

**SENATE BILL REPORT**

**SSB 5188**

**AS PASSED SENATE, MARCH 20, 1991**

**Brief Description:** Providing for tenant eviction and rental and storage costs for mobile home landlords.

**SPONSORS:** Senate Committee on Commerce & Labor (originally sponsored by Senators Moore, Matson and Anderson).

**SENATE COMMITTEE ON COMMERCE & LABOR**

**Majority Report:** That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McDonald, and Moore.

**Staff:** Dave Cheal (786-7576)

**Hearing Dates:** February 11, 1991; March 6, 1991

**HOUSE COMMITTEE ON HOUSING**

**BACKGROUND:**

When a mobile home is abandoned in a mobile home park, the park owner may charge the holder of a security interest in a mobile home reasonable rent for the period between abandonment and the time the secured party disposes of the mobile home as provided for under the Uniform Commercial Code. However, if there is no secured party involved, the eventual subsequent owner could remove the mobile home from the mobile home park without any liability for rent, except possible recovery under the landlord's lien.

**SUMMARY:**

If a mobile home is abandoned, or a tenant evicted from the mobile home space, and the mobile home is not subject to a mortgage or other security interest held by a third party, the landlord may charge rent and other reasonable expenses to any person who eventually removes the mobile home from the mobile home park. The rent and expenses must be paid prior to removal.

Availability of a landlord's lien is not affected.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Park owners need to be able to recoup the expense of a space being occupied by a mobile home where the tenant has abandoned the mobile home because they were evicted or for other reasons.

**TESTIMONY AGAINST:**

"Abandonment" is often difficult to determine. The bill is unclear as to the type of situation affected.

**TESTIFIED:** John Woodring, WMDOA (pro); Paul McWorther, WMDOA (pro); Arnold Livingston, Mobile Homeowners Assn. (con)

**HOUSE AMENDMENT(S):**

The rent and reasonable expenses that must be paid when a mobile home is abandoned or if there is an eviction is defined as the amount of rent and expenses that are required under the rental agreement.

An insurance company is required to notify a mobile home park owner when it makes a payment to a mobile home owner for physical damage to the mobile home.

Language is added to clarify when a tenant may be evicted for drug-related activity and the ability to evict tenants without cause is eliminated. A tenant may also be evicted for making a material misstatement at the time of application for tenancy in the mobile home park.

Penalties for nonperformance of duties by the park owner and the tenant are added. Subletting or assigning a tenancy is not allowed without the express written consent of the park owner, unless the rental agreement provides otherwise. The Attorney General may bring an action in the name of the state for violations.