

SENATE BILL REPORT

SB 5188

AS REPORTED BY COMMITTEE ON COMMERCE & LABOR, MARCH 6, 1991

Brief Description: Providing for tenant eviction and rental and storage costs for mobile home landlords.

SPONSORS: Senators Moore, Matson and Anderson.

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McDonald, and Moore.

Staff: Dave Cheal (786-7576)

Hearing Dates: February 11, 1991; March 6, 1991

BACKGROUND:

When a mobile home is abandoned in a mobile home park, the park owner may charge the holder of a security interest in a mobile home reasonable rent for the period between abandonment and the time the secured party disposes of the mobile home as provided for under the Uniform Commercial Code. However, if there is no secured party involved, the eventual subsequent owner could remove the mobile home from the mobile home park without any liability for rent, except possible recovery under the landlord's lien.

SUMMARY:

If a mobile home is abandoned, or a tenant evicted from the mobile home, and the mobile home is not subject to a mortgage or other security interest held by a third party, the landlord may charge rent and other reasonable expenses to any person who eventually removes the mobile home from the mobile home park. The rent and expenses must be paid prior to removal.

Availability of a landlord's lien is not affected.

EFFECT OF PROPOSED SUBSTITUTE:

The intent is clarified that the bill applies to evictions from mobile home park spaces, not the eviction of tenants from mobile homes who do not own the mobile homes.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Park owners need to be able to recoup the expense of a space being occupied by a mobile home where the tenant has abandoned the mobile home because they were evicted or for other reasons.

TESTIMONY AGAINST:

"Abandonment" is often difficult to determine. The bill is unclear as to the type of situation affected.

TESTIFIED: John Woodring, WMDOA (pro); Paul McWorther, WMDOA (pro); Arnold Livingston, Mobile Homeowners Assn. (con)