that materially affects the  
16 health, safety, and welfare of other park residents. The landlord  
17 shall give the tenant written notice to cease the conduct that  
18 constitutes a nuisance immediately. The notice must state that failure  
19 to cease the conduct will result in termination of the tenancy and that  
20 the tenant shall vacate the premises in five days;

21 (l) Any other substantial just cause that materially affects the  
22 health, safety, and welfare of other park residents. The landlord  
23 shall be give the tenant written notice to comply immediately. The  
24 notice must state that failure to comply will result in termination of  
25 the tenancy and that the tenant shall vacate the premises within  
26 fifteen days; or

27 (m) Failure to pay rent by the due date provided for in the rental  
28 agreement three or more times in a twelve-month period, commencing with  
29 the date of the first violation, after service of a five-day notice to  
30 comply or vacate.

31 ~~(2) ((A landlord may terminate any tenancy without cause. Such~~  
32 ~~termination shall be effective twelve months from the date the landlord~~  
33 ~~serves notice of termination upon the tenant or at the end of the~~  
34 ~~current tenancy, whichever is later: PROVIDED, That a landlord shall~~  
35 ~~not terminate a tenancy for any reason or basis which is prohibited~~  
36 ~~under RCW 59.20.070 (3) or (4) or is intended to circumvent the~~  
37 ~~provisions of (1)(e) of this section.~~

38 ~~(3))~~ Within five days of a notice of eviction as required by  
39 subsection (1)(a) ~~((or (2))~~ of this section, the landlord and tenant

1 shall submit any dispute(~~(, including the decision to terminate the~~  
2 ~~tenancy without cause,)~~) to mediation. The parties may agree in  
3 writing to mediation by an independent third party or through industry  
4 mediation procedures. If the parties cannot agree, then mediation  
5 shall be through industry mediation procedures. A duty is imposed upon  
6 both parties to participate in the mediation process in good faith for  
7 a period of ten days for an eviction under subsection (1)(a) of this  
8 section(~~(, or for a period of thirty days for an eviction under~~  
9 ~~subsection (2) of this section)~~). It is a defense to an eviction under  
10 subsection (1)(a) (~~(or (2))~~) of this section that a landlord did not  
11 participate in the mediation process in good faith.

12 (3) Chapters 59.12 and 59.18 RCW govern the eviction of  
13 recreational vehicles from mobile home parks.

14 **Sec. 20.** RCW 59.20.130 and 1984 c 58 s 5 are each amended to read  
15 as follows:

16 It shall be the duty of the landlord to:

17 (1) Comply with codes, statutes, ordinances, and administrative  
18 rules applicable to the mobile home park;

19 (2) Maintain the common premises and prevent the accumulation of  
20 stagnant water and to prevent the detrimental effects of moving water  
21 when such condition is not the fault of the tenant;

22 (3) Keep any shared or common premises reasonably clean, sanitary,  
23 and safe from defects to reduce the hazards of fire or accident;

24 (4) Keep all common premises of the mobile home park, not in the  
25 possession of tenants, free of weeds or plant growth noxious and  
26 detrimental to the health of the tenants and free from potentially  
27 injurious or unsightly objects and condition;

28 (5) Exterminate or make a reasonable effort to exterminate rodents,  
29 vermin, or other pests dangerous to the health and safety of the tenant  
30 whenever infestation exists on the common premises or whenever  
31 infestation occurs in the interior of a mobile home as a result of  
32 infestation existing on the common premises;

33 (6) Maintain and protect all utilities provided to the mobile home  
34 in good working condition. Maintenance responsibility shall be  
35 determined at that point where the normal mobile home utilities "hook-  
36 ups" connect to those provided by the landlord or utility company;

37 (7) Respect the privacy of the tenants and shall have no right of  
38 entry to a mobile home without the prior written consent of the

1 occupant, except in case of emergency or when the occupant has  
2 abandoned the mobile home. Such consent may be revoked in writing by  
3 the occupant at any time. The ownership or management shall have a  
4 right of entry upon the land upon which a mobile home is situated for  
5 maintenance of utilities, to insure compliance with applicable codes,  
6 statutes, ordinances, administrative rules, and the rental agreement  
7 and the rules of the park, and protection of the mobile home park at  
8 any reasonable time or in an emergency, but not in a manner or at a  
9 time which would interfere with the occupant's quiet enjoyment;

10 (8) Allow tenants freedom of choice in the purchase of goods and  
11 services, and not unreasonably restrict access to the mobile home park  
12 for such purposes;

13 (9) Maintain roads within the mobile home park in good condition;  
14 and

15 (10) Notify each tenant within five days after a petition has been  
16 filed by the landlord for a change in the zoning of the land where the  
17 mobile home park is located and make a description of the change  
18 available to the tenant.

19 A landlord shall not have a duty to repair a defective condition  
20 under this section, nor shall any defense or remedy be available to the  
21 tenant under this chapter, if the defective condition complained of was  
22 caused by the conduct of the tenant, the tenant's family, invitee, or  
23 other person acting under the tenant's control, or if a tenant  
24 unreasonably fails to allow the landlord access to the property for  
25 purposes of repair.

26 NEW SECTION. Sec. 21. (1) Sections 1 through 8 of this act shall  
27 constitute a new chapter in Title 59 RCW.

28 (2) Sections 10 through 14 of this act are each added to chapter  
29 59.22 RCW.

Passed the Senate March 12, 1993.

Passed the House April 8, 1993.

Approved by the Governor April 19, 1993.

Filed in Office of Secretary of State April 19, 1993.