

SENATE BILL REPORT

SB 5134

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, January 31, 2002

Title: An act relating to the mobile home landlord-tenant act.

Brief Description: Modifying provisions of the mobile home landlord-tenant act.

Sponsors: Senators Kastama, Winsley and Regala.

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 1/25/01, 2/22/01 [DPS, DNP]; 1/21/02, 1/31/02 [DP2S].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: That Second Substitute Senate Bill No. 5134 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Staff: David Cheal (786-7576)

Background: The Mobile Home Landlord-Tenant Act governs the legal relationship between mobile home park owners and owners of mobile homes who lease a space in a mobile home park. The act provides a variety of protections for tenants, including the right to sell their mobile home in the park, and limitations on being evicted.

A mobile home park or manufactured home community is defined as real property rented to others for the placement of two or more mobile homes, manufactured homes, or park models, for the production of income. "Park model" is currently defined as a recreational vehicle "intended for permanent or semi permanent installation and habitation . . ."

A park owner is prohibited from denying the entry of a mobile home in its park solely on the basis of the mobile home, manufactured home or park model having reached a certain age. The law makes it clear that a park owner is free to exclude or expel a mobile home for other allowable reasons, including ". . . fire and safety concerns . . ."

Mobile home park space rental agreements are assignable by the tenant upon the sale of the tenant's mobile home, provided certain conditions are met. One of those conditions is that "The landlord may require the mobile home . . . to meet applicable fire and safety standards." Eviction of recreational vehicles is governed by different statutory provisions than the provisions of the Mobile Home Landlord-Tenant Act that govern the eviction of mobile homes, manufactured homes and park models.

Summary of Second Substitute Bill: The definition of "park model" is changed to a recreational vehicle "that is permanently or semi-permanently installed and used as a primary residence."

The ability of a park owner to expel or deny entry of a mobile home into a park for "fire and safety concerns" is modified.

A park owner may require a mobile home to meet identifiable state or local fire and safety laws or ordinances as a condition for allowing a rental agreement transfer.

Clarification is provided as to which statute controls the eviction of recreational vehicles designed and used for temporary living quarters, as opposed to the recreational vehicles used as a primary residence, and mobile homes, manufactured homes and park models.

Second Substitute Bill Compared to Original Bill: The second substitute bill clarifies the permissible reasons for a park manager to refuse a lease assignment and in-park sale of a manufactured home. It must be based on an identifiable violation of a state or local fire, safety or other law or ordinance relating to manufactured homes, mobile homes, or park models. Once the identified problem is fixed, the park owner's objection is deemed withdrawn.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: It's important to amend the vague language that allows park owners to veto an in-park sale/lease assignment for no identifiable reason. Genuine fire and safety concerns can be dealt with by substituting clear standards. Owners of "park models" in parks that are used for a residence need the same rights provided by the Mobile Home Landlord-Tenant Act that manufactured home owners have.

Testimony Against: None.

Testified: Ken Spencer, John Woodring, MHCW (concerns); Bob Mitchell, WA Assn. of Realtors (concerns); Ishbel Dickens, MTA (pro); Nick Federici, WA Low-Income Housing Congress (pro); Ray Munson, MHOA (pro).