

FINAL BILL REPORT

ESHB 1582

C 342 L 19
Synopsis as Enacted

Brief Description: Addressing manufactured/mobile home tenant protections.

Sponsors: House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Gregerson, Kloba, Peterson, Valdez, Pollet, Wylie, Appleton, Bergquist, Doglio, Reeves, Tharinger, Kirby, Jinkins and Macri).

House Committee on Civil Rights & Judiciary
Senate Committee on Housing Stability & Affordability
Senate Committee on Ways & Means

Background:

The Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) governs the legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot within a mobile home park where the tenant has no ownership interest in the property or in the association which owns the property.

Term, Renewal, and Termination.

Under the MHLTA the landlord must offer a term of one year and is prohibited from offering better terms, such as a lower monthly rent, for a month-to-month tenancy. A tenant may, however, waive the right to a one year tenancy by signing a written waiver. Any rental agreement, of whatever duration, automatically renews for the term of the original rental agreement unless a different length is agreed upon.

A tenant not intending to renew must notify the landlord in writing one month prior to the expiration of the rental agreement. A landlord may not terminate or fail to renew a tenancy except for certain reasons, and then only when the landlord complies with the specified notice requirements. Permissible reasons include:

- nonpayment of rent and additional charges specified in the agreement (five-day notice to pay or vacate);
- substantial violation, or repeated violations, of enforceable rules of the park, as established by the landlord at the inception of the tenancy, or as subsequently assumed with the consent of the tenant (15-day notice to comply or vacate);
- change of land use or conversion (12-months' notice);
- criminal activity;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- service of three 15-day notices to comply or vacate within a 12-month period; and
- failure to pay rent by the due date three or more times in a 12-month period.

Park Rules.

Rules are enforceable against a tenant only if: their purpose is to promote the convenience, health, safety, or welfare of the residents, protect and preserve the premises from abusive use, or make a fair distribution of services and facilities available for the tenants generally; they are reasonably related to the purpose for which they are adopted; they apply to all tenants in a fair manner; they are not for the purpose of evading an obligation of the landlord; and they are not retaliatory or discriminatory in nature.

Sale/Conversion of a Manufactured/Mobile Home Community.

A rental agreement must include, among other things:

- a promise by the landlord that, except for acts or events beyond his or her control, the mobile home park will not be converted to a land use that will prevent the lease from continuing for a period of three years after the beginning of the term of the agreement; or
- a statement, in large, bold face type, that the park may be sold at any time after the required 12 months' notice with the result that the park may be closed.

Limited Dissemination.

The Residential Landlord-Tenant Act includes a provision that allows courts to order an unlawful detainer action to be of limited dissemination under certain circumstances and prohibits a tenant screening service provider from disclosing or using the existence of the unlawful detainer action if such an order has been entered. The MHLTA does not contain a similar provision.

Summary:

A variety of changes are made to the Manufactured/Mobile Home Landlord-Tenant Act (MHLTA).

Terms, Renewal, and Termination.

The pay rent or vacate notice is extended to 14 days (up from five days). A tenant given a notice with respect to a substantial rule violation must be afforded 20 days (up from 15 days) to comply or vacate. Provisions governing situations in which a tenant has failed to comply with rules or failed to pay rent in a timely fashion on three or more occasions in a 12-month period are revised accordingly.

Generally, a tenant evicted from a mobile home park must be allowed 120 days within which to sell the mobile home in place, provided that the tenant remains current in the payment of rent incurred after eviction, and pays any past due rent, reasonable attorneys' fees, and court costs at the time the rental agreement is assigned. This provision does not apply to a tenant evicted for commission of crimes that threaten the health, safety, or welfare of other tenants, or to a tenant evicted for engaging in criminal activity.

In addition to specifying the terms for payment of rent in the written rental agreement, a statement providing accurate historical information regarding the rent charged for the past

five years must be included. If a closure notice is in effect, a copy of that notice must be contained in the rental agreement. An additional statement is required from the landlord regarding the listing of utilities, services, and facilities that will be available to the tenant and the associated fees to be charged.

A rental agreement may not contain a provision which allows the landlord to alter the due date for rent or increase the rent during the term of the rental agreement if the term is less than two years or more frequently than annually if the initial term is for two years or more. A rental agreement for a term exceeding two years may provide for annual increases in rent in specified amounts or by a formula specified in the agreement. A limit is imposed on any rent increase that occurs within a closure notice period.

Park Rules.

Any new or amended rules not contained within the rental agreement are enforceable against a tenant only if the tenant was provided at least 30 days' written notice and provided with at least three months to comply.

Sale/Conversion.

Exceptions are provided with respect to the closure notice requirement if:

- the mobile home park has been acquired for or is under imminent threat of condemnation;
- the mobile home park is sold to an organization of park tenants, a nonprofit organization, a local government, or a housing authority for the purpose of preserving the park; or
- the landlord compensates the tenants for the loss of their homes at their assessed value, as determined by the county assessor, at any point during the notice period and prior to a change of use or sale of the property. At the time compensation is paid, the tenant must be given written notice of at least 90 days in which to vacate, and the tenant must continue to pay rent as long as he or she remains in the park.

The form for the 12-months' closure notice is specified. The Department of Commerce (Department) must produce and maintain on its website translated versions of the notice in the top 10 languages spoken in the state, as well as other languages at the discretion of the Department. The notice must be made available upon request in printed form. The Department must also provide on its website information on where tenants may access legal or advocacy resources, including information on any immigrant and cultural organizations where tenants may receive assistance in their primary language.

A landlord who has complied with the closure notice requirements may provide a short-term rental agreement for a recreational vehicle which for a lot that is vacant, and that argument is not subject to the MHLTA.

Limited Dissemination.

A provision is added to the MHLTA allowing courts to limit dissemination of an unlawful detainer action.

Miscellaneous.

A landlord may not prohibit solicitation by, or meetings with, housing and low-income assistance organizations. A housing and low-income assistance organizations means an organization that provides tenants living in a mobile home park with information about their rights and other pertinent information.

In the event a landlord fails to carry out any of the landlord's duties, and the tenant submits bids to perform repairs pursuant to the process set forth in statute, upon receipt of the bids the landlord must provide the tenant with a copy of the notice regarding the Manufactured/Mobile Home Dispute Resolution Program that is housed in the Office of the Attorney General.

At least seven days in advance of a tenant's intended sale of a mobile home and transfer of a rental agreement, the landlord must: notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement; or, if the landlord approves of the transfer, provide the buyer with copies of the written rental agreement, the rules, and all other documents related to the tenancy. A landlord may not accept payment for rent or deposit from the buyer until the landlord has provided the buyer with these documents.

The Department is tasked with convening a work group to study and make recommendations about mobile home park rental agreement terms, notices on the closure or conversion of such communities, and amendments, changes, or additions to the MHLTA. The work group is to assess perspectives on laws and policies and facilitate discussions amongst stakeholders representing both owners and tenants to reach agreed-upon recommendations. The study is to begin by August 1, 2019, and the Department must issue a final report, including the result of any facilitated, agreed-upon recommendations, to the appropriate committees of the Legislature by June 30, 2020.

Votes on Final Passage:

House	53	42	
Senate	36	12	(Senate amended)
House	60	36	(House concurred)

Effective: July 28, 2019