

SENATE BILL REPORT

ESSB 5433

As Passed Senate, March 1, 2011

Title: An act relating to a landlord's duty to maintain common areas, roads, and trees in manufactured/mobile home communities.

Brief Description: Modifying landlord responsibilities in manufactured/mobile home communities.

Sponsors: Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Fraser, Conway, Kastama, Keiser, Chase, Rockefeller, McAuliffe and Nelson).

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 2/08/11, 2/16/11 [DPS].
Passed Senate: 3/01/11, 46-3.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Majority Report: That Substitute Senate Bill No. 5433 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Prentice, Vice Chair; Benton, Ranking Minority Member; Fain, Haugen, Keiser and Litzow.

Staff: Edward Redmond (786-7471)

Background: Manufactured/mobile home communities are governed by the Manufactured/Mobile Home Landlord-Tenant Act (Act). The Act outlines the rights and responsibilities of manufactured/mobile home landlords and tenants including rental agreements; prohibited acts by the landlord; sale, closure, or conversion of the mobile home park; tenant's rights in the event of proposed sale, closure, or conversion; grounds for termination of tenancy; maintenance responsibilities; and health and sanitation.

Summary of Engrossed Substitute Bill: The duties of a manufactured/mobile home community landlord are amended. The landlord must (1) keep vacant mobile home lots reasonably clean, sanitary, and safe from defects; (2) keep in good condition or remove all trees that were not planted by the current tenant; and (3) take reasonable steps to prevent the accumulation of water, snow, or ice on roads within the mobile home park.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: The bill helps to resolve ambiguities regarding such issues as the responsibility of maintaining trees, roads, and common areas; contract and termination notice rights; and community benefits. The bill will help the Attorney General's Office conduct their dispute resolution program more effectively and enforce good business practices. Amongst other clarifications, the bill amends the park model definition to make sure that the people who live in park models are covered by the dispute resolution program. Trees should be maintained in good condition to prevent them from damaging the mobile homes.

CON: The bill does not adequately address the issues that are raised by the proponents. The bill requires that all tenants agree on a rule; this will have an unintended consequence where one tenant may disagree, and then the rule will not apply uniformly. The definition of park model has never been raised as an issue; so it should not be changed. Adding the word substantively in the three strikes provision will inject ambiguity in the statute as the word is not defined and will be open to subjective interpretation.

Persons Testifying: PRO: Don Carlson, Association of Manufactured Home Owners; Ishbel Dickens, Manufactured Home Owners Association of America; Randy Chapman, citizen; Judith White, Manufactured Home Owners.

CON: John Woodring, Walt Olsen, Manufactured Housing Communities of Washington; Robert Cochran, Contempo Mobile Home Park.