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**SUBSTITUTE SENATE BILL 6687**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senate Committee on Financial Institutions, Insurance & Housing  
(originally sponsored by Senators Prentice, Winsley, Hale, Kline, Wood  
and Finkbeiner)

Read first time 02/06/98.

1 AN ACT Relating to mobile home park landlord-tenant relations;  
2 amending RCW 59.20.090; adding a new section to chapter 59.20 RCW;  
3 adding a new chapter to Title 18 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The purpose of this chapter is to establish  
6 a registration program for mobile home parks in the state owned by  
7 entities not domiciled within this state.

8 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
9 otherwise, the definitions in this section apply throughout this  
10 chapter.

11 (1) "Department" means the department of community, trade, and  
12 economic development.

13 (2) "Director" means the director of the department of community,  
14 trade, and economic development.

15 (3) "Mobile home park" has the same meaning as in RCW 59.20.030.

16 NEW SECTION. **Sec. 3.** A mobile home park owned by a person,  
17 partnership, corporation, or other entity not domiciled in this state

1 shall not operate in this state without first registering with the  
2 department to do business as a mobile home park on a form approved by  
3 the department. The form shall include a sworn affidavit that the  
4 owner of the park has read and is familiar with the mobile home  
5 landlord-tenant act, chapter 59.20 RCW, has supplied a copy of the act  
6 to the resident manager of the park, and has determined that the park  
7 manager knows and understands the provisions of the mobile home  
8 landlord-tenant act.

9 NEW SECTION. **Sec. 4.** The department has the power to enforce and  
10 ensure compliance with the provisions of this chapter relating to the  
11 registration of mobile home parks.

12 NEW SECTION. **Sec. 5.** If the department has reasonable cause to  
13 believe that a violation of this chapter has occurred, the department  
14 may institute enforcement proceedings in its own name against any out-  
15 of-state mobile home park owner as follows:

16 (1) The department may issue an order requiring the owner to cease  
17 and desist from the unlawful practice and take such affirmative action  
18 as in the judgment of the department will carry out the purposes of  
19 this chapter;

20 (2) The department may bring an action in superior court for  
21 declaratory relief or injunctive relief; or

22 (3) The department may impose a civil penalty against an owner for  
23 any violation of this chapter that does not exceed one thousand dollars  
24 per violation. If an owner fails to pay the civil penalty, the  
25 department may issue an order directing that the owner cease and desist  
26 from further operation of the mobile home park until such time as the  
27 civil penalty is paid or pursue enforcement of the penalty in a court  
28 of competent jurisdiction. Any action commenced by the department  
29 shall be brought in the county in which the department has its  
30 executive offices or in the county where the violation occurred. A  
31 resident or tenant living in a mobile home park or renting a home in a  
32 mobile home park may institute an action in the appropriate court  
33 against a mobile home park owner to enforce this chapter. In any  
34 action brought to enforce this chapter the prevailing party shall be  
35 awarded his or her reasonable attorneys' fees and costs.

1       **Sec. 6.** RCW 59.20.090 and 1980 c 152 s 2 are each amended to read  
2 as follows:

3       (1) Unless otherwise agreed rental agreements shall be for a term  
4 of one year. Any rental agreement of whatever duration shall be  
5 automatically renewed for the term of the original rental agreement,  
6 unless(~~(:~~

7       ~~(a)) a different specified term is agreed upon(~~(: or~~~~

8       ~~(b) The landlord serves notice of termination without cause upon~~  
9 ~~the tenant prior to the expiration of the rental agreement: PROVIDED,~~  
10 ~~That under such circumstances, at the expiration of the prior rental~~  
11 ~~agreement the tenant shall be considered a month to month tenant upon~~  
12 ~~the same terms as in the prior rental agreement until the tenancy is~~  
13 ~~terminated)).~~

14       (2) A landlord seeking to increase the rent upon expiration of the  
15 term of a rental agreement of any duration shall notify the tenant in  
16 writing three months prior to the effective date of any increase in  
17 rent(~~(: PROVIDED, That if a landlord serves a tenant with notice of a~~  
18 ~~rental increase at the same time or subsequent to serving the tenant~~  
19 ~~with notice of termination without cause, such rental increase shall~~  
20 ~~not become effective until the date the tenant is required to vacate~~  
21 ~~the leased premises pursuant to the notice of termination or three~~  
22 ~~months from the date notice of rental increase is served, whichever is~~  
23 ~~later)).~~

24       (3) A tenant shall notify the landlord in writing one month prior  
25 to the expiration of a rental agreement of an intention not to renew.

26       (4)(a) The tenant may terminate the rental agreement upon thirty  
27 days written notice whenever a change in the location of the tenant's  
28 employment requires a change in his residence, and shall not be liable  
29 for rental following such termination unless after due diligence and  
30 reasonable effort the landlord is not able to rent the mobile home lot  
31 at a fair rental. If the landlord is not able to rent the lot, the  
32 tenant shall remain liable for the rental specified in the rental  
33 agreement until the lot is rented or the original term ends;

34       (b) Any tenant who is a member of the armed forces may terminate a  
35 rental agreement with less than thirty days notice if he receives  
36 reassignment orders which do not allow greater notice.

37       NEW SECTION. **Sec. 7.** A new section is added to chapter 59.20 RCW  
38 to read as follows:

1       The legislature finds that the practices covered by this chapter  
2 are matters vitally affecting the public interest for the purpose of  
3 applying the consumer protection act, chapter 19.86 RCW. A violation  
4 of this chapter is not reasonable in relation to the development and  
5 preservation of business and is an unfair or deceptive act in trade or  
6 commerce and an unfair method of competition for the purpose of  
7 applying the consumer protection act, chapter 19.86 RCW.

8       NEW SECTION.   **Sec. 8.**   If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

12       NEW SECTION.   **Sec. 9.**   Sections 1 through 5 of this act constitute  
13 a new chapter in Title 18 RCW.

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