

RCW 59.20.330 Manufactured/mobile home communities—Delivery of notice of opportunity to compete to purchase—Tenant duties—Timelines.

(1) Within 70 days after delivery of the notice of the opportunity to compete to purchase the manufactured/mobile home community described in RCW 59.20.325, if the tenants choose to compete to purchase the manufactured/mobile home community in which the tenants reside, the tenants must notify the owner in writing of:

(a) The tenants' interest in competing to purchase the manufactured/mobile home community;

(b) Their formation or identification of a single qualified tenant organization made up of a majority of the tenants in the community, based on home sites, formed for the purpose of purchasing the manufactured/mobile home community; and

(c) The name and contact information of the representative or representatives of the qualified tenant organization with whom the owner may communicate about the purchase.

(2) The tenants may only have one qualified tenant organization for the purpose of purchasing the manufactured/mobile home community, but they may partner with a nonprofit or a housing authority to act with or for them subject to the same timelines, duties, and obligations that would apply to tenants and qualified tenant organizations under chapter 40, Laws of 2023.

(3) Within 15 days following delivery of the notice in subsection (1) of this section from the tenants to the owner:

(a) The designated representative or representatives of the qualified tenant organization may make a written request to the owner for:

(i) The asking price for the manufactured/mobile home community, if any; and

(ii) Financial information relating to the operating expenses of the manufactured/mobile home community in order to assist them in making an offer to purchase the park;

(b) The owner may make a written request to the designated representative or representatives of the qualified tenant organization for proof of intent to fund a sale;

(c) All written requests made pursuant to this subsection must be fulfilled within 21 days from receipt unless otherwise agreed by the qualified tenant organization and the owner;

(d) Unless waived by the provider, information provided pursuant to this subsection shall be kept confidential, and a list must be created of persons with whom the tenants may share information who will also keep provided information confidential, including any of the following persons that are either seeking to purchase the manufactured/mobile home community on behalf of the tenants or assisting the qualified tenant organization in evaluating or purchasing the manufactured/mobile home community:

(i) A nonprofit organization or a housing authority;

(ii) An attorney or other licensed professional or adviser; and

(iii) A financial institution.

(4) Within 21 days after delivery of the information described in subsection (3)(a) of this section, if the tenants choose to continue competing to purchase the manufactured/mobile home community, the tenants must:

(a) Form a resident nonprofit cooperative that is legally capable of purchasing real property or associate with a nonprofit corporation

or housing authority that is legally capable of purchasing the manufactured/mobile home community in which the tenants reside; and

(b) Submit to the owner a written offer to purchase the manufactured/mobile home community, in the form of a proposed purchase and sale agreement, and either a copy of the articles of incorporation of the corporate entity or other evidence of the legal capacity of the formed or associated corporate entity, nonprofit corporation, or housing authority to purchase real property and the manufactured/mobile home community.

(5) (a) Within 10 days of receiving the tenants' purchase and sale agreement, the owner may accept the offer, reject the offer, or submit a counteroffer.

(b) If the parties reach agreement on the purchase, the purchase and sale agreement must specify the price, due diligence duties, schedules, timelines, conditions, and any extensions.

(c) If the offer is rejected, then the owner must provide a written explanation of why the offer is being rejected and what terms and conditions might be included in a subsequent offer for the landlord to potentially accept it, if any. The price, terms, and conditions of an acceptable offer stated in the response must be universal and applicable to all potential buyers and must not be specific to and prohibitive of a qualified tenant organization or eligible organization making a successful offer to purchase the park.

(d) If the tenants do not: (i) Act as required within the time periods described in chapter 40, Laws of 2023; (ii) violate the confidentiality agreement described in this section; or (iii) reach agreement on a purchase with the owner, the owner is not obligated to take additional action under chapter 40, Laws of 2023 and may record an affidavit pursuant to RCW 59.20.345.

(6) An eligible organization acting on its own behalf is also subject to the same requirements and applicable conditions as those set out in this section. [2023 c 40 § 9.]

Findings—Intent—2023 c 40: See note following RCW 59.20.030.