

SENATE BILL REPORT

SB 6546

As of February 4, 2016

Title: An act relating to actual utility costs of a landlord under the manufactured/mobile home landlord-tenant act.

Brief Description: Clarifying actual utility costs of a landlord under the manufactured/mobile home landlord-tenant act.

Sponsors: Senators Roach and Hobbs.

Brief History:

Committee Activity: Financial Institutions & Insurance: 2/03/16.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS & INSURANCE

Staff: Shani Bauer (786-7468)

Background: The Manufactured/Mobile Home Landlord Tenant Act (MMHLTA) governs the legal rights, remedies, and obligations arising from a rental agreement between a landlord and a tenant of a mobile home lot. MMHLTA covers issues such as the required contents of rental agreements, duties of landlords and tenants, grounds for termination of tenancy, and rules with respect to the transfer of the rental agreement.

The landlord has a duty to maintain the common premises of the mobile home park and any vacant mobile home lots. As part of the duty to maintain, the landlord has an obligation to maintain all utilities provided to the mobile home in good working condition. The maintenance responsibility is determined at the point where the mobile home hook-ups connect to those provided by the landlord or utility company.

In addition to specified duties, the MMHLTA prohibits a landlord from engaging in specified conduct such as denying the tenant the right to sell a manufactured home or prohibiting tenant meetings to discuss mobile home living affairs. A landlord also may not charge a tenant a utility fee in excess of actual utility costs or intentionally cause the interruption of any tenant's utility services except as necessary for a reasonable duration to make necessary repairs.

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.

Summary of Bill: The actual utility costs that a landlord may charge a tenant include all expenses incurred by the landlord to provide the utility to the tenant, including repair, replacement, maintenance, and administrative expense.

This act is remedial and curative in nature and applies retroactively.

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: CON: It is unclear what homeowners are paying a landlord for if they are also required to pay the maintenance costs of the utility system. What is to stop a landlord from charging for other maintenance costs such as landscaping or road maintenance? This bill allows a landlord to charge additional fees without due process. This could have serious consequences for mobile home owners. Many owners struggle with the cost of owning a manufactured home. A mobile home owner signs a one year lease to guarantee the cost of rent over the next year. A homeowner can also control the cost of utilities because he or she can only be charged for the actual cost used. This bill allows a landlord to pass through virtually any cost of a utility onto the mobile home owner. There is no way for the individual homeowner to control or have an idea of what their expenses are going to be.

Persons Testifying: CON: Rory O'Sullivan, Managing Attorney, Housing Justice Project, King County Bar Association; Ishbel Dickens, NMHOA.

Persons Signed In To Testify But Not Testifying: PRO: Walt Olsen, Manufactured Housing Communities of Washington; Craig Hillis, Chester Baldwin, Manufactured housing communities of WA.

CON: Jan Sylvester, MHOA/Secretary and District Director; Robert Ashmore, MHOA; Judith White, MHOA-Board Member; Gregory Provenzano, Columbia Legal Services.