

~~application therefor))~~ the lease is awarded and a like rental ~~((of fifty cents per acre))~~ annually in advance thereafter so long as such lease remains in force: PROVIDED, That ~~((in the event no lease be issued or the lease when issued includes less acreage than that applied for, such rental shall be returned to the applicant insofar as it pertains to lands not included in such lease.))~~ such rental shall cease at such time as royalty accrues to the state from production from such lease. Commencing with the lease year beginning on or after oil, gas or other hydrocarbon substances are first produced in quantities deemed paying quantities by lessee on the land subject to such lease, lessee shall pay a minimum royalty ~~((of))~~ as set by the board of natural resources but not less than five dollars per acre or fraction thereof at the expiration of each year~~((, or the difference between the actual royalty paid during the year if less than five dollars per acre and the prescribed minimum royalty of five dollars per acre))~~. Royalties payable by the lessee shall be the royalties from production as provided for in RCW 79.14.070 or the minimum royalty provided herein, whichever is greater: PROVIDED, That if such lease is unitized, the minimum royalty shall be payable only on the leased acreage after production is obtained in such paying quantities from such lease.

Passed the House February 27, 1980.

Passed the Senate March 12, 1980.

Approved by the Governor April 1, 1980.

Filed in Office of Secretary of State April 1, 1980.

CHAPTER 152

[Substitute House Bill No. 1988]

MOBILE HOMES—MOVEMENT PERMITS—RENTALS—APPROPRIATION

AN ACT Relating to mobile homes; amending section 2, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.170; amending section 9, chapter 279, Laws of 1977 ex. sess. as amended by section 7, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.090; amending section 3, chapter 279, Laws of 1977 ex. sess. as amended by section 1, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.030; amending section 5, chapter 279, Laws of 1977 ex. sess. as amended by section 3, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.050; amending section 7, chapter 279, Laws of 1977 ex. sess. as amended by section 5, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.070; adding a new section to chapter 59.20 RCW; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 22, Laws of 1977 ex. sess. and RCW 46.44.170 are each amended to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the ~~((highway commission))~~ department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.094 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes due upon the mobile home being moved have been satisfied: **PROVIDED**, That endorsement or certification by the county treasurer is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or his agent to obtain such endorsement from the county treasurer.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The ~~((state highway commission))~~ department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section.

Sec. 2. Section 9, chapter 279, Laws of 1977 ex. sess. as amended by section 7, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.090 are each amended to read as follows:

(1) Unless otherwise agreed rental agreements shall be for a term of one year. Any rental agreement of whatever duration shall be automatically renewed ~~((for an additional six-month term or))~~ for the term of the original rental agreement, ~~((whichever is shorter))~~ unless:

(a) A different specified term is agreed upon; or

(b) The landlord serves notice of termination without cause upon the tenant prior to the expiration of the rental agreement: **PROVIDED**, That under such circumstances, at the expiration of the prior rental agreement the tenant shall be considered a month-to-month tenant upon the same terms as in the prior rental agreement until the tenancy is terminated.

(2) A landlord seeking to increase the rent upon expiration of the term of a rental agreement of any duration shall notify the tenant in writing three months prior to the effective date of any increase in rent: **PROVIDED**, That if a landlord serves a tenant with notice of a rental increase at the same time or subsequent to serving the tenant with notice of termination without cause, such rental increase shall not become effective until the date the tenant is required to vacate the leased premises pursuant to the notice of termination or three months from the date notice of rental increase is served, whichever is later.

(3) A tenant shall notify the landlord in writing one month prior to the expiration of a rental agreement of an intention not to renew.

(4) (a) The tenant may terminate the rental agreement upon thirty days written notice whenever a change in the location of the tenant's employment requires a change in his residence, and shall not be liable for rental following such termination unless after due diligence and reasonable effort the landlord is not able to rent the mobile home lot at a fair rental. If the landlord is not able to rent the lot, the tenant shall remain liable for the rental specified in the rental agreement until the lot is rented or the original term ends;

(b) Any tenant who is a member of the armed forces may terminate a rental agreement with less than thirty days notice if he receives reassignment orders which do not allow greater notice.

Sec. 3. Section 3, chapter 279, Laws of 1977 ex. sess. as amended by section 1, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.030 are each amended to read as follows:

For purposes of this chapter:

(1) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(2) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home;

(3) "Mobile home park" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

(4) "Tenant" means any person, except a transient, who rents a mobile home lot;

(5) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence.

Sec. 4. Section 5, chapter 279, Laws of 1977 ex. sess. as amended by section 3, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.050 are each amended to read as follows:

(1) (~~On and after September 21, 1977;~~) No landlord may offer a mobile home lot for rent to anyone without offering (~~to a prospective tenant~~) a written rental agreement for a term of one year or more. No landlord may offer to (~~a tenant or prospective tenant~~) anyone any rental agreement for a term of one year or more for which the monthly rental is greater, or the terms of payment or other material conditions more burdensome to the tenant, than any month-to-month rental agreement also offered to such tenant or prospective tenant. (~~A prospective tenant~~) Anyone who desires to occupy a mobile home lot for other than a term of one year or more may have the option to be on a month-to-month basis but must waive, in writing, the right to such one year or more term: PROVIDED, That no waiver shall be

valid for a period of more than one year and upon the expiration of any waiver the landlord shall again offer the tenant a term of one year or more. ~~((Except pursuant to such waiver,))~~ No landlord shall allow a mobile home to be moved into a mobile home park in this state until a written rental agreement has been signed by ~~((the landlord and the tenant and a copy provided for the tenant))~~ and is in the possession of the parties: PROVIDED, That if the landlord allows the tenant to move a mobile home into a mobile home park without obtaining a written rental agreement for a term of one year or more, or a written waiver of the right to a one-year term or more, the term of the tenancy shall be deemed to be for one year from the date of occupancy of the mobile home lot;

(2) The requirements of subsection (1) of this section shall not apply if:

(a) The mobile home park or part thereof has been acquired or is under imminent threat of condemnation for a public works project, or

(b) An employer-employee relationship exists between a landlord and tenant;

(3) The provisions of this section shall apply to any tenancy ~~((in existence prior to September 21, 1977,))~~ upon expiration of the term of any oral or written rental agreement governing such tenancy.

Sec. 5. Section 7, chapter 279, Laws of 1977 ex. sess. as amended by section 5, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.070 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home within a park or require the removal of the mobile home from the park solely because of the sale thereof: PROVIDED, That:

(a) ~~((A))~~ Any rental agreement ~~((for a fixed term))~~ shall be assignable by the tenant to any person to whom he sells or transfers title to the mobile home, subject to the approval of the landlord after fifteen days' written notice of such intended assignment;

(b) The assignee of the rental agreement shall assume all the duties and obligations of his assignor for the remainder of the term of the rental agreement unless, by mutual agreement, a new rental agreement is entered into with the landlord; and

(c) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home lot: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) ~~((a))~~ Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

~~((i))~~ (a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

~~((ii))~~ (b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

~~((iii))~~ (c) Filing suit against the landlord for any reason;

~~((iv))~~ (d) Participation or membership in any homeowners association or group;

~~((b) In determining whether an action by a landlord is retaliatory, the presumptions set forth in RCW 59.18.250 shall apply;))~~ or

(5) Charge to any tenant a utility fee in excess of actual utility costs.

NEW SECTION. Sec. 6. There is added to chapter 59.20 RCW a new section to read as follows:

Initiation by the landlord of any action listed in RCW 59.20.070(4) within one hundred twenty days after a good faith and lawful act by the tenant or within one hundred twenty days after any inspection or proceeding of a governmental agency resulting from such act, shall create a rebuttable presumption affecting the burden of proof, that the action is a reprisal or retaliatory action against the tenant: PROVIDED, That if the court finds that the tenant made a complaint or report to a governmental authority within one hundred twenty days after notice of a proposed increase in rent or other action in good faith by the landlord, there is a rebuttable presumption that the complaint or report was not made in good faith: PROVIDED FURTHER, That no presumption against the landlord shall arise under this section, with respect to an increase in rent, if the landlord, in a notice to the tenant of increase in rent, specifies reasonable grounds for said increase, which grounds may include a substantial increase in market value due to remedial action under this chapter. In any action or eviction proceeding where the tenant prevails upon his claim or defense that the landlord has violated this section, the tenant shall be entitled to recover his costs of suit, including a reasonable attorney's fee, and where the landlord prevails upon his claim he shall be entitled to recover his costs of suit, including a reasonable attorney's fee: PROVIDED FURTHER, That neither party may recover attorney's fees to the extent that their legal services are provided at no cost to them.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 8. There is appropriated to the department of transportation from the general fund for the biennium ending June 30, 1981, the sum of five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

Passed the House March 11, 1980.

Passed the Senate March 6, 1980.

Approved by the Governor April 1, 1980.

Filed in Office of Secretary of State April 1, 1980.

CHAPTER 153

[Substitute House Bill No. 1989]

MOBILE HOMES—INSTALLATION SERVICE AND WARRANTY SERVICE—
PILOT VEHICLE INSURANCE—APPROPRIATION

AN ACT Relating to mobile homes; adding new sections to chapter 43.22 RCW; adding a new section to chapter 46.44 RCW; prescribing penalties; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 43.22 RCW a new section to read as follows:

(1) In consultation with the governor's advisory board for mobile homes, the director of labor and industries shall by rule establish minimum standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the federal national mobile home construction and safety standards act of 1974 (42 U.S.C. Sec. 5401 et seq.). The rules may, to the extent deemed necessary by the director, provide for inspection and enforcement of the standards so established, and may permit the director to appoint an agent, or agents, as necessary to provide for the inspections and enforcement.

(2) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the consumer protection act, chapter 19.86 RCW and subject to the remedies provided in that chapter.

NEW SECTION. Sec. 2. There is added to chapter 43.22 RCW a new section to read as follows: