

RCW 59.20.335 Manufactured/mobile home communities—Notice of opportunity to compete to purchase—Process. (1) During the process described in RCW 59.20.325 and 59.20.330, the parties shall act in good faith and in a commercially reasonable manner, which includes a duty for the tenants to notify the owner promptly if there is no intent to purchase the manufactured/mobile home community or the property on which it sits. The parties have an overall duty to act in good faith. With respect to negotiation, this overall duty of good faith requirement means that the owner must allow the tenants to develop an offer, must give their offer reasonable consideration, and to further competition, must inform any qualified tenant organization, eligible organizations, and competing potential buyers participating in negotiations upon receipt if a preferred offer is submitted. Furthermore, the owner may not deny residents the same access to the community and to information, such as operating expenses and rent rolls, that the landowner would give to a commercial buyer. With respect to financial information, all parties shall agree to keep this information confidential.

(2) Except as provided in RCW 59.20.340(1), before selling a manufactured/mobile home community to an entity that is not formed by or associated with the tenants, or to an eligible organization, the owner of the manufactured/mobile home community must give the notice required by RCW 59.20.325 and comply with the requirements of RCW 59.20.330.

(3) A minor error in providing the notice required by RCW 59.20.325 or in providing operating expenses information required by RCW 59.20.330 does not prevent the owner from selling the manufactured/mobile home community to an entity that is not formed by or associated with the tenants and does not cause the owner to be liable to the tenants for damages or a penalty.

(4) During the process described in RCW 59.20.325 and 59.20.330, the owner may seek, negotiate with, or enter into a contract subject to the rights of the tenants in chapter 40, Laws of 2023 with potential purchasers other than the tenants or an entity formed by or associated with the tenants or another eligible organization.

(5) If the owner does not comply with the requirements of chapter 40, Laws of 2023 in a substantial way that prevents the tenants or an eligible organization from competing to purchase the manufactured/mobile home community, the tenants or eligible organization may:

(a) Obtain injunctive relief to prevent a sale or transfer to an entity that is not formed by or associated with the tenants; and

(b) Recover actual damages not to exceed twice the monthly rent from the owner for each tenant.

(6) If a party misuses or discloses, in a substantial way, confidential information in violation of RCW 59.20.330, that party may recover actual damages from the other party.

(7) The department of commerce shall prepare and make available information for tenants about purchasing a manufactured dwelling or manufactured/mobile home community. [2024 c 325 s 4; 2023 c 40 s 10.]

Findings—Intent—2023 c 40: See note following RCW 59.20.030.