

SENATE BILL REPORT

SHB 1610

AS OF FEBRUARY 18, 1992

Brief Description: Making multiple changes to the mobile home landlord-tenant act.

SPONSORS: House Committee on Housing (originally sponsored by Representatives Leonard, Winsley, Franklin and Nelson)

HOUSE COMMITTEE ON HOUSING

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Dave Cheal (786-7576)

Hearing Dates: February 19, 1992

BACKGROUND:

Washington is one of 32 states that has a separate landlord tenant act for mobile home parks. Some of the key provisions of the act require the tenant to be offered a written rental agreement for a term of at least one year, require the tenant to be provided with a copy of all park rules, prohibit entrance fees or exit fees, prohibit certain actions by the landlord, and specify the duties of the landlord and the tenant. A landlord is authorized under Washington law to terminate any tenancy without cause so long as at least one year's notice is provided. A tenant may be evicted with five days notice for a variety of specified causes such as failure to pay rent or repeated violations of park rules.

There is no express provision authorizing eviction for making a false statement when applying for entrance into the park. Eviction for drug-related activity is allowed but it is not clear whether a criminal conviction is required.

There is no authority for a park owner to remedy a tenant-caused hazard at the responsible tenant's expense.

Content, amendment and application of park rules are unregulated.

Tenants may sublet without obtaining permission from the landlord.

Park owners have certain duties and are subject to some prohibitions, but the act provides no penalties or meaningful remedies to tenants who experience violations. There is no prohibition against intentional disruption of utility service by either landlord or tenant.

SUMMARY:

A park owner may no longer evict a tenant without cause. Reasons for eviction include all the current reasons, plus making a material false statement when applying for tenancy, and drug-related activity, as defined, which need not include a conviction.

Park rules must be for the purpose of promoting convenience, safety and welfare of the tenants, and not for certain prohibited purposes such as avoidance of a landlord's obligation. Changes can be made only after 30 days written notice. Rules must apply to all tenants fairly.

Failure of a tenant to comply with specified duties which affect health and safety, following 15 days notice, or in some cases sooner, gives the landlord authority to enter the premises, correct the problem and bill the tenant for the associated costs.

A tenant must obtain written consent of the landlord prior to subletting, unless the rental agreement provides otherwise. The landlord may not unreasonably withhold consent and must apply the same criteria to a consent to sublet request as to an application for a new tenancy. The landlord must approve or disapprove the request to sublet within five working days.

Utilities interruption is regulated, with notice required prior to non-emergent repairs, and penalties for intentional unjustified interruption of utility service by either the landlord or tenant.

Specific penalties are provided for certain violations of the act, e.g., \$500 for retaliating against a tenant who exercises his or her rights under the law, plus actual damages. If a landlord denies a tenant the right to sell his or her mobile home, the tenant may recover actual damages or \$100 whichever is greater.

The Attorney General may bring an action in the name of the state for violations of the Mobile Home Landlord Tenant Act.

If a court finds as a matter of law that a rental agreement or a settlement or any part of a rental agreement or a settlement is unconscionable at the time it was made, then the court may: (1) refuse to enforce the agreement or settlement; (2) enforce the remainder of the agreement or settlement without the unconscionable portion; or (3) limit the application of any unconscionable decision to avoid an unconscionable result. The court must provide the parties an opportunity to present evidence regarding the setting, purpose, and effect to aid the court in making its determination.

Any person who violates the terms of a court injunction or restraining order or an assurance of voluntary compliance duly filed in court must pay to the court a civil penalty not to exceed \$1,000 for each violation.

Appropriation: none

Revenue: none

Fiscal Note: requested