

HOUSE BILL REPORT

HB 2073

As Reported by House Committee On: Local Government & Housing

Title: An act relating to sale of a mobile home, manufactured home, park model, or personal property after eviction of the owner from mobile home lot.

Brief Description: Establishing a process for the sale of a mobile home, manufactured home, park model, or personal property after eviction of the owner from mobile home lot.

Sponsors: Representatives Dunn (co-prime sponsor), Fromhold (co-prime sponsor), Eickmeyer, Ogden, Pennington and Morell.

Brief History:

Committee Activity:

Local Government & Housing: 2/26/01 [DP].

Brief Summary of Bill

- Establishes a procedure to allow a mobile home park landlord to either sell or remove a mobile home, manufactured home, park model, or personal property located on a mobile home lot after the tenant has been lawfully evicted.
- Establishes a procedure for notifying the tenant of the proposed public auction and publication of the notice.
- Establishes priority for the disbursement of the proceeds of the sale of residential or personal property at the public auction.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 9 members: Representatives Dunshee, Democratic Co-Chair; Mulliken, Democratic Vice Chair; Mielke, Republican Vice Chair; Berkey, Crouse, Dunn, Edmonds, Jarrett and Kirby.

Minority Report: Do not pass. Signed by 2 members: Representatives DeBolt and Hatfield.

Staff: Kenny Pittman (786-7392).

Background:

The state's Manufactured/Mobile Home Landlord-Tenant Act (Act) regulates the relationship between the owner of the mobile home (tenant) and the owner of the mobile home park (landlord). The Act specifies duties that are the responsibility of the tenant and the landlord, such as the landlord's duty to maintain the common areas of the mobile home park free of weeds and garbage, and the tenant's duty to make rent payments within an agreed upon time period. If the provisions of the lease agreement are violated, the Act contains procedures for the termination of the tenant's tenancy and subsequent eviction of the tenant from the mobile home park.

Summary of Bill:

A mobile home park landlord may: (1) sell a mobile home, manufactured home, park model (residential property), or any other personal property located on a mobile home lot after the tenant has been evicted from the mobile home lot under an unlawful detainer action; or (2) have the tenant's residential property, or any other personal property located on the mobile home lot removed from the mobile home park.

The residential property, or any other personal property located on a mobile home lot may be sold at a public auction following required notice and publication. The notification must: (1) be sent by first class mail to any owner and lienholder of record; (2) be posted on the residential property, or personal property; and (3) be published one time in a newspaper of general circulation where the residential property, or personal property is located.

The notice is required to contain: (1) a description of the residential or personal property; (2) the time, date, and location of the public auction; and (3) the name, address, and telephone of the landlord selling the residential or personal property.

The public auction may be held 15 days after completion of the notice and publication requirements have been met. An owner or lienholder of record may regain possession of the residential or personal property prior to the public auction by: (1) making payment to the landlord to cover costs and attorney fees; and (2) making arrangements for the immediate removal of the residential or personal property from the mobile home lot.

All proceeds from the sale of residential or personal property by the mobile home park landlord must be applied: (1) first, to satisfy any lienholder of the residential or personal property; (2) second, to satisfy charges, attorneys' fees, and approved costs incurred by the mobile home park owner; and (3) third, to satisfy any other liens on the residential or personal property in order of priority.

Any remaining funds must be paid to the owner of the residential or personal property. If the owner of the residential or personal property cannot be located within one year after the sale, the excess funds must be sent to the Department of Revenue and held as unclaimed property. If the sale generates an amount that does not cover mobile home park landlords' charges, costs and attorney fees, the landlord may make a claim for deficiency against the owner of the residential or personal property.

If the residential or personal property is not purchased at the public auction, or is not removed from the mobile home lot, or arrangements agreed to by the mobile home park landlord are not made within 10 days of the sale, the ownership of the residential or personal property reverts to the mobile home park landlord

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill is the result of three years of working to address the problem of tenants that leave their mobile homes after they have been evicted by the mobile home park owner. The process that is established will help the mobile home park owner remove those mobile homes where the tenant has abandoned it and does not plan to return. This will help keep down costs and help lower the expenses involved in the eviction process.

Testimony Against: This bill is not necessary. There is already a legal process to address abandon property and it has worked for years. The proposed bill would create a process that does not provide legal protection for the tenant. The notification and public auction process outlined in the bill does not provide adequate notice to the mobile home owner whose property is at risk of being sold or moved.

Testified: (In support) John Woodring, Manufactured Housing Community of Washington.

(Opposed) Debbie Wilke, Washington Association of County Officials; and Kevin Fagerstrom, King County Sherriff's Office.