
SUBSTITUTE SENATE BILL 5448

State of Washington

62nd Legislature

2011 Regular Session

By Senate Financial Institutions, Housing & Insurance (originally sponsored by Senators Schoesler and Shin)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to conforming certain manufactured/mobile home
2 dispute resolution program definitions with certain manufactured/mobile
3 home landlord-tenant act definitions; and amending RCW 59.20.030,
4 59.20.080, and 59.30.020.

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

6 **Sec. 1.** RCW 59.20.030 and 2008 c 116 s 2 are each amended to read
7 as follows:

8 For purposes of this chapter:

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

15 (2) "Eligible organization" includes local governments, local
16 housing authorities, nonprofit community or neighborhood-based
17 organizations, federally recognized Indian tribes in the state of
18 Washington, and regional or statewide nonprofit housing assistance
19 organizations;

1 (3) "Housing authority" or "authority" means any of the public body
2 corporate and politic created in RCW 35.82.030;

3 (4) "Landlord" means the owner of a mobile home park and includes
4 the agents of a landlord;

5 (5) "Local government" means a town government, city government,
6 code city government, or county government in the state of Washington;

7 (6) "Manufactured home" means a single-family dwelling built
8 according to the United States department of housing and urban
9 development manufactured home construction and safety standards act,
10 which is a national preemptive building code. A manufactured home
11 also: (a) Includes plumbing, heating, air conditioning, and electrical
12 systems; (b) is built on a permanent chassis; and (c) can be
13 transported in one or more sections with each section at least eight
14 feet wide and forty feet long when transported, or when installed on
15 the site is three hundred twenty square feet or greater;

16 (7) "Manufactured/mobile home" means either a manufactured home or
17 a mobile home;

18 (8) "Mobile home" means a factory-built dwelling built prior to
19 June 15, 1976, to standards other than the United States department of
20 housing and urban development code, and acceptable under applicable
21 state codes in effect at the time of construction or introduction of
22 the home into the state. Mobile homes have not been built since the
23 introduction of the United States department of housing and urban
24 development manufactured home construction and safety act;

25 (9) "Mobile home lot" means a portion of a mobile home park or
26 manufactured housing community designated as the location of one mobile
27 home, manufactured home, or park model and its accessory buildings, and
28 intended for the exclusive use as a primary residence by the occupants
29 of that mobile home, manufactured home, or park model;

30 (10) "Mobile home park," "manufactured housing community," or
31 "manufactured/mobile home community" means any real property which is
32 rented or held out for rent to others for the placement of two or more
33 mobile homes, manufactured homes, or park models for the primary
34 purpose of production of income, except where such real property is
35 rented or held out for rent for seasonal recreational purpose only and
36 is not intended for year-round occupancy;

37 (11) "Mobile home park cooperative" or "manufactured housing
38 cooperative" means real property consisting of common areas and two or

1 more lots held out for placement of mobile homes, manufactured homes,
2 or park models in which both the individual lots and the common areas
3 are owned by an association of shareholders which leases or otherwise
4 extends the right to occupy individual lots to its own members;

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

12 (13) "Notice of sale" means a notice required under RCW 59.20.300
13 to be delivered to all tenants of a manufactured/mobile home community
14 and other specified parties within fourteen days after the date on
15 which any advertisement, multiple listing, or public notice advertises
16 that a manufactured/mobile home community is for sale;

17 (14) "Park model" means a recreational vehicle (~~((intended for
18 permanent or semi-permanent installation and))~~) that is used as a
19 primary residence;

20 (15) "Qualified sale of manufactured/mobile home community" means
21 the sale, as defined in RCW 82.45.010, of land and improvements
22 comprising a manufactured/mobile home community that is transferred in
23 a single purchase to a qualified tenant organization or to an eligible
24 organization for the purpose of preserving the property as a
25 manufactured/mobile home community;

26 (16) "Qualified tenant organization" means a formal organization of
27 tenants within a manufactured/mobile home community, with the only
28 requirement for membership consisting of being a tenant;

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

35 (18) "Tenant" means any person, except a transient, who rents a
36 mobile home lot;

37 (19) "Transient" means a person who rents a mobile home lot for a

1 period of less than one month for purposes other than as a primary
2 residence;

3 (20) "Occupant" means any person, including a live-in care
4 provider, other than a tenant, who occupies a mobile home, manufactured
5 home, or park model and mobile home lot.

6 **Sec. 2.** RCW 59.20.080 and 2003 c 127 s 4 are each amended to read
7 as follows:

8 (1) A landlord shall not terminate or fail to renew a tenancy of a
9 tenant or the occupancy of an occupant, of whatever duration except for
10 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;

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

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

1 (e) Change of land use of the mobile home park including, but not
2 limited to, conversion to a use other than for mobile homes,
3 manufactured homes, or park models or conversion of the mobile home
4 park to a mobile home park cooperative or mobile home park subdivision:
5 PROVIDED, That the landlord shall give the tenants twelve months'
6 notice in advance of the effective date of such change, except that for
7 the period of six months following April 28, 1989, the landlord shall
8 give the tenants eighteen months' notice in advance of the proposed
9 effective date of such change;

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

24 (g) The tenant's application for tenancy contained a material
25 misstatement that induced the park owner to approve the tenant as a
26 resident of the park, and the park owner discovers and acts upon the
27 misstatement within one year of the time the resident began paying
28 rent;

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

34 (i) Failure of the tenant to comply with obligations imposed upon
35 tenants by applicable provisions of municipal, county, and state codes,
36 statutes, ordinances, and regulations, including this chapter. The
37 landlord shall give the tenant written notice to comply immediately.

1 The notice must state that failure to comply will result in termination
2 of the tenancy and that the tenant shall vacate the premises within
3 fifteen days;

4 (j) The tenant engages in disorderly or substantially annoying
5 conduct upon the park premises that results in the destruction of the
6 rights of others to the peaceful enjoyment and use of the premises.
7 The landlord shall give the tenant written notice to comply
8 immediately. The notice must state that failure to comply will result
9 in termination of the tenancy and that the tenant shall vacate the
10 premises within fifteen days;

11 (k) The tenant creates a nuisance that materially affects the
12 health, safety, and welfare of other park residents. The landlord
13 shall give the tenant written notice to cease the conduct that
14 constitutes a nuisance immediately. The notice must state that failure
15 to cease the conduct will result in termination of the tenancy and that
16 the tenant shall vacate the premises in five days;

17 (l) Any other substantial just cause that materially affects the
18 health, safety, and welfare of other park residents. The landlord
19 shall give the tenant written notice to comply immediately. The notice
20 must state that failure to comply will result in termination of the
21 tenancy and that the tenant shall vacate the premises within fifteen
22 days; or

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

27 (2) Within five days of a notice of eviction as required by
28 subsection (1)(a) of this section, the landlord and tenant shall submit
29 any dispute to mediation. The parties may agree in writing to
30 mediation by an independent third party or through industry mediation
31 procedures. If the parties cannot agree, then mediation shall be
32 through industry mediation procedures. A duty is imposed upon both
33 parties to participate in the mediation process in good faith for a
34 period of ten days for an eviction under subsection (1)(a) of this
35 section. It is a defense to an eviction under subsection (1)(a) of
36 this section that a landlord did not participate in the mediation
37 process in good faith.

1 (3) Chapters 59.12 and 59.18 RCW govern the eviction of
2 recreational vehicles, as defined in RCW 59.20.030, from mobile home
3 parks. This chapter governs the eviction of mobile homes, manufactured
4 homes, and park models(~~(, and recreational vehicles used as a primary~~
5 ~~residence)) from a mobile home park.~~

6 **Sec. 3.** RCW 59.30.020 and 2007 c 431 s 2 are each amended to read
7 as follows:

8 For purposes of this chapter:

9 (1) "Complainant" means a landlord, community owner, or tenant, who
10 has a complaint alleging a violation of chapter 59.20 RCW;

11 (2) "Department" means the department of licensing;

12 (3) "Director" means the director of licensing;

13 (4) "Landlord" or "community owner" means the owner of a mobile
14 home park or a manufactured housing community and includes the agents
15 of a landlord;

16 (5) "Manufactured home" means a single-family dwelling built
17 according to the United States department of housing and urban
18 development manufactured home construction and safety standards act,
19 which is a national preemptive building code. A manufactured home
20 also: (a) Includes plumbing, heating, air conditioning, and electrical
21 systems; (b) is built on a permanent chassis; and (c) can be
22 transported in one or more sections with each section at least eight
23 feet wide and forty feet long when transported, or when installed on
24 the site is three hundred twenty square feet or greater;

25 (6) "Mobile home" means a factory-built dwelling built prior to
26 June 15, 1976, to standards other than the United States department of
27 housing and urban development code, and acceptable under applicable
28 state codes in effect at the time of construction or introduction of
29 the home into the state. Mobile homes have not been built since the
30 introduction of the United States department of housing and urban
31 development manufactured home construction and safety act;

32 (7) "Manufactured/mobile home" means either a manufactured home or
33 a mobile home;

34 (8) "Manufactured/mobile home lot" means a portion of a
35 manufactured/mobile home community designated as the location of one
36 mobile home, manufactured home, or park model and its accessory

1 buildings, and intended for the exclusive use as a primary residence by
2 the occupants of that mobile home, manufactured home, or park model;

3 (9) "Mobile home park," "manufactured housing community," or
4 "manufactured/mobile home community" means any real property that is
5 rented or held out for rent to others for the placement of two or more
6 mobile homes, manufactured homes, or park models(~~(, or recreational~~
7 ~~vehicles))~~) for the primary purpose of production of income, except
8 where the real property is rented or held out for rent for seasonal
9 recreational purposes only and is not used for year-round occupancy;

10 (10) "Owner" means one or more persons, jointly or severally, in
11 whom is vested:

12 (a) All or part of the legal title to the real property; or

13 (b) All or part of the beneficial ownership, and a right to present
14 use and enjoyment of the real property;

15 (11) "Park model" means a recreational vehicle (~~(intended for~~
16 ~~permanent or semipermanent installation and))~~) that is used as a
17 ~~((permanent))~~ primary residence;

18 (12) "Recreational vehicle" means a travel trailer, motor home,
19 truck camper, or camping trailer that is primarily designed and used as
20 ~~((a permanent residence located in a mobile home park or manufactured~~
21 ~~housing community))~~ temporary living quarters, is either self-propelled
22 or mounted on or drawn by another vehicle, is transient, is not
23 occupied as a primary residence, and is not immobilized or permanently
24 affixed to a mobile home lot;

25 (13) "Respondent" means a landlord, community owner, or tenant,
26 alleged to have committed (~~{a}~~) a violation of chapter 59.20 RCW;

27 (14) "Tenant" means any person, except a transient as defined in
28 RCW 59.20.030, who rents a mobile home lot.

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