

2 **ESHB 1604** - S COMM AMD

3 By Committee on Financial Institutions & Housing

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 59.23.015 and 1993 c 66 s 3 are each amended to read
8 as follows:

9 If a qualified tenant organization gives written notice to the
10 mobile home park owner where the tenants reside that they have a
11 present and continuing desire to purchase the mobile home park, the
12 park may then be sold only according to this chapter. This notice must
13 be given to the mobile home park owner before execution of any sale
14 documents to a third party, including an earnest money agreement or
15 purchase and sale agreement.

16 "Notice" for the purposes of this section means a writing signed by
17 owners of mobile homes located on at least sixty percent of the
18 ((tenants)) occupied lots in the park indicating that they desire to
19 participate in the purchase of the park, and that they are
20 ((contractually)) bound to the qualified tenant organization and to the
21 other signators of the notice to participate by purchasing an ownership
22 interest ((that will entitle them to occupy a mobile home space for the
23 remainder of their life or for a term of at least fifteen years)) in
24 the park.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 59.23 RCW
26 to read as follows:

27 If a mobile home park owner engages a real estate agent, attorney,
28 or other person in a contractual arrangement to sell his or her mobile
29 home park; engages in a discussion with one or more of these
30 individuals regarding the potential sale of his or her mobile home
31 park; or places an advertisement for the sale of his or her mobile home
32 park in a newspaper, newsletter, magazine, trade journal, or other
33 media; the mobile home park owner shall immediately provide written
34 notification of the potential sale of the mobile home park to all
35 tenants of the park.

1 **Sec. 3.** RCW 59.23.025 and 1993 c 66 s 5 are each amended to read
2 as follows:

3 If notice of a desire to purchase has been given under RCW
4 59.23.015, a park owner shall notify the qualified tenant organization
5 that an agreement to purchase and sell has been reached and the terms
6 of the agreement, including the availability and terms of seller
7 financing, before closing a sale with any other person or entity. If,
8 within ((~~thirty~~)) ninety days after the actual notice has been
9 received, the qualified tenant organization tenders to the park owner
10 an amount equal to two percent of the agreed purchase price, refundable
11 only according to this chapter, together with a fully executed purchase
12 and sale agreement at least as favorable to the park owner as the
13 original agreement, the mobile home park owner must sell the mobile
14 home park to the qualified tenant organization. The tenant
15 organization must then close the sale on the same terms as outlined in
16 the original agreement between the park owner and the prospective
17 purchaser. In the case of seller financing, a mobile home park owner
18 may decline to sell the mobile home park to the qualified tenant
19 organization if, based on reasonable and objective evidence, to do so
20 would present a greater financial risk to the seller than would selling
21 on the same terms to the original offeror.

22 If the qualified tenant organization fails to perform under the
23 terms of the agreement the owner may proceed with the sale to any other
24 party at these terms. If the park owner thereafter elects to accept an
25 offer at a price lower than the price specified in the notice, the
26 homeowners will have an additional ten days to meet the price and terms
27 and conditions of this lower offer by executing a contract. If the
28 qualified tenant organization fails to perform following two such
29 opportunities, the park owner shall be free for a period of twenty-four
30 months to execute a sale of the park to any other party.

31 A mobile home park owner who enters into a signed agreement to
32 sell or transfer the ownership of the mobile home park to a relative or
33 a legal entity composed of relatives or established for the benefit of
34 relatives of the mobile home park owner, who signs an agreement stating
35 the intention to maintain the property as a mobile home park is
36 exempted from the requirements of this section and RCW 59.23.030.

37 **Sec. 4.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read
38 as follows:

1 (1) In order to provide general assistance to mobile home resident
2 organizations, park owners, and landlords and tenants, the department
3 shall establish an office of mobile home affairs which will serve as
4 the coordinating office within state government for matters relating to
5 mobile homes or manufactured housing.

6 This office will provide an ombudsman service to mobile home park
7 owners and mobile home tenants with respect to problems and disputes
8 between park owners and park residents and to provide technical
9 assistance to resident organizations or persons in the process of
10 forming a resident organization pursuant to chapter 59.22 RCW. The
11 office will keep records of its activities in this area.

12 (2) The office shall perform all the consumer complaint and related
13 functions of the state administrative agency that are required for
14 purposes of complying with the regulations established by the federal
15 department of housing and urban development for manufactured housing,
16 including the preparation and submission of the state administrative
17 plan.

18 (3) The office shall administer the mobile home relocation
19 assistance program established in chapter 59.21 RCW, including
20 verifying the eligibility of tenants for relocation assistance.

21 (4) The office may provide information to tenants located in mobile
22 home parks in this state regarding the legal right of tenants to
23 purchase a mobile home park, as provided for in chapter 59.23 RCW."

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27 On page 1, line 2 of the title, after "organizations;" strike the
28 remainder of the title and insert "amending RCW 59.23.015, 59.23.025,
29 and 59.22.050; and adding a new section to chapter 59.23 RCW."

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