
Judiciary Committee

HB 2232

Title: An act relating to the duties and obligations of manufactured/mobile home community landlords.

Brief Description: Expanding the duties and obligations of manufactured/mobile home community landlords.

Sponsors: Representatives Appleton, Moscoso, Morrell, Stanford, Robinson, Ryu and Freeman.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Amends various provisions of the Manufactured/Mobile Home Landlord Tenant Act relating to rental agreements, prohibited conduct, and landlord duties.

Hearing Date: 2/3/14

Staff: Edie Adams (786-7180).

Background:

The Manufactured/Mobile Home Landlord Tenant Act (MHLTA) governs the legal rights, remedies, and obligations arising from a rental agreement between a landlord and a tenant of a mobile home lot. The MHLTA covers issues such as the required contents of rental agreements, park rules, duties of landlords and tenants and prohibited conduct.

Rental Agreements. THE MHLTA requires rental agreements for mobile home lots to be written and to include certain specified provisions. In addition, certain provisions are specifically prohibited from being included in rental agreements. Examples of required provisions in a rental agreement include: terms for the payment of rent and other charges; rules and regulations of the park; the terms under which security deposits may be retained; and a listing of the utilities, services, and facilities that will be available to the tenant.

The rules of the mobile home park are enforceable against a tenant only if:

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- Their purpose is to promote the convenience, health, safety, or welfare of the residents; protect the premises from abusive use; or make a fair distribution of services and facilities available to the tenants.
- 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.
- They are not retaliatory or discriminatory in nature.

Prohibited Conduct by Landlords. Landlords are prohibited from engaging in specified conduct. A landlord may not deny any tenant the right to sell the tenant's manufactured/mobile home or park model; restrict the tenant's freedom of choice in purchasing goods or services; or prohibit meetings by tenants held in park community or recreation halls to discuss mobile home living and affairs. In addition, a landlord may not evict a tenant or decline to renew a rental agreement because the tenant engaged in certain activity, including filing a complaint with a state or local government relating to an alleged violation of a statute or ordinance by the landlord.

Landlord Duties. The MHLTA imposes certain duties upon landlords of manufactured/mobile home communities, including maintaining the common premises and park roads, maintaining utilities in good working condition; and respecting the privacy of tenants. The MHLTA allows a tenant to take action to remedy a breach of the landlord's duties if the landlord fails to do so within a reasonable time after notice from the tenant.

A tenant or landlord may file a complaint of an alleged violation of the MHLTA with the Manufactured/Mobile Home Dispute Resolution Program, which is administered by the Office of the Attorney General (AGO). After receiving a complaint, the AGO may initiate an investigation and facilitate negotiations, and may order corrective action or fines for violations of the MHLTA.

Summary of Bill:

Provisions of the MHLTA relating to rental agreements, prohibited conduct, and landlord duties are amended.

Enforceability of Rental Agreement Provisions. The following standards for the enforceability of park rules are made applicable to the enforceability of the provisions of the rental agreement:

- Their purpose must be to promote the convenience, health, safety, or welfare of the residents; protect the premises from abusive use; or fairly distribute services and facilities available to the tenants.
- They must reasonably relate to the purpose for which they are adopted.
- They must apply to all tenants in a fair manner.
- They must not be for the purpose of evading an obligation of the landlord.
- They must not be retaliatory or discriminatory in nature.

Prohibited Conduct by Landlords. The prohibited acts that apply to a landlord are made applicable to the landlord's manager or employees. Additional prohibited conduct is added to the MHLTA. A landlord, manager, or employee may not:

- communicate with a tenant, or a tenant's family member or guest, in a harassing, intimidating, threatening, or embarrassing manner, such as communicating:
 - in an unreasonable manner or with unreasonable frequency;

- by threats of force or criminal prosecution; or
- by use of offensive language;
- display a firearm or weapon while on the tenant's mobile home lot or while communicating with the tenant or the tenant's family member or guest;
- take, damage, or interfere with the property of a tenant or the tenant's family member or guest;
- threaten to evict a tenant, terminate a rental agreement, increase rental obligations, decrease services, modify park rules, or take other action that is not lawful or not intended to be taken;
- represent or imply that the tenant's obligations may or have been increased by the addition of attorneys' fees, service fees, or other fees that may not legally be added; or
- contact or threaten to contact federal, state, or local law enforcement officials to harass, intimidate, or threaten a tenant or the tenant's family member or guest.

A landlord, or a landlord's manager or employee, who engages in any prohibited conduct is subject to the greater of actual damages or statutory damages of not less than \$250 or more than \$1,000 per violation per day.

Landlord Duties. A landlord must post regular office hours and an emergency number at the park office or at the owner's or manager's mobile home lot.

A landlord must maintain a contemporaneous written log of all complaints raised by tenants at the time the complaint is brought to the landlord's attention. The log must show the: date and time of the complaint; name and lot designation of the tenant raising the complaint; nature of the complaint; action promised by the landlord; and date and time the action was completed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.