

# SENATE BILL REPORT

## SB 6687

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As of February 2, 1998

**Title:** An act relating to mobile home park landlord-tenant relations.

**Brief Description:** Regulating mobile home park landlord-tenant relations.

**Sponsors:** Senators Prentice, Winsley, Hale, Kline, Wood and Finkbeiner.

**Brief History:**

**Committee Activity:** Financial Institutions, Insurance & Housing: 2/3/98.

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, INSURANCE & HOUSING

**Staff:** Dave Cheal (786-7576)

**Background:** There is no accurate and comprehensive list of mobile home parks compiled by any government agency. There is no requirement that park owners or managers have any particular training or familiarity with the Mobile Home Landlord Tenant Act.

Mobile home park tenancies are for a period of one year unless a different term is agreed by the parties. Tenants must be offered a one-year lease. Tenants must be given a one-year notice of park closure.

Mobile home park landlords may not charge a fee for guests unless they stay for more than 15 days in any 60-day period.

A tenant may be evicted from a mobile home park only for the reasons stated in the statute.

Mobile home park landlords may charge a security deposit to ensure performance of the tenant's obligations and to indemnify the landlord for damage to the mobile home space for which the tenant is responsible.

The Washington State Supreme Court has determined that the Consumer Protection Act does not apply to the business of being a landlord. The case involved an apartment rental.

**Summary of Bill:** Mobile home parks must register with the Department of Community, Trade, and Economic Development. Registration includes an affidavit that the owner of the park has read and is familiar with the Mobile Home Landlord-Tenant Act, and has determined that the resident manager knows and understands the provisions of the act.

Enforcement power for the registration requirement is given to the department. Residents are given a right of action to enforce this obligation.

The one-year lease requirement for mobile home park tenancies is increased to five years.

Mobile home park landlords are prohibited from charging a fee for guests, regardless of the length of stay. However, landlords may establish rules for increased utility charges incurred by guests that reside for longer than 30 days, if any utilities are billed to the park on a single billing and prorated among all tenants.

Remaining references to evictions without cause are removed.

Security deposits collected from tenants must be placed in an interest-bearing account and the accrued interest paid to the tenant at the termination of the rental agreement, or every five years whichever occurs first. The landlord's right to proceed against the tenant for any amounts due from the tenant not covered by the security deposit is clarified.

The Consumer Protection Act is made applicable to the Mobile Home Landlord-Tenant Act. Anyone suffering damages from a violation of the act is entitled to the remedies of enhanced damages and attorney's fees. The Attorney General also has authority to bring actions for violation of the act.

**Appropriation:** None.

**Fiscal Note:** Requested.

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