

CERTIFICATION OF ENROLLMENT

SENATE BILL 5164

Chapter 118, Laws of 1998

55th Legislature
1998 Regular Session

MOBILE HOME PARK TENANTS AND OCCUPANTS--EVICTIONS

EFFECTIVE DATE: 6/11/98

Passed by the Senate March 7, 1998
YEAS 37 NAYS 6

BRAD OWEN

President of the Senate

Passed by the House March 4, 1998
YEAS 97 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 23, 1998

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5164** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

March 23, 1998 - 4:32 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5164

Passed Legislature - 1998 Regular Session

AS AMENDED BY THE HOUSE

State of Washington 55th Legislature 1997 Regular Session

By Senators Haugen, Long, Goings, Patterson, Franklin and Bauer

Read first time 01/17/97. Referred to Committee on Financial
Institutions, Insurance & Housing.

1 AN ACT Relating to mobile home park tenants and occupants; and
2 amending RCW 59.20.030, 59.20.080, and 59.20.090.

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

4 **Sec. 1.** RCW 59.20.030 and 1993 c 66 s 15 are each amended to read
5 as follows:

6 For purposes of this chapter:

7 (1) "Abandoned" as it relates to a mobile home owned by a tenant in
8 a mobile home park, mobile home park cooperative, or mobile home park
9 subdivision or tenancy in a mobile home lot means the tenant has
10 defaulted in rent and by absence and by words or actions reasonably
11 indicates the intention not to continue tenancy;

12 (2) "Landlord" means the owner of a mobile home park and includes
13 the agents of a landlord;

14 (3) "Mobile home lot" means a portion of a mobile home park
15 designated as the location of one mobile home and its accessory
16 buildings, and intended for the exclusive use as a primary residence by
17 the occupants of that mobile home;

18 (4) "Mobile home park" means any real property which is rented or
19 held out for rent to others for the placement of two or more mobile

1 homes for the primary purpose of production of income, except where
2 such real property is rented or held out for rent for seasonal
3 recreational purpose only and is not intended for year-round occupancy;

4 (5) "Mobile home park cooperative" means real property consisting
5 of common areas and two or more lots held out for placement of mobile
6 homes in which both the individual lots and the common areas are owned
7 by an association of shareholders which leases or otherwise extends the
8 right to occupy individual lots to its own members;

9 (6) "Mobile home park subdivision" means real property, whether it
10 is called a subdivision, condominium, or planned unit development,
11 consisting of common areas and two or more lots held for placement of
12 mobile homes in which there is private ownership of the individual lots
13 and common, undivided ownership of the common areas by owners of the
14 individual lots;

15 (7) "Recreational vehicle" means a travel trailer, motor home,
16 truck camper, or camping trailer that is primarily designed and used as
17 temporary living quarters, is either self-propelled or mounted on or
18 drawn by another vehicle, is transient, is not occupied as a primary
19 residence, and is not immobilized or permanently affixed to a mobile
20 home lot;

21 (8) "Tenant" means any person, except a transient, who rents a
22 mobile home lot; ((and))

23 (9) "Transient" means a person who rents a mobile home lot for a
24 period of less than one month for purposes other than as a primary
25 residence;

26 (10) "Occupant" means any person, including a live-in care
27 provider, other than a tenant, who occupies a mobile home and mobile
28 home lot.

29 **Sec. 2.** RCW 59.20.080 and 1993 c 66 s 19 are each amended to read
30 as follows:

31 (1) A landlord shall not terminate or fail to renew a tenancy of a
32 tenant or the occupancy of an occupant, of whatever duration except for
33 one or more of the following reasons:

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

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

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

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

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

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

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

1 any tenant or occupant register as a sex offender under RCW 9A.44.130
2 is grounds for eviction under this subsection. If criminal activity is
3 alleged to be a basis of termination, the park owner may proceed
4 directly to an unlawful detainer action;

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

10 (h) If the landlord serves a tenant three fifteen-day notices
11 within a twelve-month period to comply or vacate for failure to comply
12 with the material terms of the rental agreement or park rules. The
13 applicable twelve-month period shall commence on the date of the first
14 violation;

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

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

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

35 (l) Any other substantial just cause that materially affects the
36 health, safety, and welfare of other park residents. The landlord
37 shall ((be)) give ((~~shall give~~)) the tenant written notice to comply
38 immediately. The notice must state that failure to comply will result

1 in termination of the tenancy and that the tenant shall vacate the
2 premises within fifteen days; or

3 (m) Failure to pay rent by the due date provided for in the rental
4 agreement three or more times in a twelve-month period, commencing with
5 the date of the first violation, after service of a five-day notice to
6 comply or vacate.

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

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

20 **Sec. 3.** RCW 59.20.090 and 1980 c 152 s 2 are each amended to read
21 as follows:

22 (1) Unless otherwise agreed rental agreements shall be for a term
23 of one year. Any rental agreement of whatever duration shall be
24 automatically renewed for the term of the original rental agreement,
25 unless((÷

26 (a)) a different specified term is agreed upon((÷ or

27 (b) ~~The landlord serves notice of termination without cause upon~~
28 ~~the tenant prior to the expiration of the rental agreement: PROVIDED,~~
29 ~~That under such circumstances, at the expiration of the prior rental~~
30 ~~agreement the tenant shall be considered a month-to-month tenant upon~~
31 ~~the same terms as in the prior rental agreement until the tenancy is~~
32 ~~terminated)).~~

33 (2) A landlord seeking to increase the rent upon expiration of the
34 term of a rental agreement of any duration shall notify the tenant in
35 writing three months prior to the effective date of any increase in
36 rent((÷ PROVIDED, That if a landlord serves a tenant with notice of a
37 rental increase at the same time or subsequent to serving the tenant
38 with notice of termination without cause, such rental increase shall

1 ~~not become effective until the date the tenant is required to vacate~~
2 ~~the leased premises pursuant to the notice of termination or three~~
3 ~~months from the date notice of rental increase is served, whichever is~~
4 ~~later)).~~

5 (3) A tenant shall notify the landlord in writing one month prior
6 to the expiration of a rental agreement of an intention not to renew.

7 (4)(a) The tenant may terminate the rental agreement upon thirty
8 days written notice whenever a change in the location of the tenant's
9 employment requires a change in his residence, and shall not be liable
10 for rental following such termination unless after due diligence and
11 reasonable effort the landlord is not able to rent the mobile home lot
12 at a fair rental. If the landlord is not able to rent the lot, the
13 tenant shall remain liable for the rental specified in the rental
14 agreement until the lot is rented or the original term ends;

15 (b) Any tenant who is a member of the armed forces may terminate a
16 rental agreement with less than thirty days notice if he receives
17 reassignment orders which do not allow greater notice.

Passed the Senate March 7, 1998.

Passed the House March 4, 1998.

Approved by the Governor March 23, 1998.

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