

HOUSE BILL REPORT

HB 1378

As Amended by the Senate

Title: An act relating to manufactured and mobile home landlord-tenant relations.

Brief Description: Regulating manufactured and mobile home landlord-tenant relations.

Sponsors: Representatives Veloria, Dunn, Morris, Kastama, Van Luven, Ogden, Kenney, Bush, Santos, Fortunato, Hurst, Edwards, O'Brien, McDonald and Keiser.

Brief History:

Committee Activity:

Economic Development, Housing & Trade: 2/4/99 [DP].

Floor Activity:

Passed House: 2/24/99, 98-0.

Senate Amended.

Passed Senate: 4/12/99, 32-16.

Brief Summary of Bill

- Removes the requirement that the landlord can serve written notice to the tenant by just leaving a copy of the notice with a person of suitable age and discretion along with mailing a copy to the tenant's address.
- Requires landlords to deposit security deposits, that are in excess of two months rent, into an interest-bearing account with the interest paid to the tenant annually.
- Requires a city, code city, town, or county to send a copy of any permit issued to a tenant or the tenant's agent to either move or install a unit to the mobile home park landlord.

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, HOUSING & TRADE

Majority Report: Do pass. Signed by 7 members: Representatives Van Luven, Republican Co-Chair; Veloria, Democratic Co-Chair; Dunn, Republican Vice Chair; Eickmeyer, Democratic Vice Chair; Ballasiotes; Radcliff and Skinner.

Staff: Kenny Pittman (786-7392).

Background:

The Mobile Home Landlord-Tenant Act (Act) regulates the relationship between the owner of a mobile home park (landlord) and the owner of the mobile home (tenant). Key provisions of the Act require that the tenant is offered a written agreement for a term of at least one year, prohibits certain action by the landlord, and specifies the duties of the landlord and the tenant.

A landlord is required to give proper written notice to the tenant. The notice can be served to the tenant on behalf of the landlord: (a) by delivering a copy personally to the tenant; or (b) leaving a copy at the mobile home with a person of suitable age and discretion and sending a copy through the mail to the tenant's address; or (c) by affixing a copy in a conspicuous place on the mobile home if the tenant is absent and there is no one available of suitable age and discretion.

A landlord may require a tenant to pay a deposit as security for performance of the tenant's obligations in a rental agreement. The security deposit must be deposited by the landlord into a trust account maintained by the landlord for the expressed purposes of holding security deposits. Any interest earned on the tenant's security deposit is retained by the landlord.

Summary of Bill:

The Mobile Home Landlord-Tenant Act is revised to: (1) Reflect current terminology regarding manufactured homes, mobile homes, and park models; (2) require park management to make reasonable efforts to notify tenants of their intention to enter the mobile home lot; (3) require landlords to place security deposits that exceed an amount greater than two months rent into an interest-bearing account with interest paid to the tenant; and (4) require local governments to send a copy of any permit issued to either move or install a unit to the mobile home park owner.

The following terms are defined: (1) "manufactured home" means a single-family home built after 1976 and to the standards of the federal Manufactured Home Construction and Safety Standards Act; (2) "mobile home" means a factory-built dwelling built prior to 1976 and to standards other than the federal Manufactured Home Construction and Safety Standards Act; and (3) "park model" means a recreational vehicle intended for permanent or semi-permanent installation and

habitation. These definitions are incorporated throughout the existing statutes and replace the single term "mobile home."

A mobile home park owner may: (1) prohibit entry or require the removal of an individual unit if it presents a fire or safety concern; and (2) require that the individual unit meet applicable fire and safety standards as a condition of transferring a rental agreement in the sale of the individual unit to another person.

The mobile home park management must make a reasonable effort to notify the tenant of their intention to enter the land where the individual unit is located. This provision does not apply to an emergency situation where there is a danger to people or property.

The landlord's written notice requirements are revised to remove the requirement that if the tenant is absent, the notice can be left with a person of suitable age and discretion and by then sending a copy through the mail to the tenant's address. The other notice requirements remain in effect.

A landlord is required to pay interest on deposits required as security for performance of the tenant's obligations in a rental agreement. The security deposit must be deposited by the landlord into an interest-bearing trust account maintained by the landlord for the expressed purposes of holding security deposits. All interest earned on the tenant's security deposit, minus fees charged to administer the account, must be paid annually to the tenant.

All local government is required to send a copy of any permit issued to a tenant or the tenant's agent to either move or install a unit in a mobile home park to the mobile home park landlord.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment creates a Mobile Home Park Manager Certification Program within the Department of Community, Trade, and Economic Development. After July 1, 2000, no person can not manage a mobile home park with more than 25 mobile home lots without being certified as a mobile home park manager. A corporation, partnership, trust, association, sole proprietor, or other like organization is not required to be certified as long they either employs, retains, or contracts with a person that is certified.

The department is required to prepare and administer a written examination as part of the certification process. The certification is for a one-year period. Renewal of the certification requires evidence of completion of up to 4-hours of department-approved continuing education courses. The department must contract with a state-wide trade association that represents mobile home park owners for the delivery of training

courses required for initial or renewal of registration of certification as a mobile home park manager.

There is created a four-member advisory council on mobile home park manager training and certification. Two members must be residents of mobile home parks and two members must be mobile home park managers. The director of the Department of Community, Trade, and Economic Development makes the appointments for two-year terms. The advisory council advises the department regarding the development and administration of the mobile home park manager certification program.

The department may charge fees designed to cover the cost of administering the mobile home park managers certification program that includes the issuance and renewal of certificates of registration.

A violation is a Class 1 civil infraction subject to a maximum penalty/fine of \$250

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 1999.

Testimony For: The revisions have been worked out between both parties. The changes to the tenant notice requirements and access to the mobile home lot will provide protection to both the landlord and tenant. These are important first steps in cleaning up confusing statutes.

Testimony Against: None

Testified: Representative Jim Dunn, sponsor; Ken Spencer and John Woodring, Manufactured Housing Communities of Washington; and Ray Munson, Mobile Home Owners of America.