

2 **HB 2598** - S AMD TO CL COMM AMD (S-4487.1/92)
3 By Senators Murray and Madsen

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5 On page 21, after line 15 of the amendment, insert the following:

6 "Sec. 17. RCW 59.20.080 and 1989 c 201 s 12 are each amended to
7 read as follows:

8 (1) (~~Except as provided in subsection (2) of this section, the~~)
9 A landlord shall not terminate a tenancy, of whatever duration except
10 for one or more of the following reasons:

11 (a) Substantial violation, or repeated or periodic violations of
12 the rules of the mobile home park as established by the landlord at the
13 inception of the tenancy or as assumed subsequently with the consent of
14 the tenant or for violation of the tenant's duties as provided in RCW
15 59.20.140. The tenant shall be given written notice to cease the rule
16 violation immediately. The notice shall state that failure to cease
17 the violation of the rule or any subsequent violation of that or any
18 other rule shall result in termination of the tenancy, and that the
19 tenant shall vacate the premises within fifteen days: PROVIDED, That
20 for a periodic violation the notice shall also specify that repetition
21 of the same violation shall result in termination: PROVIDED FURTHER,
22 That in the case of a violation of a "material change" in park rules
23 with respect to pets, tenants with minor children living with them, or
24 recreational facilities, the tenant shall be given written notice under
25 this chapter of a six month period in which to comply or vacate;

26 (b) Nonpayment of rent or other charges specified in the rental
27 agreement, upon five days written notice to pay rent and/or other
28 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 or mobile home living
7 within a reasonable time after the tenant's receipt of notice of such
8 noncompliance from the appropriate governmental agency;

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

17 (f) Engaging in "drug-related activity." "Drug-related activity"
18 means that activity which constitutes a violation of chapter 69.41,
19 69.50, or 69.52 RCW. A park owner seeking to evict a tenant pursuant
20 to this subsection need not produce evidence of a criminal conviction,
21 even if the alleged misconduct constitutes a criminal offense. Notice
22 from a law enforcement agency of drug activity pursuant to RCW
23 59.20.155 shall constitute sufficient grounds, but not the only
24 grounds, for an eviction under this subsection. If drug-related
25 activity is alleged to be a basis of termination, the park owner may
26 proceed directly to an unlawful detainer action; or

27 (g) The tenant's application for tenancy contained a material
28 misstatement which induced the park owner to approve the tenant as a
29 resident of the park, and the park owner discovers and acts upon the

1 misstatement within one year of the time the resident began paying
2 rent.

3 (2) (~~A landlord may terminate any tenancy without cause. Such~~
4 ~~termination shall be effective twelve months from the date the landlord~~
5 ~~serves notice of termination upon the tenant or at the end of the~~
6 ~~current tenancy, whichever is later: PROVIDED, That a landlord shall~~
7 ~~not terminate a tenancy for any reason or basis which is prohibited~~
8 ~~under RCW 59.20.070 (3) or (4) or is intended to circumvent the~~
9 ~~provisions of (1)(e) of this section.~~

10 (3)) Within five days of a notice of eviction as required by
11 subsection (1)(a) (~~or (2)~~) of this section, the landlord and tenant
12 shall submit any dispute(~~, including the decision to terminate the~~
13 ~~tenancy without cause,~~) to mediation. The parties may agree in
14 writing to mediation by an independent third party or through industry
15 mediation procedures. If the parties cannot agree, then mediation
16 shall be through industry mediation procedures. A duty is imposed upon
17 both parties to participate in the mediation process in good faith for
18 a period of ten days for an eviction under subsection (1)(a) of this
19 section(~~, or for a period of thirty days for an eviction under~~
20 ~~subsection (2) of this section)). It is a defense to an eviction under~~
21 subsection (1)(a) (~~or (2)~~) of this section that a landlord did not
22 participate in the mediation process in good faith."

23 **"Sec. 18.** RCW 59.20.090 and 1980 c 152 s 2 are each amended to
24 read as follows:

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

29 (÷)) a different specified term is agreed upon(~~÷ or~~

1 ~~(b) The landlord serves notice of termination without cause upon~~
2 ~~the tenant prior to the expiration of the rental agreement: PROVIDED,~~
3 ~~That under such circumstances, at the expiration of the prior rental~~
4 ~~agreement the tenant shall be considered a month-to-month tenant upon~~
5 ~~the same terms as in the prior rental agreement until the tenancy is~~
6 ~~terminated)).~~

7 (2) A landlord seeking to increase the rent upon expiration of the
8 term of a rental agreement of any duration shall notify the tenant in
9 writing three months prior to the effective date of any increase in
10 rent(~~(: PROVIDED, That if a landlord serves a tenant with notice of a~~
11 ~~rental increase at the same time or subsequent to serving the tenant~~
12 ~~with notice of termination without cause, such rental increase shall~~
13 ~~not become effective until the date the tenant is required to vacate~~
14 ~~the leased premises pursuant to the notice of termination or three~~
15 ~~months from the date notice of rental increase is served, whichever is~~
16 ~~later)).~~

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

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

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

1 "NEW SECTION. **Sec. 19.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected."

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8 On page 21, line 22 of the title amendment, after "49.60.260,"
9 strike "and 49.60.330" and insert "49.60.330, 59.20.080, and 59.20.090"