

2 SSB 6687 - S AMD - 709
3 By Senators Prentice and Winsley

4
5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The purpose of this chapter is to establish
8 a registration program for mobile home parks in the state owned by
9 entities not domiciled within this state.

10 NEW SECTION. **Sec. 2.** Unless the context clearly requires
11 otherwise, the definitions in this section apply throughout this
12 chapter.

13 (1) "Department" means the department of community, trade, and
14 economic development.

15 (2) "Director" means the director of the department of community,
16 trade, and economic development.

17 (3) "Mobile home park" has the same meaning as in RCW 59.20.030.

18 NEW SECTION. **Sec. 3.** A mobile home park owned by a person,
19 partnership, corporation, or other entity not domiciled in this state
20 shall not operate in this state without first registering with the
21 department to do business as a mobile home park on a form approved by
22 the department. The form shall include a sworn affidavit that the
23 owner of the park has read and is familiar with the mobile home
24 landlord-tenant act, chapter 59.20 RCW, has supplied a copy of the act
25 to the resident manager of the park, and has determined that the park
26 manager knows and understands the provisions of the mobile home
27 landlord-tenant act.

28 NEW SECTION. **Sec. 4.** The department has the power to enforce and
29 ensure compliance with the provisions of this chapter relating to the
30 registration of mobile home parks.

31 NEW SECTION. **Sec. 5.** If the department has reasonable cause to
32 believe that a violation of this chapter has occurred, the department

1 may institute enforcement proceedings in its own name against any out-
2 of-state mobile home park owner as follows:

3 (1) The department may issue an order requiring the owner to cease
4 and desist from the unlawful practice and take such affirmative action
5 as in the judgment of the department will carry out the purposes of
6 this chapter;

7 (2) The department may bring an action in superior court for
8 declaratory relief or injunctive relief; or

9 (3) The department may impose a civil penalty against an owner for
10 any violation of this chapter that does not exceed one thousand dollars
11 per violation. If an owner fails to pay the civil penalty, the
12 department may issue an order directing that the owner cease and desist
13 from further operation of the mobile home park until such time as the
14 civil penalty is paid or pursue enforcement of the penalty in a court
15 of competent jurisdiction. Any action commenced by the department
16 shall be brought in the county in which the department has its
17 executive offices or in the county where the violation occurred. A
18 resident or tenant living in a mobile home park or renting a home in a
19 mobile home park may institute an action in the appropriate court
20 against a mobile home park owner to enforce this chapter. In any
21 action brought to enforce this chapter the prevailing party shall be
22 awarded his or her reasonable attorneys' fees and costs.

23 **Sec. 6.** RCW 59.20.090 and 1980 c 152 s 2 are each amended to read
24 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)) a different specified term is agreed upon((÷or

30 (b) ~~The landlord serves notice of termination without cause upon~~
31 ~~the tenant prior to the expiration of the rental agreement: PROVIDED,~~
32 ~~That under such circumstances, at the expiration of the prior rental~~
33 ~~agreement the tenant shall be considered a month-to-month tenant upon~~
34 ~~the same terms as in the prior rental agreement until the tenancy is~~
35 ~~terminated)).~~

36 (2) A landlord seeking to increase the rent upon expiration of the
37 term of a rental agreement of any duration shall notify the tenant in
38 writing three months prior to the effective date of any increase in

1 ~~rent((: PROVIDED, That if a landlord serves a tenant with notice of a~~
2 ~~rental increase at the same time or subsequent to serving the tenant~~
3 ~~with notice of termination without cause, such rental increase shall~~
4 ~~not become effective until the date the tenant is required to vacate~~
5 ~~the leased premises pursuant to the notice of termination or three~~
6 ~~months from the date notice of rental increase is served, whichever is~~
7 ~~later)).~~

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

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

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

21 NEW SECTION. **Sec. 7.** A new section is added to chapter 59.20 RCW
22 to read as follows:

23 The legislature finds that the practices covered by this chapter
24 are matters vitally affecting the public interest for the purpose of
25 applying the consumer protection act, chapter 19.86 RCW. A violation
26 of this chapter is not reasonable in relation to the development and
27 preservation of business and is an unfair or deceptive act in trade or
28 commerce and an unfair method of competition for the purpose of
29 applying the consumer protection act, chapter 19.86 RCW.

30 NEW SECTION. **Sec. 8.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act constitute
35 a new chapter in Title 18 RCW.

1 **Sec. 10.** RCW 59.20.170 and 1979 ex.s. c 186 s 12 are each amended
2 to read as follows:

3 All moneys paid to the landlord by the tenant as a deposit as
4 security for performance of the tenant's obligations in a rental
5 agreement shall promptly be deposited by the landlord in a trust
6 account, maintained by the landlord for the purpose of holding such
7 security deposits for tenants of the landlord, in a bank, savings and
8 loan association, mutual savings bank, or licensed escrow agent located
9 in Washington. Unless otherwise agreed in writing, the landlord shall
10 be entitled to receipt of interest paid on such trust account deposits,
11 except that if the amount required to be paid to the landlord as
12 security for performance or indemnification for damages to the mobile
13 home space is equal to or greater than two months rent, the interest
14 paid on the trust account shall be paid to the tenant or tenant's
15 estate at the termination of the tenancy. The landlord shall provide
16 the tenant with a written receipt for the deposit and shall provide
17 written notice of the name and address and location of the depository
18 and any subsequent change thereof. If during a tenancy the status of
19 landlord is transferred to another, any sums in the deposit trust
20 account affected by such transfer shall simultaneously be transferred
21 to an equivalent trust account of the successor landlord, and the
22 successor landlord shall promptly notify the tenant of the transfer and
23 of the name, address and location of the new depository. The tenant's
24 claim to any moneys paid under this section shall be prior to that of
25 any creditor of the landlord, including a trustee in bankruptcy or
26 receiver, even if such moneys are commingled.

27 NEW SECTION. **Sec. 11.** The committee on financial institutions,
28 insurance and housing shall conduct a study on the following mobile
29 home park issues:

30 (1) Remedies available to landlords or tenants when their rights
31 under the mobile home landlord-tenant act are violated; (2) problems
32 connected with abandoned mobile homes; (3) rent levels and rates of
33 increase; and (4) other issues identified in the course of the study.

34 The committee shall consult park owner organizations, tenant's
35 organizations, and seek the assistance of state agency and local
36 government officials who have responsibility for mobile home park
37 matters. The committee shall report its findings and recommendations
38 to the full senate by December 31, 1998."

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4 On page 1, line 1 of the title, after "relations;" strike the
5 remainder of the title and insert "amending RCW 59.20.090 and
6 59.20.170; adding a new section to chapter 59.20 RCW; adding a new
7 chapter to Title 18 RCW; creating a new section; and prescribing
8 penalties."

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