

# SENATE BILL REPORT

## SB 5217

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As of February 5, 2015

**Title:** An act relating to the maintenance of manufactured home title and registration certificates by tenants under the manufactured/mobile home landlord-tenant act.

**Brief Description:** Concerning the maintenance of manufactured home title and registration certificates by tenants under the manufactured/mobile home landlord-tenant act.

**Sponsors:** Senators Benton and Warnick.

**Brief History:**

**Committee Activity:** Financial Institutions & Insurance: 1/28/15.

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

**Staff:** Shani Bauer (786-7468)

**Background:** Under the Manufactured/Mobile Home Landlord Tenant Act (Act), a tenant who rents a mobile home lot is required to:

- pay the rent as required by the rental agreement or as required by law;
- comply with the rental agreement and all applicable local, state, and federal laws;
- keep the lot in a clean and sanitary condition;
- dispose of garbage and rubbish in a clean and sanitary manner, and at regular intervals;
- absorb the cost of fumigation and/or extermination for infestations caused by the tenant on the tenant's premises.

Likewise, the tenant is prohibited from:

- intentionally damaging, destroying, or defacing park property or allowing a family member or guest to do so;
- using the property in a way that annoys, disturbs, or endangers the health of other property users;
- engaging in drug-related activities.

Violation of the any of the above duties may subject the tenant to termination and eviction from the premises. The landlord must give written notice to the tenant specifying the infraction and giving the tenant 15 days to comply or move out.

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*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.*

A person attempting to avail themselves of the rights and remedies under the Act has an obligation to act in good faith in performing their respective duties and responsibilities under the Act.

Manufactured homes that are not affixed to land owned by the homeowner are registered through the Department of Licensing and are transferred through a certificate of title. Titles may be transferred similarly to a vehicle, with the registered owner signing the certificate of title releasing the owner's interest.

**Summary of Bill:** A tenant who rents a manufactured home lot has a duty to keep the registration and certificate of title to the manufactured home on the leased premises and to produce the registration and certificate for inspection upon request by the landlord. A tenant is presumed to have violated the obligation to act in good faith if the tenant transfers a title to a manufactured home without prior notification to the landlord after an eviction process has commenced.

**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:** PRO: The purpose of this legislation is to address issues where the owner is required to occupy the home, yet they have authorized someone else to live on the premises. Landlords need to be able to see the certificate of title to prove that the person leasing the premises actually owns the home. A relocation fee and taxes are generated by the sale of home, so many times people avoid changing the title. The second part of the bill addresses the situation where the eviction process is underway and the owner transfers the title to someone else to avoid the eviction.

CON: Many people keep their certificate of title in a safety deposit box and not on the premises. Landlords do not need another silly reason to hand out an eviction notice. They do that enough already. There is no good reason why the landlord would need to see the title. This bill creates several problems for homeowners. It assumes that tenant keeps title on the premises and that they were given title at the time of purchase. Many times the title was not forthcoming at the time of transfer. The Attorney General's Office receives at least three calls per week from people in manufactured homes who do not have their title. It is a lengthy process to run down. In most cases, it is the landlord or a prior landlord who did not appropriately transfer title. The provision regarding the violation of good faith for selling a home during the eviction process is not needed. A new buyer has no authority to live on a lot if the buyer does not have the agreement of the landlord. Under current law, the tenant is under an obligation to notify the landlord of the sale; the landlord has 15 days to approve or disapprove. A fraudulent transfer is already provided for in statute.

**Persons Testifying:** PRO: Robert Cochran, Contempo Mobile Home Park, Manufactured Housing Communities of WA; Chester Baldwin, Mobile Home Communities of WA.

CON: Birtie Olsen, Ishbel Dickens, Dan Young, Don Carlson, Assn. of Manufactured Home Owners; Jennifer Steele, Attorney General's Office; Rory O'Sullivan, Housing Justice Project.