
HOUSE BILL 2698

State of Washington 61st Legislature 2010 Regular Session

By Representatives Roach and Hurst

Read first time 01/12/10. Referred to Committee on Judiciary.

1 AN ACT Relating to notice requirements for landlords of
2 manufactured/mobile homes with stick-built garages and raised
3 ridgelines; amending RCW 59.20.030 and 59.20.080; and adding a new
4 section to chapter 59.20 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.20 RCW
7 to read as follows:

8 For manufactured/mobile homes with stick-built garages and raised
9 ridgelines on the roofs that were built, required to be built, or
10 otherwise approved by the landlord, the following conditions apply:

11 (1) The landlord shall provide the tenants with a minimum of
12 twenty-four months' notice when there will be a change of land use of
13 the mobile home park including, but not limited to, a conversion to a
14 use other than for a mobile home park cooperative or mobile home park
15 subdivision.

16 (2) A notice of sale must be delivered to the tenants ninety days
17 before the landlord advertises or lists, or a public notice advertises,
18 that a manufactured/mobile home community is for sale.

1 **Sec. 2.** RCW 59.20.030 and 2008 c 116 s 2 are each amended to read
2 as follows:

3 For purposes of this chapter:

4 (1) "Abandoned" as it relates to a mobile home, manufactured home,
5 or park model owned by a tenant in a mobile home park, mobile home park
6 cooperative, or mobile home park subdivision or tenancy in a mobile
7 home lot means the tenant has defaulted in rent and by absence and by
8 words or actions reasonably indicates the intention not to continue
9 tenancy;

10 (2) "Eligible organization" includes local governments, local
11 housing authorities, nonprofit community or neighborhood-based
12 organizations, federally recognized Indian tribes in the state of
13 Washington, and regional or statewide nonprofit housing assistance
14 organizations;

15 (3) "Housing authority" or "authority" means any of the public body
16 corporate and politic created in RCW 35.82.030;

17 (4) "Landlord" means the owner of a mobile home park and includes
18 the agents of a landlord;

19 (5) "Local government" means a town government, city government,
20 code city government, or county government in the state of Washington;

21 (6) "Manufactured home" means a single-family dwelling built
22 according to the United States department of housing and urban
23 development manufactured home construction and safety standards act,
24 which is a national preemptive building code. A manufactured home
25 also: (a) Includes plumbing, heating, air conditioning, and electrical
26 systems; (b) is built on a permanent chassis; and (c) can be
27 transported in one or more sections with each section at least eight
28 feet wide and forty feet long when transported, or when installed on
29 the site is three hundred twenty square feet or greater;

30 (7) "Manufactured/mobile home" means either a manufactured home or
31 a mobile home;

32 (8) "Mobile home" means a factory-built dwelling built prior to
33 June 15, 1976, to standards other than the United States department of
34 housing and urban development code, and acceptable under applicable
35 state codes in effect at the time of construction or introduction of
36 the home into the state. Mobile homes have not been built since the
37 introduction of the United States department of housing and urban
38 development manufactured home construction and safety act;

1 (9) "Mobile home lot" means a portion of a mobile home park or
2 manufactured housing community designated as the location of one mobile
3 home, manufactured home, or park model and its accessory buildings, and
4 intended for the exclusive use as a primary residence by the occupants
5 of that mobile home, manufactured home, or park model;

6 (10) "Mobile home park," "manufactured housing community," or
7 "manufactured/mobile home community" means any real property which is
8 rented or held out for rent to others for the placement of two or more
9 mobile homes, manufactured homes, or park models for the primary
10 purpose of production of income, except where such real property is
11 rented or held out for rent for seasonal recreational purpose only and
12 is not intended for year-round occupancy;

13 (11) "Mobile home park cooperative" or "manufactured housing
14 cooperative" means real property consisting of common areas and two or
15 more lots held out for placement of mobile homes, manufactured homes,
16 or park models in which both the individual lots and the common areas
17 are owned by an association of shareholders which leases or otherwise
18 extends the right to occupy individual lots to its own members;

19 (12) "Mobile home park subdivision" or "manufactured housing
20 subdivision" means real property, whether it is called a subdivision,
21 condominium, or planned unit development, consisting of common areas
22 and two or more lots held for placement of mobile homes, manufactured
23 homes, or park models in which there is private ownership of the
24 individual lots and common, undivided ownership of the common areas by
25 owners of the individual lots;

26 (13) "Notice of sale" means a notice required under RCW 59.20.300
27 to be delivered to all tenants of a manufactured/mobile home community
28 and other specified parties within fourteen days after the date on
29 which any advertisement, multiple listing, or public notice advertises
30 that a manufactured/mobile home community is for sale, or as required
31 in section 1(2) of this act;

32 (14) "Park model" means a recreational vehicle intended for
33 permanent or semi-permanent installation and is used as a primary
34 residence;

35 (15) "Qualified sale of manufactured/mobile home community" means
36 the sale, as defined in RCW 82.45.010, of land and improvements
37 comprising a manufactured/mobile home community that is transferred in

1 a single purchase to a qualified tenant organization or to an eligible
2 organization for the purpose of preserving the property as a
3 manufactured/mobile home community;

4 (16) "Qualified tenant organization" means a formal organization of
5 tenants within a manufactured/mobile home community, with the only
6 requirement for membership consisting of being a tenant;

7 (17) "Recreational vehicle" means a travel trailer, motor home,
8 truck camper, or camping trailer that is primarily designed and used as
9 temporary living quarters, is either self-propelled or mounted on or
10 drawn by another vehicle, is transient, is not occupied as a primary
11 residence, and is not immobilized or permanently affixed to a mobile
12 home lot;

13 (18) "Tenant" means any person, except a transient, who rents a
14 mobile home lot;

15 (19) "Transient" means a person who rents a mobile home lot for a
16 period of less than one month for purposes other than as a primary
17 residence;

18 (20) "Occupant" means any person, including a live-in care
19 provider, other than a tenant, who occupies a mobile home, manufactured
20 home, or park model and mobile home lot.

21 **Sec. 3.** RCW 59.20.080 and 2003 c 127 s 4 are each amended to read
22 as follows:

23 (1) A landlord shall not terminate or fail to renew a tenancy of a
24 tenant or the occupancy of an occupant, of whatever duration except for
25 one or more of the following reasons:

26 (a) Substantial violation, or repeated or periodic violations of
27 the rules of the mobile home park as established by the landlord at the
28 inception of the tenancy or as assumed subsequently with the consent of
29 the tenant or for violation of the tenant's duties as provided in RCW
30 59.20.140. The tenant shall be given written notice to cease the rule
31 violation immediately. The notice shall state that failure to cease
32 the violation of the rule or any subsequent violation of that or any
33 other rule shall result in termination of the tenancy, and that the
34 tenant shall vacate the premises within fifteen days: PROVIDED, That
35 for a periodic violation the notice shall also specify that repetition
36 of the same violation shall result in termination: PROVIDED FURTHER,
37 That in the case of a violation of a "material change" in park rules

1 with respect to pets, tenants with minor children living with them, or
2 recreational facilities, the tenant shall be given written notice under
3 this chapter of a six month period in which to comply or vacate;

4 (b) Nonpayment of rent or other charges specified in the rental
5 agreement, upon five days written notice to pay rent and/or other
6 charges or to vacate;

7 (c) Conviction of the tenant of a crime, commission of which
8 threatens the health, safety, or welfare of the other mobile home park
9 tenants. The tenant shall be given written notice of a fifteen day
10 period in which to vacate;

11 (d) Failure of the tenant to comply with local ordinances and state
12 laws and regulations relating to mobile homes, manufactured homes, or
13 park models or mobile home, manufactured homes, or park model living
14 within a reasonable time after the tenant's receipt of notice of such
15 noncompliance from the appropriate governmental agency;

16 (e) Change of land use of the mobile home park including, but not
17 limited to, conversion to a use other than for mobile homes,
18 manufactured homes, or park models or conversion of the mobile home
19 park to a mobile home park cooperative or mobile home park subdivision:
20 PROVIDED, That the landlord shall give the tenants twelve months'
21 notice, or twenty-four months' notice as required in section 1(1) of
22 this act, in advance of the effective date of such change, except that
23 for the period of six months following April 28, 1989, the landlord
24 shall give the tenants eighteen months' notice in advance of the
25 proposed effective date of such change;

26 (f) Engaging in "criminal activity." "Criminal activity" means a
27 criminal act defined by statute or ordinance that threatens the health,
28 safety, or welfare of the tenants. A park owner seeking to evict a
29 tenant or occupant under this subsection need not produce evidence of
30 a criminal conviction, even if the alleged misconduct constitutes a
31 criminal offense. Notice from a law enforcement agency of criminal
32 activity constitutes sufficient grounds, but not the only grounds, for
33 an eviction under this subsection. Notification of the seizure of
34 illegal drugs under RCW 59.20.155 is evidence of criminal activity and
35 is grounds for an eviction under this subsection. The requirement that
36 any tenant or occupant register as a sex offender under RCW 9A.44.130
37 is grounds for eviction under this subsection. If criminal activity is

1 alleged to be a basis of termination, the park owner may proceed
2 directly to an unlawful detainer action;

3 (g) The tenant's application for tenancy contained a material
4 misstatement that induced the park owner to approve the tenant as a
5 resident of the park, and the park owner discovers and acts upon the
6 misstatement within one year of the time the resident began paying
7 rent;

8 (h) If the landlord serves a tenant three fifteen-day notices
9 within a twelve-month period to comply or vacate for failure to comply
10 with the material terms of the rental agreement or park rules. The
11 applicable twelve-month period shall commence on the date of the first
12 violation;

13 (i) Failure of the tenant to comply with obligations imposed upon
14 tenants by applicable provisions of municipal, county, and state codes,
15 statutes, ordinances, and regulations, including this chapter. The
16 landlord shall give the tenant written notice to comply immediately.
17 The notice must state that failure to comply will result in termination
18 of the tenancy and that the tenant shall vacate the premises within
19 fifteen days;

20 (j) The tenant engages in disorderly or substantially annoying
21 conduct upon the park premises that results in the destruction of the
22 rights of others to the peaceful enjoyment and use of the premises.
23 The landlord shall give the tenant written notice to comply
24 immediately. The notice must state that failure to comply will result
25 in termination of the tenancy and that the tenant shall vacate the
26 premises within fifteen days;

27 (k) The tenant creates a nuisance that materially affects the
28 health, safety, and welfare of other park residents. The landlord
29 shall give the tenant written notice to cease the conduct that
30 constitutes a nuisance immediately. The notice must state that failure
31 to cease the conduct will result in termination of the tenancy and that
32 the tenant shall vacate the premises in five days;

33 (l) Any other substantial just cause that materially affects the
34 health, safety, and welfare of other park residents. The landlord
35 shall give the tenant written notice to comply immediately. The notice
36 must state that failure to comply will result in termination of the
37 tenancy and that the tenant shall vacate the premises within fifteen
38 days; or

1 (m) Failure to pay rent by the due date provided for in the rental
2 agreement three or more times in a twelve-month period, commencing with
3 the date of the first violation, after service of a five-day notice to
4 comply or vacate.

5 (2) Within five days of a notice of eviction as required by
6 subsection (1)(a) of this section, the landlord and tenant shall submit
7 any dispute to mediation. The parties may agree in writing to
8 mediation by an independent third party or through industry mediation
9 procedures. If the parties cannot agree, then mediation shall be
10 through industry mediation procedures. A duty is imposed upon both
11 parties to participate in the mediation process in good faith for a
12 period of ten days for an eviction under subsection (1)(a) of this
13 section. It is a defense to an eviction under subsection (1)(a) of
14 this section that a landlord did not participate in the mediation
15 process in good faith.

16 (3) Chapters 59.12 and 59.18 RCW govern the eviction of
17 recreational vehicles, as defined in RCW 59.20.030, from mobile home
18 parks. This chapter governs the eviction of mobile homes, manufactured
19 homes, park models, and recreational vehicles used as a primary
20 residence from a mobile home park.

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