

SENATE BILL REPORT

SB 5755

As Reported By Senate Committee On:
Financial Institutions, Insurance & Housing, March 5, 1997

Title: An act relating to service of process in landlord-tenant disputes.

Brief Description: Authorizing service of process by posting in disputes involving mobile home landlords and tenants.

Sponsors: Senator Swecker.

Brief History:

Committee Activity: Financial Institutions, Insurance & Housing: 2/19/97, 3/5/97 [DPS].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, INSURANCE & HOUSING

Majority Report: That Substitute Senate Bill No. 5755 be substituted therefor, and the substitute bill do pass.

Signed by Senators Winsley, Chair; Benton, Vice Chair; Finkbeiner, Hale, Heavey and Kline.

Staff: Dave Cheal (786-7576)

Background: The Residential Landlord-Tenant Act governs the legal relationship between landlords and tenants in most types of residential occupancy. One of the exceptions is the Mobile Home Landlord-Tenant Act which appears in a separate chapter.

Both the district and superior courts have jurisdiction over landlord-tenant disputes governed by the act. Service of summons on a defendant can be accomplished in the usual method of personal service, or if after the exercise of due diligence, the defendant cannot be personally served the following alternative methods are authorized: (1) the summons and complaint can be posted on the premises; or (2) copies of the summons and complaint may be mailed by both regular and certified mail to the defendant's last known address.

If these alternative methods of service are used, the court's jurisdiction is limited to restoring possession of the premises to the plaintiff.

Summary of Substitute Bill: The alternative service provisions of the Residential Landlord-Tenant Act are made applicable to the Mobile Home Landlord-Tenant Act.

Substitute Bill Compared to Original Bill: The substitute bill adds a reference to the alternative service methods to the Mobile Home Landlord-Tenant Act.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Park owners occasionally need to serve eviction papers by mail or by posting. Other landlords have that option. This bill will make these methods of service available to mobile home park landlords.

Testimony Against: The amendment should be placed in the Mobile Home Landlord-Tenant Act, not just in the residential landlord-tenant act.

Testified: Martin Faveluke, Theresa Bosler, John Woodring, MHCW (pro); Ray Munson, MHOA (con).