
HOUSE BILL 1604

State of Washington

54th Legislature

1995 Regular Session

By Representatives Johnson and Sheldon

Read first time 02/01/95. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to the purchase of mobile home parks by qualified
2 tenant organizations; amending RCW 59.23.015, 59.23.020, and 59.20.080;
3 and creating a new section.

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

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

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

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

1 (~~that will entitle them to occupy a mobile home space for the~~
2 ~~remainder of their life or for a term of at least fifteen years~~) in
3 the park.

4 **Sec. 2.** RCW 59.23.020 and 1993 c 66 s 4 are each amended to read
5 as follows:

6 (1) "Mobile home park" means the same as defined in RCW 59.20.030.

7 (2)(a) The terms "sold" or "sale" for the purposes of this chapter
8 have their ordinary meaning and include: (i) A conveyance, grant,
9 assignment, quitclaim, or transfer of ownership or title to real
10 property and improvements that comprise the mobile home park, or mobile
11 homes, for a valuable consideration; (ii) a contract for the
12 conveyance, grant, assignment, quitclaim, or transfer; (iii) a lease
13 with an option to purchase the real property and improvements, or
14 mobile home, or any estate or interest therein; or (iv) other contract
15 under which possession of the property is given to the purchaser, or
16 any other person by his or her direction, where title is retained by
17 the vendor as security for the payment of the purchase price. These
18 terms also include any other transfer of the beneficial or equitable
19 interest in the mobile home park such as a transfer of equity stock or
20 other security evidencing ownership that results in a change in
21 majority interest ownership.

22 (b) The terms "sale" or "sold" do not include: (i) A transfer by
23 gift, devise, or inheritance; (ii) a transfer of a leasehold interest
24 other than of the type described in this subsection; (iii) a
25 cancellation or forfeiture of a vendee's interest in a contract for the
26 sale of the mobile home park; (iv) a deed in lieu of foreclosure of a
27 mortgage; (v) the assumption by a grantee of the balance owing on an
28 obligation that is secured by a mortgage or deed in lieu of forfeiture
29 of the vendee's interest in a contract of sale where no consideration
30 passes otherwise; (vi) the partition of property by tenants in common
31 by agreement or as the result of a court decree; (vii) a transfer,
32 conveyance, or assignment of property or interest in property from one
33 spouse to the other in accordance with the terms of a decree of divorce
34 or dissolution or in fulfillment of a property settlement agreement
35 incident thereto; (viii) the assignment or other transfer of a vendor's
36 interest in a contract for the sale of real property, even though
37 accompanied by a conveyance of the vendor's interest in the real
38 property involved; (ix) transfers by appropriation or decree in

1 condemnation proceedings brought by the United States, the state or any
2 political subdivision thereof, or a municipal corporation; (x) a
3 mortgage or other transfer of an interest in real property or mobile
4 home merely to secure a debt, or the assignment thereof; (xi) a
5 transfer or conveyance made under an order of sale by the court in a
6 mortgage or lien foreclosure proceeding or upon execution of a
7 judgment; (xii) a deed in lieu of foreclosure to satisfy a mortgage;
8 (xiii) a conveyance to the federal housing administration or veterans'
9 administration by an authorized mortgagee made under a contract of
10 insurance or guarantee with the federal housing administration or
11 veterans' administration; (xiv) a transfer in compliance with the terms
12 of any lease or contract upon which notice has already been given under
13 this chapter, or where the lease or contract was entered into before
14 July 25, 1993; or (xv) a transfer to a corporation or partnership the
15 majority interest of which is wholly owned by the transferor.

16 (3) A "qualified tenant organization" means a (~~formal organization~~
17 ~~of tenants in the park in question, organized for the purpose of~~
18 ~~purchasing the park, with membership made available to all tenants with~~
19 ~~the only requirements for membership being: (a) Payment of reasonable~~
20 ~~dues; and (b) being a tenant in the park)) corporation for which a
21 certificate of incorporation has been issued by the state of Washington
22 or a partnership for which written articles of partnership have been
23 signed by all partners. The corporation or partnership shall include
24 owners of mobile homes located on at least sixty percent of the lots in
25 the park, each of whom shall be bound by written contract with the
26 corporation or partnership and one another to purchase an ownership
27 interest in the park.~~

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

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

32 (a) Substantial violation, or repeated or periodic violations of
33 the rules of the mobile home park as established by the landlord at the
34 inception of the tenancy or as assumed subsequently with the consent of
35 the tenant or for violation of the tenant's duties as provided in RCW
36 59.20.140. The tenant shall be given written notice to cease the rule
37 violation immediately. The notice shall state that failure to cease
38 the violation of the rule or any subsequent violation of that or any

1 other rule shall result in termination of the tenancy, and that the
2 tenant shall vacate the premises within fifteen days: PROVIDED, That
3 for a periodic violation the notice shall also specify that repetition
4 of the same violation shall result in termination: PROVIDED FURTHER,
5 That in the case of a violation of a "material change" in park rules
6 with respect to pets, tenants with minor children living with them, or
7 recreational facilities, the tenant shall be given written notice under
8 this chapter of a six month period in which to comply or vacate;

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

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

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

20 (e) Change of land use of the mobile home park including, but not
21 limited to, conversion to a use other than for mobile homes or
22 conversion of the mobile home park to a mobile home park cooperative or
23 mobile home park subdivision: PROVIDED, That the landlord shall give
24 the tenants twelve months' notice in advance of the effective date of
25 such change, except that for the period of six months following April
26 28, 1989, the landlord shall give the tenants eighteen months' notice
27 in advance of the proposed effective date of such change;

28 (f) Engaging in "criminal activity." "Criminal activity" means a
29 criminal act defined by statute or ordinance that threatens the health,
30 safety, or welfare of the tenants. A park owner seeking to evict a
31 tenant under this subsection need not produce evidence of a criminal
32 conviction, even if the alleged misconduct constitutes a criminal
33 offense. Notice from a law enforcement agency of criminal activity
34 constitutes sufficient grounds, but not the only grounds, for an
35 eviction under this subsection. Notification of the seizure of illegal
36 drugs under RCW 59.20.155 is evidence of criminal activity and is
37 grounds for an eviction under this subsection. If criminal activity is
38 alleged to be a basis of termination, the park owner may proceed
39 directly to an unlawful detainer action;

1 (g) The tenant's application for tenancy contained a material
2 misstatement that induced the park owner to approve the tenant as a
3 resident of the park, and the park owner discovers and acts upon the
4 misstatement within one year of the time the resident began paying
5 rent;

6 (h) If the landlord serves a tenant three (~~fifteen-day~~) notices
7 within a twelve-month period for failure to comply (~~or vacate for~~
8 ~~failure to comply~~) with the material terms of the rental agreement or
9 park rules, and if the tenant has been served a fifteen-day notice to
10 comply or vacate for failure to comply with each of the first two
11 offenses, the landlord may evict the tenant immediately after issuing
12 a third notice designated as a fifteen-day notice to vacate for failure
13 to comply, without mediation and without further written notice to
14 comply, regardless if the tenant has complied with any of the previous
15 notices. The applicable twelve-month period shall commence on the date
16 of the first violation;

17 (i) Failure of the tenant to comply with obligations imposed upon
18 tenants by applicable provisions of municipal, county, and state codes,
19 statutes, ordinances, and regulations, including chapter 59.20 RCW.
20 The landlord shall give the tenant written notice to comply
21 immediately. The notice must state that failure to comply will result
22 in termination of the tenancy and that the tenant shall vacate the
23 premises within fifteen days;

24 (j) The tenant engages in disorderly or substantially annoying
25 conduct upon the park premises that results in the destruction of the
26 rights of others to the peaceful enjoyment and use of the premises.
27 The landlord shall give the tenant written notice to comply
28 immediately. The notice must state that failure to comply will result
29 in termination of the tenancy and that the tenant shall vacate the
30 premises within fifteen days;

31 (k) The tenant creates a nuisance that materially affects the
32 health, safety, and welfare of other park residents. The landlord
33 shall give the tenant written notice to cease the conduct that
34 constitutes a nuisance immediately. The notice must state that failure
35 to cease the conduct will result in termination of the tenancy and that
36 the tenant shall vacate the premises in five days;

37 (l) Any other substantial just cause that materially affects the
38 health, safety, and welfare of other park residents. The landlord
39 shall (~~be~~) give (~~{shall give}~~) the tenant written notice to comply

1 immediately. The notice must state that failure to comply will result
2 in termination of the tenancy and that the tenant shall vacate the
3 premises within fifteen days; or

4 (m) Failure to pay rent by the due date provided for in the rental
5 agreement three or more times in a twelve-month period, commencing with
6 the date of the first violation, (~~after service of a five-day notice~~
7 ~~to comply~~) but only if the tenant has been served a five-day notice to
8 pay rent or vacate for each of the first two violations. The landlord
9 may evict immediately after giving a third notice designated as a
10 notice to terminate tenancy for late rent payments, regardless if the
11 tenant has complied with any of the previous five-day notices to pay
12 rent or vacate.

13 (2) Within five days of a notice of eviction as required by
14 subsection (1)(a) of this section, the landlord and tenant shall submit
15 any dispute to mediation. The parties may agree in writing to
16 mediation by an independent third party or through industry mediation
17 procedures. If the parties cannot agree, then mediation shall be
18 through industry mediation procedures. A duty is imposed upon both
19 parties to participate in the mediation process in good faith for a
20 period of ten days for an eviction under subsection (1)(a) of this
21 section. It is a defense to an eviction under subsection (1)(a) of
22 this section that a landlord did not participate in the mediation
23 process in good faith.

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

26 NEW SECTION. Sec. 4. It is the intent of the legislature that
27 this act clarify the legislative intent when enacting all of chapter
28 66, Laws of 1993. This act is remedial in nature and applicable to all
29 transactions on or after July 25, 1993.

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