

**SHB 1904 - H AMD 999**

By Representative Barkis

1 On page 8, line 40, after "lease" insert "; or  
2 (g) The tenant continues in possession after having received at  
3 least 20 days' advance written notice to vacate when a rent increase  
4 has taken effect as provided in section 1 of this act and the tenant  
5 has not either terminated the tenancy or communicated acceptance of  
6 the rent increase to the landlord"

7

8 On page 14, after line 17, insert the following:

9 "Sec. 7. RCW 59.20.080 and 2019 c 342 s 6 are each amended to  
10 read as follows:

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

14 (a) In accordance with RCW 59.20.045(6), substantial violation,  
15 or repeated or periodic violations, of an enforceable rule of the  
16 mobile home park as established by the landlord at the inception of  
17 or during the tenancy or for violation of the tenant's duties as  
18 provided in RCW 59.20.140. The tenant shall be given written notice  
19 to cease the rule violation immediately. The notice shall state that  
20 failure to cease the violation of the rule or any subsequent  
21 violation of that or any other rule shall result in termination of  
22 the tenancy, and that the tenant shall vacate the premises within  
23 twenty days: PROVIDED, That for a periodic violation the notice  
24 shall also specify that repetition of the same violation shall  
25 result in termination: PROVIDED FURTHER, That in the case of a  
26 violation of a "material change" in park rules with respect to pets,  
27 tenants with minor children living with them, or recreational

1 facilities, the tenant shall be given written notice under this  
2 chapter of a six month period in which to comply or vacate;

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

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

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

15 (e) Change of land use of the mobile home park including, but  
16 not limited to, closure of the mobile home park or conversion to a  
17 use other than for mobile homes, manufactured homes, or park models  
18 or conversion of the mobile home park to a mobile home park  
19 cooperative or mobile home park subdivision. The landlord shall give  
20 the tenants twelve months' notice in advance of the effective date  
21 of such change. The closure notice requirement does not apply if:

22 (i) The mobile home park or manufactured housing community has  
23 been acquired for or is under imminent threat of condemnation;

24 (ii) The mobile home park or manufactured housing community is  
25 sold to an organization comprised of park or community tenants, to a  
26 nonprofit organization, to a local government, or to a housing  
27 authority for the purpose of preserving the park or community; or

28 (iii) The landlord compensates the tenants for the loss of their  
29 homes at their assessed value, as determined by the county assessor  
30 as of the date the closure notice is issued, at any point during the  
31 closure notice period and prior to a change of use or sale of the  
32 property. At such time as the compensation is paid, the tenant shall  
33 be given written notice of at least ninety days in which to vacate,  
34

1 and the tenant shall continue to pay rent for as much time as he or  
2 she remains in the mobile home park or manufactured housing community;

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

18 (g) The tenant's application for tenancy contained a material  
19 misstatement that induced the park owner to approve the tenant as a  
20 resident of the park, and the park owner discovers and acts upon the  
21 misstatement within one year of the time the resident began paying  
22 rent;

23 (h) If the landlord serves a tenant three twenty-day notices,  
24 each of which was valid under (a) of this subsection at the time of  
25 service, within a twelve-month period to comply or vacate for  
26 failure to comply with the material terms of the rental agreement or  
27 an enforceable park rule, other than failure to pay rent by the due  
28 date. The applicable twelve-month period shall commence on the date  
29 of the first violation;

30 (i) Failure of the tenant to comply with obligations imposed  
31 upon tenants by applicable provisions of municipal, county, and  
32 state codes, statutes, ordinances, and regulations, including this  
33 chapter. The landlord shall give the tenant written notice to comply  
34 immediately. The notice must state that failure to comply will

1 result in termination of the tenancy and that the tenant shall  
2 vacate the premises within fifteen days;

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

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

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

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

29 (n) Failure of the tenant to terminate the tenancy or  
30 communicate acceptance of the rent increase prior to a rent increase  
31 taking effect as provided in RCW 59.20.090(4).

32 (2) Within five days of a notice of eviction as required by  
33 subsection (1)(a) of this section, the landlord and tenant shall  
34 submit any dispute to mediation. The parties may agree in writing to

1 mediation by an independent third party or through industry  
2 mediation procedures. If the parties cannot agree, then mediation  
3 shall be through industry mediation procedures. A duty is imposed  
4 upon both parties to participate in the mediation process in good  
5 faith for a period of ten days for an eviction under subsection (1)  
6 (a) of this section. It is a defense to an eviction under subsection  
7 (1)(a) of this section that a landlord did not participate in the  
8 mediation process in good faith.

9 (3) Except for a tenant evicted under subsection (1)(c) or (f)  
10 of this section, a tenant evicted from a mobile home park under this  
11 section shall be allowed one hundred twenty days within which to  
12 sell the tenant's mobile home, manufactured home, or park model in  
13 place within the mobile home park: PROVIDED, That the tenant remains  
14 current in the payment of rent incurred after eviction, and pays any  
15 past due rent, reasonable attorneys' fees and court costs at the  
16 time the rental agreement is assigned. The provisions of RCW  
17 59.20.073 regarding transfer of rental agreements apply.

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

23

24 Correct the title.

EFFECT: Allows a landlord to terminate a tenancy or refuse to  
continue a tenancy if the tenant has not either terminated the  
tenancy or communicated acceptance of the rent increase to the  
landlord after a rent increase over a certain amount has taken  
effect.

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