

1 **HB 2073** - H AMD

2 By Representative Mulliken

3 Strike everything after the enacting clause and insert the
4 following:

5 "NEW SECTION. Sec.1. A new section is added to chapter 60.72 RCW to read
6 as follows:

7 (1) Any landlord may sell on the mobile home lot or any other location a mobile
8 home, manufactured home, park model, or any other personal property located on the
9 mobile home lot after the tenant has been evicted from the mobile home lot under an
10 unlawful detainer action. A landlord, in the alternative, may have the tenant's mobile
11 home, manufactured home, park model, or any other personal property located on the
12 mobile home lot removed from the park.

13 (2) A mobile home, manufactured home, park model, or any other personal property
14 located on the mobile home lot may be sold at a public auction after the following notice
15 and publication:

16 (a) Notification by first class mail of any owner and any lienholder of record of the
17 mobile home, manufactured home, park model, or personal property;

18 (b) Posting of notice on the mobile home, manufactured home, park model, or
19 personal property and

20 (c) Publication one time in a newspaper of general circulation in the city or county
21 where the mobile home, manufactured home, park model, or personal property is relocated.

22 (3) The notice shall contain the following information:

23 (a) A description of the mobile home, manufactured home, park model, or personal
24 property and the location;

25 (b) The time, date, and location of the public auction and

26 (c) The name, address, and telephone number of the landlord who is selling the
27 mobile home, manufactured home, park model, or personal property.

28 (4) The public auction may be held fifteen days after completion of the notice and
29 publication requirements in subsection (2) and (3) of this section.

30 (5) Prior to the sale at public auction of the mobile home, manufactured home, park
31 model, or personal property, an owner or lienholder of record may regain possession of the

1 mobilehome, manufacturedhome, parkmodel, or personalproperty by the following
2 actions:

3 (a) Making payment to the landlord of all charges to include attorneys fees and
4 costs incurred by the landlord in regard to the mobilehome, manufacturedhome, park
5 model, or personalproperty, and to include any unlawful detainer action and

6 (b) Making arrangements satisfactory with the landlord for the immediate removal
7 of the mobilehome, manufacturedhome, parkmodel, or personalproperty from the mobile
8 home lot.

9 (6) The proceeds of a sale under this section shall be applied first to the payment of
10 any lienholder in the security interest in the mobilehome, manufacturedhome, parkmodel,
11 or personalproperty then to payment of the charges attorneys fees and costs under
12 subsection (5) of this section and then to satisfy any other liens on the mobilehome,
13 manufacturedhome, parkmodel, or personalproperty in order of their priority. The
14 balance, if any, shall be paid to the mobilehome, manufacturedhome, parkmodel, or
15 personalproperty owner. If the owner cannot in the exercise of due diligence be located
16 by the landlord within one year of the date of the sale, the excess funds from the sale shall
17 revert to the department of revenue under chapter 63.29 RCW. If the sale is for a sum less
18 than the applicable charges attorneys fees and costs under subsection (5) of this section,
19 the landlord is entitled to assert a claim for deficiency against the owner of the mobile
20 home, manufacturedhome, parkmodel, or personalproperty.

21 (7) In the event no one purchases the mobilehome, manufacturedhome, parkmodel,
22 or personalproperty at a public auction or the mobilehome, manufacturedhome, park
23 model, or personalproperty is not removed from the lot or other arrangement agreed to
24 by the landlord are not made within ten days of sale, ownership of the mobilehome,
25 manufacturedhome, parkmodel, or personalproperty shall revert to the landlord.

26 (8) The rights granted to a landlord under this section are in addition to any other
27 legal rights a landlord may have and in no manner does this section alter those legal rights.

28 (9) The provisions of this section apply to a mobilehome, manufacturedhome, park
29 model, or any personalproperty that is located on a mobilehome lot that has been
30 abandoned by the tenant. As used in this section, "abandoned" as it relates to a mobile
31 home, manufacturedhome, or parkmodel owned by a tenant in a mobilehome park or any
32 other personalproperty located on the mobilehome lot means the tenant has defaulted in

1 rentand by absenceand by words or actionsreasonablyindicates theintentionnot to
2 continuetenancy."

EFFECT: Clarifies that the sale applies only to mobile homes, manufactured homes, park models, and any other personal property located on the mobile home lot that has been abandoned by the tenant. Defines an abandoned as where the tenant has defaulted on rent and by absence and by words and actions reasonably indicates the intention not to continue tenancy.