

SENATE BILL REPORT

SB 5908

As Reported By Senate Committee On:
Commerce, Trade, Housing & Financial Institutions, March 2, 1999

Title: An act relating to applying the consumer protection act to violations of the mobile home landlord-tenant act.

Brief Description: Applying the consumer protection act to the landlord-tenant act.

Sponsors: Senators Winsley, Prentice, Fraser and Goings.

Brief History:

Committee Activity: Commerce, Trade, Housing & Financial Institutions: 3/2/99, 3/2/99 [DP].

SENATE COMMITTEE ON COMMERCE, TRADE, HOUSING & FINANCIAL INSTITUTIONS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Shin, Vice Chair; Gardner, Heavey, West and Winsley.

Staff: Dave Cheal (786-7576)

Background: In 1985 the Washington Supreme Court determined that the protections and remedies available under the Consumer Protection Act do not apply to violations of the Residential Landlord-Tenant Act. Although that case did not involve the Mobile Home Landlord-Tenant Act, there is nothing in the opinion to indicate that a different result would be reached in a case involving that act.

Prior to the 1985 Supreme Court ruling, the Office of the Attorney General received and responded to complaints from both mobile home park tenants and other residential tenants regarding violations of the respective landlord-tenant acts by landlords.

Responses included letters to landlords, conciliation, and occasionally litigation. The basis for Attorney General involvement was the assumption that the Consumer Protection Act applied to landlord-tenant transactions.

Current remedies available to tenants under the Mobile Home Landlord-Tenant Act are litigation, withholding up to one month's rent in any calendar year and initiating repairs, mediation and arbitration. Mediation and arbitration both require the agreement of the landlord to submit the dispute to those processes. In litigation based on the Mobile Home Landlord-Tenant Act, the prevailing party is entitled to reasonable attorneys' fees and costs.

Application of the Consumer Protection Act would add the involvement of the Attorney General, and, if the tenant sued the landlord, the possibility of up to three times the amount of actual money damages, up to \$10,000, and attorneys fees.

Summary of Bill: Violations of the Mobile Home Landlord-Tenant Act are declared to be violations of the Consumer Protection Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Mobile home park residents do not have effective remedies for violations of the Mobile Home Landlord-Tenant Act by park owners. Making the Consumer Protection Act applicable to violations of the Mobile Home Landlord-Tenant Act would provide an effective, low-cost remedy. It would involve the Office of the Attorney General in mediation of disputes which proved very helpful before the Supreme Court ruled that the Consumer Protection Act did not apply without specific legislation.

Testimony Against: The Mobile Home Landlord-Tenant Act contains adequate remedies that are specifically tailored to this business relationship. Applying the Consumer Protection Act provides unfair advantages to tenants.

Testified: PRO: Ray Munson, Raymond Hixon, MHOA; Leonard Cook; Jo Gus; CON: Paul McWherter, NOW Housing Association; John Woodring, Joel Erlitz, MMD Housing Commission of Washington; John Haiton, IREM; Doug Neyhart, Washington Apartment Association; Tim Seth, Olympic Rental Association.