

SENATE BILL REPORT

SB 5161

As of January 27, 1997

Title: An act relating to mobile homes.

Brief Description: Selling mobile home tenant property after an eviction or abandonment.

Sponsors: Senators Swecker and Bauer.

Brief History:

Committee Activity: Financial Institutions, Insurance & Housing: 1/28/97; 1/30/97.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, INSURANCE & HOUSING

Staff: David Cheal (786-7576)

Background: Tenants in mobile home parks occasionally abandon their mobile homes or other personal property, such as sheds, vehicles or property within a mobile home. Sometimes this is in connection with an eviction.

In the event of an abandonment, the rights of the park owner or other parties who may have an interest in the mobile home or other abandoned property are not clear.

Summary of Bill: Landlords are given authority to sell an abandoned mobile home or other personal property, or may have it removed from the park. The mobile home or other property may be sold at public auction after notifying any owner or lienholder of record, posting a notice on the mobile home and publication in a newspaper of general circulation.

Prior to sale, an owner or lienholder may regain possession of the mobile home or other property by paying to the landlord all charges and fees incurred by the landlord in connection with the mobile home to the point of payment, and making arrangements for removal.

Proceeds from a sale are applied first to the payment of any lienholder with a security interest, then payment of charges, attorneys' fees and costs to the park owner. Any remaining balance is paid to an owner of the property, if the owner can be found with reasonable effort within one year from the date of the sale. If the owner cannot be found, the balance is paid to the Department of Revenue. Park owners may seek a deficiency from the owner of the mobile home or other personal property if the sale does not produce enough to cover applicable charges, attorneys' fees and costs.

If no one purchases the mobile home or if it is not removed pursuant to an agreement with the landlord within ten days of the sale, ownership reverts to the landlord.

Appropriation: None.

Fiscal Note: Requested on January 27, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.