
SENATE BILL 5217

State of Washington

64th Legislature

2015 Regular Session

By Senators Benton and Warnick

Read first time 01/15/15. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to the maintenance of manufactured home title and
2 registration certificates by tenants under the manufactured/mobile
3 home landlord-tenant act; and amending RCW 59.20.140 and 59.20.080.

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

5 **Sec. 1.** RCW 59.20.140 and 2010 c 8 s 19035 are each amended to
6 read as follows:

7 It shall be the duty of the tenant to pay the rental amount at
8 such times and in such amounts as provided for in the rental
9 agreement or as otherwise provided by law and comply with all
10 obligations imposed upon tenants by applicable provisions of all
11 municipal, county, and state codes, statutes, ordinances, and
12 regulations, and in addition the tenant shall:

13 (1) Keep the mobile home lot which he or she occupies and uses as
14 clean and sanitary as the conditions of the premises permit;

15 (2) Properly dispose of all rubbish, garbage, and other organic
16 or flammable waste, in a clean and sanitary manner at reasonable and
17 regular intervals, and assume all costs of extermination and
18 fumigation for infestation caused by the tenant on the tenant's
19 leased premises;

20 (3) Not intentionally or negligently destroy, deface, damage,
21 impair, or remove any facilities, equipment, furniture, furnishings,

1 fixtures, or appliances provided by the landlord, or permit any
2 member of his or her family, invitee, or licensee, or any person
3 acting under his or her control to do so;

4 (4) Not permit a nuisance or common waste; (~~and~~)

5 (5) Not engage in drug-related activities as defined in RCW
6 59.20.080; and

7 (6) Have and maintain, during the rental agreement period, the
8 registration certificate and certificate of title issued by the
9 department of licensing to the manufactured home on the leased
10 premises and to produce the registration certificate or certificate
11 of title, or both, for inspection by the landlord upon request.

12 **Sec. 2.** RCW 59.20.080 and 2012 c 213 s 4 are each amended to
13 read as follows:

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

17 (a) Substantial violation, or repeated or periodic violations, of
18 an enforceable rule of the mobile home park as established by the
19 landlord at the inception of the tenancy or as assumed subsequently
20 with the consent of the tenant or for violation of the tenant's
21 duties as provided in RCW 59.20.140. The tenant shall be given
22 written notice to cease the rule violation immediately. The notice
23 shall state that failure to cease the violation of the rule or any
24 subsequent violation of that or any other rule shall result in
25 termination of the tenancy, and that the tenant shall vacate the
26 premises within fifteen days: PROVIDED, That for a periodic violation
27 the notice shall also specify that repetition of the same violation
28 shall result in termination: PROVIDED FURTHER, That in the case of a
29 violation of a "material change" in park rules with respect to pets,
30 tenants with minor children living with them, or recreational
31 facilities, the tenant shall be given written notice under this
32 chapter of a six month period in which to comply or vacate;

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

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

1 (d) Failure of the tenant to comply with local ordinances and
2 state laws and regulations relating to mobile homes, manufactured
3 homes, or park models or mobile home, manufactured homes, or park
4 model living within a reasonable time after the tenant's receipt of
5 notice of such noncompliance from the appropriate governmental
6 agency;

7 (e) Change of land use of the mobile home park including, but not
8 limited to, conversion to a use other than for mobile homes,
9 manufactured homes, or park models or conversion of the mobile home
10 park to a mobile home park cooperative or mobile home park
11 subdivision. The landlord shall give the tenants twelve months'
12 notice in advance of the effective date of such change;

13 (f) Engaging in "criminal activity." "Criminal activity" means a
14 criminal act defined by statute or ordinance that threatens the
15 health, safety, or welfare of the tenants. A park owner seeking to
16 evict a tenant or occupant under this subsection need not produce
17 evidence of a criminal conviction, even if the alleged misconduct
18 constitutes a criminal offense. Notice from a law enforcement agency
19 of criminal activity constitutes sufficient grounds, but not the only
20 grounds, for an eviction under this subsection. Notification of the
21 seizure of illegal drugs under RCW 59.20.155 is evidence of criminal
22 activity and is grounds for an eviction under this subsection. The
23 requirement that any tenant or occupant register as a sex offender
24 under RCW 9A.44.130 is grounds for eviction of the sex offender under
25 this subsection. If criminal activity is alleged to be a basis of
26 termination, the park owner may proceed directly to an unlawful
27 detainer action;

28 (g) The tenant's application for tenancy contained a material
29 misstatement that induced the park owner to approve the tenant as a
30 resident of the park, and the park owner discovers and acts upon the
31 misstatement within one year of the time the resident began paying
32 rent;

33 (h) If the landlord serves a tenant three fifteen-day notices
34 within a twelve-month period to comply or vacate for failure to
35 comply with the material terms of the rental agreement or an
36 enforceable park rule. The applicable twelve-month period shall
37 commence on the date of the first violation;

38 (i) Failure of the tenant to comply with obligations imposed upon
39 tenants by applicable provisions of municipal, county, and state
40 codes, statutes, ordinances, and regulations, including this chapter.

1 The landlord shall give the tenant written notice to comply
2 immediately. The notice must state that failure to comply will result
3 in termination of the tenancy and that the tenant shall vacate the
4 premises within fifteen days;

5 (j) The tenant engages in disorderly or substantially annoying
6 conduct upon the park premises that results in the destruction of the
7 rights of others to the peaceful enjoyment and use of the premises.
8 The landlord shall give the tenant written notice to comply
9 immediately. The notice must state that failure to comply will result
10 in termination of the tenancy and that the tenant shall vacate the
11 premises within fifteen days;

12 (k) The tenant creates a nuisance that materially affects the
13 health, safety, and welfare of other park residents. The landlord
14 shall give the tenant written notice to cease the conduct that
15 constitutes a nuisance immediately. The notice must describe the
16 nuisance and state (i) what the tenant must do to cease the nuisance
17 and (ii) that failure to cease the conduct will result in termination
18 of the tenancy and that the tenant shall vacate the premises in five
19 days;

20 (l) Any other substantial just cause that materially affects the
21 health, safety, and welfare of other park residents. The landlord
22 shall give the tenant written notice to comply immediately. The
23 notice must describe the harm caused by the tenant, describe what the
24 tenant must do to comply and to discontinue the harm, and state that
25 failure to comply will result in termination of the tenancy and that
26 the tenant shall vacate the premises within fifteen days; or

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

31 (2) Within five days of a notice of eviction as required by
32 subsection (1)(a) of this section, the landlord and tenant shall
33 submit any dispute to mediation. The parties may agree in writing to
34 mediation by an independent third party or through industry mediation
35 procedures. If the parties cannot agree, then mediation shall be
36 through industry mediation procedures. A duty is imposed upon both
37 parties to participate in the mediation process in good faith for a
38 period of ten days for an eviction under subsection (1)(a) of this
39 section. It is a defense to an eviction under subsection (1)(a) of

1 this section that a landlord did not participate in the mediation
2 process in good faith.

3 (3) Chapters 59.12 and 59.18 RCW govern the eviction of
4 recreational vehicles, as defined in RCW 59.20.030, from mobile home
5 parks. This chapter governs the eviction of mobile homes,
6 manufactured homes, park models, and recreational vehicles used as a
7 primary residence from a mobile home park.

8 (4) If the certificate of title to the manufactured home is
9 transferred without prior notification to the landlord after an
10 eviction process has commenced pursuant to this section, the tenant
11 subject to the eviction process is presumed to have violated RCW
12 59.20.020.

--- END ---