

SHB 1865 - S AMD 525
By Senator Tom

1 On page 1, beginning on line 18, strike all of subsection (1) and
2 insert the following:

3 "(1) A landlord (~~may~~) shall, upon the execution of a writ of
4 restitution by the sheriff, enter and take possession of any property
5 of the tenant found on the premises (~~and store the property in any~~
6 ~~reasonably secure place~~). (~~If, however, the tenant or the tenant's~~
7 ~~representative objects to the storage of the property, the property~~
8 ~~shall be deposited upon the nearest public property and may not be~~
9 ~~moved and stored by the landlord. If the tenant is not present at the~~
10 ~~time the writ of restitution is executed, it shall be presumed that the~~
11 ~~tenant does not object to the storage of the property as provided in~~
12 ~~this section.~~) Any property with a cumulative value of five hundred
13 dollars or more, as determined by the landlord after deduction of the
14 landlord's estimated reasonable costs of moving, storing, and selling
15 the property, shall be stored by the landlord in a reasonably secure
16 place unless the tenant or tenant's representative objects to the
17 storage of the property in which case the property may be deposited on
18 the nearest public property. Any property with a cumulative value of
19 less than five hundred dollars, as determined by the landlord after
20 deduction of the landlord's estimated reasonable costs of moving,
21 storing, and selling the property, may be deposited on the nearest
22 public property. A mobile home, as defined in RCW 59.20.030(4), or a
23 manufactured home, as defined in RCW 59.20.030(3), regardless of value,
24 may be stored by the landlord, at the landlord's discretion, on the
25 mobile home lot, as defined in RCW 59.20.030(5), or within the mobile
26 home park that the mobile home or manufactured home is located on at
27 the time of execution of the writ of restitution. RCW 59.18.310 shall
28 apply to the moving and storage of a tenant's property when the
29 premises are abandoned by the tenant."

1 On page 2, line 19, after "section" insert ", except for a mobile
2 home or manufactured home located on a mobile home lot"

3 On page 2, line 21, after "of" strike "over fifty dollars" and
4 insert "~~((over fifty dollars))~~ five hundred dollars or more"

5 On page 2, at the beginning of line 28, strike "fifty dollars or
6 less" and insert "~~((fifty dollars or))~~ less than five hundred dollars"

7 On page 2, beginning on line 31, after "section" strike all
8 material through "less," on line 32 and insert "~~((with a cumulative
9 value of fifty dollars or less,))~~"

10 On page 3, after line 22, insert the following:

11 "**Sec. 3.** RCW 59.20.080 and 2003 c 127 s 4 are each amended to read
12 as follows:

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

16 (a) Substantial violation, or repeated or periodic violations of
17 the rules of the mobile home park as established by the landlord at the
18 inception of the tenancy or as assumed subsequently with the consent of
19 the tenant or for violation of the tenant's duties as provided in RCW
20 59.20.140. The tenant shall be given written notice to cease the rule
21 violation immediately. The notice shall state that failure to cease
22 the violation of the rule or any subsequent violation of that or any
23 other rule shall result in termination of the tenancy, and that the
24 tenant shall vacate the premises within fifteen days: PROVIDED, That
25 for a periodic violation the notice shall also specify that repetition
26 of the same violation shall result in termination: PROVIDED FURTHER,
27 That in the case of a violation of a "material change" in park rules
28 with respect to pets, tenants with minor children living with them, or
29 recreational facilities, the tenant shall be given written notice under
30 this chapter of a six month period in which to comply or vacate;

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

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

5 (d) Failure of the tenant to comply with local ordinances and state
6 laws and regulations relating to mobile homes, manufactured homes, or
7 park models or mobile home, manufactured homes, or park model living
8 within a reasonable time after the tenant's receipt of notice of such
9 noncompliance from the appropriate governmental agency;

10 (e) Change of land use of the mobile home park including, but not
11 limited to, conversion to a use other than for mobile homes,
12 manufactured homes, or park models or conversion of the mobile home
13 park to a mobile home park cooperative or mobile home park subdivision:
14 PROVIDED, That the landlord shall give the tenants twelve months'
15 notice in advance of the effective date of such change, except that for
16 the period of six months following April 28, 1989, the landlord shall
17 give the tenants eighteen months' notice in advance of the proposed
18 effective date of such change;

19 (f) Engaging in "criminal activity." "Criminal activity" means a
20 criminal act defined by statute or ordinance that threatens the health,
21 safety, or welfare of the tenants. A park owner seeking to evict a
22 tenant or occupant under this subsection need not produce evidence of
23 a criminal conviction, even if the alleged misconduct constitutes a
24 criminal offense. Notice from a law enforcement agency of criminal
25 activity constitutes sufficient grounds, but not the only grounds, for
26 an eviction under this subsection. Notification of the seizure of
27 illegal drugs under RCW 59.20.155 is evidence of criminal activity and
28 is grounds for an eviction under this subsection. The requirement that
29 any tenant or occupant register as a sex offender under RCW 9A.44.130
30 is grounds for eviction under this subsection. If criminal activity is
31 alleged to be a basis of termination, the park owner may proceed
32 directly to an unlawful detainer action;

33 (g) The tenant's application for tenancy contained a material
34 misstatement that induced the park owner to approve the tenant as a
35 resident of the park, and the park owner discovers and acts upon the
36 misstatement within one year of the time the resident began paying
37 rent;

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

6 (i) Failure of the tenant to comply with obligations imposed upon
7 tenants by applicable provisions of municipal, county, and state codes,
8 statutes, ordinances, and regulations, including this chapter. The
9 landlord shall give the tenant written notice to comply immediately.
10 The notice must state that failure to comply will result in termination
11 of the tenancy and that the tenant shall vacate the premises within
12 fifteen days;

13 (j) The tenant engages in disorderly or substantially annoying
14 conduct upon the park premises that results in the destruction of the
15 rights of others to the peaceful enjoyment and use of the premises.
16 The landlord shall give the tenant written notice to comply
17 immediately. The notice must state that failure to comply will result
18 in termination of the tenancy and that the tenant shall vacate the
19 premises within fifteen days;

20 (k) The tenant creates a nuisance that materially affects the
21 health, safety, and welfare of other park residents. The landlord
22 shall give the tenant written notice to cease the conduct that
23 constitutes a nuisance immediately. The notice must state that failure
24 to cease the conduct will result in termination of the tenancy and that
25 the tenant shall vacate the premises in five days;

26 (l) Any other substantial just cause that materially affects the
27 health, safety, and welfare of other park residents. The landlord
28 shall give the tenant written notice to comply immediately. The notice
29 must state that failure to comply will result in termination of the
30 tenancy and that the tenant shall vacate the premises within fifteen
31 days; or

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

36 (2) Within five days of a notice of eviction as required by
37 subsection (1)(a) of this section, the landlord and tenant shall submit
38 any dispute to mediation. The parties may agree in writing to

1 mediation by an independent third party or through industry mediation
2 procedures. If the parties cannot agree, then mediation shall be
3 through industry mediation procedures. A duty is imposed upon both
4 parties to participate in the mediation process in good faith for a
5 period of ten days for an eviction under subsection (1)(a) of this
6 section. It is a defense to an eviction under subsection (1)(a) of
7 this section that a landlord did not participate in the mediation
8 process in good faith.

9 (3) Chapters 59.12 and 59.18 RCW govern the eviction of
10 recreational vehicles, as defined in RCW 59.20.030, from mobile home
11 parks. This chapter governs the eviction of mobile homes, manufactured
12 homes, park models, and recreational vehicles used as a primary
13 residence from a mobile home park. However, RCW 59.18.312 governs the
14 storage of a mobile or manufactured home when a writ of restitution is
15 executed."

16 Renumber the remaining section consecutively.

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17 On page 1, line 2 of the title, after "RCW 59.18.312" insert "and
18 59.20.080"

EFFECT: (1) Upon the execution of a writ of restitution, a
landlord is required to store any property with a cumulative value of
\$500 or more, after deducting the landlord's estimated reasonable costs
of moving, storing, and selling the property.

(2) Property with a cumulative value of less than \$500 may be left
on the nearest public property.

(3) Mobile and manufactured homes may be stored on the mobile home
lot, or within the mobile home park.

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