
ENGROSSED SUBSTITUTE HOUSE BILL 1604

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Trade & Economic Development (originally sponsored by Representatives Johnson and Sheldon)

Read first time 02/27/95.

1 AN ACT Relating to the purchase of mobile home parks by qualified
2 tenant organizations; and amending RCW 59.23.015 and 59.20.080.

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

4 **Sec. 1.** RCW 59.23.015 and 1993 c 66 s 3 are each amended to read
5 as follows:

6 If a qualified tenant organization gives written notice to the
7 mobile home park owner where the tenants reside that they have a
8 present and continuing desire to purchase the mobile home park, the
9 park may then be sold only according to this chapter. This notice must
10 be given to the mobile home park owner before execution of any sale
11 documents to a third party, including an earnest money agreement or
12 purchase and sale agreement.

13 "Notice" for the purposes of this section means a writing signed by
14 owners of mobile homes located on at least sixty percent of the
15 ((tenants)) occupied lots in the park indicating that they desire to
16 participate in the purchase of the park, and that they are
17 ((contractually)) bound to the qualified tenant organization and to the
18 other signators of the notice to participate by purchasing an ownership
19 interest ((that will entitle them to occupy a mobile home space for the

1 remainder of their life or for a term of at least fifteen years)) in
2 the park.

3 **Sec. 2.** RCW 59.20.080 and 1993 c 66 s 19 are each amended to read
4 as follows:

5 (1) A landlord shall not terminate or fail to renew a tenancy, of
6 whatever duration except for one or more of the following reasons:

7 (a) Substantial violation, or repeated or periodic violations of
8 the rules of the mobile home park as established by the landlord at the
9 inception of the tenancy or as assumed subsequently with the consent of
10 the tenant or for violation of the tenant's duties as provided in RCW
11 59.20.140. The tenant shall be given written notice to cease the rule
12 violation immediately. The notice shall state that failure to cease
13 the violation of the rule or any subsequent violation of that or any
14 other rule shall result in termination of the tenancy, and that the
15 tenant shall vacate the premises within fifteen days: PROVIDED, That
16 for a periodic violation the notice shall also specify that repetition
17 of the same violation shall result in termination: PROVIDED FURTHER,
18 That in the case of a violation of a "material change" in park rules
19 with respect to pets, tenants with minor children living with them, or
20 recreational facilities, the tenant shall be given written notice under
21 this chapter of a six month period in which to comply or vacate;

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

25 (c) Conviction of the tenant of a crime, commission of which
26 threatens the health, safety, or welfare of the other mobile home park
27 tenants. The tenant shall be given written notice of a fifteen day
28 period in which to vacate;

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

33 (e) Change of land use of the mobile home park including, but not
34 limited to, conversion to a use other than for mobile homes or
35 conversion of the mobile home park to a mobile home park cooperative or
36 mobile home park subdivision: PROVIDED, That the landlord shall give
37 the tenants twelve months' notice in advance of the effective date of
38 such change, except that for the period of six months following April

1 28, 1989, the landlord shall give the tenants eighteen months' notice
2 in advance of the proposed effective date of such change;

3 (f) Engaging in "criminal activity." "Criminal activity" means a
4 criminal act defined by statute or ordinance that threatens the health,
5 safety, or welfare of the tenants. A park owner seeking to evict a
6 tenant under this subsection need not produce evidence of a criminal
7 conviction, even if the alleged misconduct constitutes a criminal
8 offense. Notice from a law enforcement agency of criminal activity
9 constitutes sufficient grounds, but not the only grounds, for an
10 eviction under this subsection. Notification of the seizure of illegal
11 drugs under RCW 59.20.155 is evidence of criminal activity and is
12 grounds for an eviction under this subsection. If criminal activity is
13 alleged to be a basis of termination, the park owner may proceed
14 directly to an unlawful detainer action;

15 (g) The tenant's application for tenancy contained a material
16 misstatement that induced the park owner to approve the tenant as a
17 resident of the park, and the park owner discovers and acts upon the
18 misstatement within one year of the time the resident began paying
19 rent;

20 (h) If the landlord serves a tenant three (~~fifteen-day~~) notices
21 within a twelve-month period for failure to comply (~~or vacate for~~
22 ~~failure to comply~~) with the material terms of the rental agreement or
23 park rules, and if the tenant has been served a fifteen-day notice to
24 comply or vacate for failure to comply with each of the first two
25 offenses, the landlord may evict the tenant immediately after issuing
26 a third notice designated as a fifteen-day notice to vacate for failure
27 to comply, without mediation and without further written notice to
28 comply, regardless if the tenant has complied with any of the previous
29 notices. The applicable twelve-month period shall commence on the date
30 of the first violation;

31 (i) Failure of the tenant to comply with obligations imposed upon
32 tenants by applicable provisions of municipal, county, and state codes,
33 statutes, ordinances, and regulations, including chapter 59.20 RCW.
34 The landlord shall give the tenant written notice to comply
35 immediately. The notice must state that failure to comply will result
36 in termination of the tenancy and that the tenant shall vacate the
37 premises within fifteen days;

38 (j) The tenant engages in disorderly or substantially annoying
39 conduct upon the park premises that results in the destruction of the

1 rights of others to the peaceful enjoyment and use of the premises.
2 The landlord shall give the tenant written notice to comply
3 immediately. The notice must state that failure to comply will result
4 in termination of the tenancy and that the tenant shall vacate the
5 premises within fifteen days;

6 (k) The tenant creates a nuisance that materially affects the
7 health, safety, and welfare of other park residents. The landlord
8 shall give the tenant written notice to cease the conduct that
9 constitutes a nuisance immediately. The notice must state that failure
10 to cease the conduct will result in termination of the tenancy and that
11 the tenant shall vacate the premises in five days;

12 (l) Any other substantial just cause that materially affects the
13 health, safety, and welfare of other park residents. The landlord
14 shall ~~((be))~~ give ~~((shall give))~~ the tenant written notice to comply
15 immediately. The notice must state that failure to comply will result
16 in termination of the tenancy and that the tenant shall vacate the
17 premises within fifteen days; or

18 (m) Failure to pay rent by the due date provided for in the rental
19 agreement three or more times in a twelve-month period, commencing with
20 the date of the first violation, ~~((after service of a five-day notice
21 to comply))~~ but only if the tenant has been served a five-day notice to
22 pay rent or vacate for each of the first two violations. The landlord
23 may evict immediately after giving a third notice designated as a
24 notice to terminate tenancy for late rent payments, regardless if the
25 tenant has complied with any of the previous five-day notices to pay
26 rent or vacate.

27 (2) Within five days of a notice of eviction as required by
28 subsection (1)(a) of this section, the landlord and tenant shall submit
29 any dispute to mediation. The parties may agree in writing to
30 mediation by an independent third party or through industry mediation
31 procedures. If the parties cannot agree, then mediation shall be
32 through industry mediation procedures. A duty is imposed upon both
33 parties to participate in the mediation process in good faith for a
34 period of ten days for an eviction under subsection (1)(a) of this
35 section. It is a defense to an eviction under subsection (1)(a) of
36 this section that a landlord did not participate in the mediation
37 process in good faith.

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

--- END ---