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HOUSE BILL 1841

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives Leonard, Winsley, Cantwell, Hine, G. Fisher, Anderson, Nelson, Brekke, Roland, Rasmussen, Paris and Sheldon.

Read first time February 12, 1991. Referred to Committee on Housing.

1            AN ACT Relating to mobile homes; amending RCW 59.20.190, 59.21.010,  
2 59.21.020, 59.21.050, and 59.21.110; adding new sections to chapter  
3 59.21 RCW; creating a new section; recodifying RCW 59.20.190; repealing  
4 RCW 59.21.060; and prescribing penalties.

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

6            NEW SECTION.    **Sec. 1.**            The purpose of this chapter is to help  
7 assure that mobile home parks meet minimum health and sanitation  
8 requirements for the protection of the mobile home tenants. It is also  
9 the purpose of this chapter to provide a mechanism for assisting mobile  
10 home tenants to relocate to suitable alternative sites when the mobile  
11 home park in which they reside is converted to another use.

12            NEW SECTION.    **Sec. 2.**            A person shall not operate or maintain  
13 a mobile home park within this state without a license.

1        NEW SECTION.    **Sec. 3.**        An application for a license shall be  
2 made to the department of health upon forms provided by either the  
3 department of health or the local health officer. The forms shall  
4 contain such information as the department of health reasonably  
5 requires, which shall include affirmative evidence of ability to comply  
6 with such rules as are adopted by the state board of health.

7        NEW SECTION.    **Sec. 4.**        (1) After reviewing an application for  
8 a license, if the applicant and the mobile home park meet the  
9 requirements established under this chapter, the department shall issue  
10 a license.

11        (2) If there is a failure to comply with the provisions of this  
12 chapter or the rules adopted under this chapter, the department of  
13 health, may in its discretion issue to an applicant for a license, or  
14 for the renewal of a license, a provisional license which will permit  
15 the operation of the mobile home park for a period to be determined by  
16 the department. A provisional license may not exceed twelve months and  
17 may not be subject to renewal.

18        (3) The applicant shall pay a license fee as established by the  
19 department of health under RCW 43.70.110 at the time of the application  
20 for or renewal of a license. Such fee shall include costs of necessary  
21 inspection.

22        (4) All licenses issued under the provisions of this chapter shall  
23 expire on a date to be set by the department of health, but no license  
24 shall exceed twelve months in duration. If the annual license renewal  
25 date of a previously licensed mobile home park is set by the department  
26 on a date less than twelve months prior to the expiration of a license  
27 in effect at the time of reissuance, the license fee shall be prorated  
28 on a monthly basis and a credit be allowed at the first renewal of a

1 license for any period of one month or more covered by the previous  
2 license.

3 (5) All applications for renewal of a license shall be made not  
4 less than thirty days prior to the date of expiration of the license.  
5 Each license shall be issued only for the premises and the persons  
6 named in the application. A license may not be transferable or  
7 assignable without the consent of the department of health. Licenses  
8 shall be posted in a conspicuous place in the mobile home park.

9 NEW SECTION. **Sec. 5.** The department of health may deny,  
10 suspend, or revoke a license in any case in which it finds there has  
11 been a failure or refusal to comply with the requirements established  
12 under this chapter or the rules adopted under this chapter. The  
13 department of health shall adopt rules to govern notice of a license  
14 denial, revocation, suspension, or modification and provide the right  
15 to an adjudicative proceeding under chapter 34.05 RCW.

16 **Sec. 6.** RCW 59.20.190 and 1988 c 126 s 1 are each amended to read  
17 as follows:

18 The state board of health shall adopt rules (~~(on or before January~~  
19 ~~1, 1982,)~~) setting health and sanitation standards for mobile home  
20 parks. Such rules shall be enforced by the city, county, city-county,  
21 or district health officer of the jurisdiction in which the mobile home  
22 park is located, upon notice of a violation to such health officer.  
23 Failure to remedy the violation after enforcement efforts are made may  
24 result in a fine being imposed on the park owner, or tenant as may be  
25 applicable, by the enforcing governmental body of up to one hundred  
26 dollars per day, depending on the degree of risk of injury or illness  
27 to persons in or around the park.

1        NEW SECTION.    **Sec. 7.**        The local health officer of the  
2 jurisdiction in which a mobile home park is located shall inspect the  
3 mobile home park at least once every three years.    Following such  
4 inspection, written notice of any violations shall be given the  
5 applicant or licensee and the department of health.

6        NEW SECTION.    **Sec. 8.**        (1) Any person operating or maintaining  
7 a mobile home park without a license under this chapter shall be guilty  
8 of a misdemeanor.

9        (2) The department of health may require any person who operates or  
10 maintains a mobile home park without a license to pay up to double the  
11 amount of the license fee when a license is subsequently obtained.

12        (3) Notwithstanding the existence or use of any other remedy, the  
13 department of health may, in the manner provided by law, maintain an  
14 action in the name of the state for an injunction or other process  
15 against any person to restrain or prevent the operation or maintenance  
16 of a mobile home park without a license under this chapter.

17        NEW SECTION.    **Sec. 9.**        The department of health shall adopt  
18 rules by January 1, 1992, for the licensing of mobile home parks. All  
19 mobile home parks shall be licensed by December 31, 1992.

20        NEW SECTION.    **Sec. 10.**        (1) In addition to the license fee  
21 provided under section 4 of this act, each mobile home park owner shall  
22 pay an additional fee of five dollars for each occupied mobile home lot  
23 in the mobile home park. Lots that are occupied by mobile homes owned  
24 by the park owner are exempt from this fee requirement. The fee must  
25 accompany each application for a license or renewal of a license.

1 (2) The additional fee imposed under this section shall be  
2 forwarded to the state treasurer for deposit into the mobile home park  
3 relocation fund.

4 **Sec. 11.** RCW 59.21.010 and 1990 c 171 s 1 are each amended to read  
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Director" means the director of the department of community  
9 development.

10 (2) "Department" means the department of community development.

11 (3) "Fund" means the mobile home park relocation fund established  
12 under RCW 59.21.050 consisting of ~~((tenant—and))~~ landlord  
13 ~~((contributions))~~ fee payments.

14 (4) "Low-income" means at or below eighty percent of median  
15 household income as defined by the United States department of housing  
16 and urban development, for the county or standard metropolitan  
17 statistical area where the park is located.

18 (5) "Mobile home park" or "park" means real property that is rented  
19 or held out for rent to others for the placement of two or more mobile  
20 homes for the primary purpose of production of income, except where the  
21 real property is rented or held out for rent for seasonal recreational  
22 purpose only and is not intended for year-round occupancy.

23 (6) "Landlord" or "park-owner" means the owner of the mobile home  
24 park that is being closed at the time relocation assistance is  
25 provided.

26 (7) "Relocate" means to remove the mobile home from the mobile home  
27 park being closed.

28 (8) "Relocation assistance" means the monetary assistance provided  
29 under RCW 59.21.020.

1       **Sec. 12.** RCW 59.21.020 and 1990 c 171 s 2 are each amended to read  
2 as follows:

3       (1) If a mobile home park is closed or converted to another use,  
4 all ~~((affected))~~ low-income park tenants owning a mobile home are  
5 entitled to relocation assistance from the park-owner or the fund at  
6 the time the tenant relocates as follows: (a) For a single-wide mobile  
7 home, four thousand five hundred dollars; and (b) for a double-wide or  
8 larger mobile home, seven thousand five hundred dollars. No park  
9 tenant shall receive relocation assistance from the park owner or the  
10 fund for relocation of a recreational vehicle. The relocation  
11 assistance costs shall be adjusted annually by the housing component of  
12 the consumer price index for the Washington state area.

13       (2) When a tenant is forced to relocate before July 1, 1991, the  
14 payment of relocation assistance as provided by this section shall be  
15 paid by the park-owner. However, if the tenant has been given notice  
16 to vacate prior to April 1, 1989, and the tenant has not yet relocated  
17 as of April 28, 1989, the payment of relocation assistance by the park-  
18 owner shall be required only if the tenant is low income.

19       (3) When a tenant is forced to relocate after June 30, 1991, the  
20 payment of relocation assistance to low-income park tenants as provided  
21 in this section shall be ~~((shared as follows: The landlord or park-~~  
22 ~~owner shall provide one third and the fund shall provide two thirds.~~

23       ~~(4) After July 1, 1992, (a) if twenty-four months' notice of~~  
24 ~~closure is given, the landlord or park owner shall provide five hundred~~  
25 ~~dollars for a single wide home or one thousand dollars for a double-~~  
26 ~~wide or larger home and the fund shall provide the balance of the~~  
27 ~~relocation assistance to low income park tenants; (b) if the park owner~~  
28 ~~gives less than twenty-four months' notice the park owner shall provide~~  
29 ~~one third and the fund shall provide two thirds of the relocation~~  
30 ~~assistance to low income park tenants.~~

1        ~~(5))~~ made from the mobile home park relocation fund unless there  
2 are insufficient moneys in the fund.

3        The park-owner shall be responsible for paying up to the full  
4 amount of relocation assistance to low-income park tenants if there are  
5 insufficient moneys in the fund. The department shall adopt rules  
6 governing disbursements of assistance from the fund and park-owner  
7 payments when there are insufficient moneys to meet the demand for  
8 relocation assistance.

9        (4) The tenant may recover court costs and a reasonable attorney's  
10 fee in any action brought to require the landlord to pay relocation  
11 assistance when there are insufficient moneys in the fund, in which the  
12 tenant prevails.

13        (5) If the landlord does not pay his or her portion of the  
14 relocation assistance when required by this chapter, the department  
15 shall have a lien on the real property on which the park is located.  
16 Such lien shall be collected as delinquent general property taxes and  
17 shall be forwarded to the department by the county treasurer.

18        (6) All tenants eligible for relocation assistance shall apply for  
19 verification of eligibility to the department. The department shall  
20 issue a document to each tenant signifying the tenant's low-income  
21 status, or status other than low income to be given to the park-owner  
22 by the tenant.

23        ~~((6) The park owner shall be responsible for paying up to the full~~  
24 ~~amount of relocation assistance to low income park tenants if there are~~  
25 ~~insufficient moneys in the fund. The department shall adopt rules~~  
26 ~~governing disbursements of assistance from the fund and park owner~~  
27 ~~payments when there are insufficient moneys to meet the demand for~~  
28 ~~relocation assistance.~~

29        ~~(7) The park owner shall pay park tenants who do not qualify as~~  
30 ~~low income tenants the same amount of relocation assistance that low-~~

1 income park tenants are entitled to from the park owners under this  
2 section. The landlord shall pay the relocation assistance directly to  
3 the tenant if the tenant submits to the landlord a copy of the contract  
4 entered into for the purpose of relocating the mobile home, which  
5 includes the date of relocation. The tenant may recover court costs  
6 and a reasonable attorney's fee in any action brought to require the  
7 landlord to pay relocation assistance under this subsection in which  
8 the tenant prevails.

9       ~~(8)~~ The park owner shall make any payment to the department  
10 required by this chapter when demanded by the department; however, the  
11 department shall not demand such payment earlier than thirty days prior  
12 to the expected relocation date of the tenant. If the landlord does  
13 not pay his or her portion of the relocation assistance to the  
14 department when required by this chapter, the department shall have a  
15 lien on the real property on which the park is located. Such lien  
16 shall be collected as delinquent general property taxes and shall be  
17 forwarded to the department by the county treasurer.

18       ~~(9))~~ (7) The director or his or her designee shall approve all  
19 expenditures from the fund.

20       ~~((10))~~ (8) Relocation assistance contributions required from  
21 landlords or park-owners by this section shall be reduced by the amount  
22 paid or required to be paid under any other law for the same mobile  
23 home park tenant for the same relocation.

24       ~~((11))~~ (9) Notwithstanding RCW 59.21.100, it is a violation of  
25 this chapter to request or require as a condition of initiating or  
26 renewing a tenancy in a mobile home park, a waiver of relocation  
27 assistance under this section or any other law or ordinance. Any such  
28 waiver, regardless of the date of its execution, is void and  
29 unenforceable as contrary to public policy.

1       (~~(12)~~) (10) Any park-owner coercing or attempting to coerce a  
2 tenant into terminating a tenancy for the purpose of avoiding the  
3 payment of relocation assistance shall give rise to a civil cause of  
4 action for damages or equitable relief by a tenant injured by such act.

5       **Sec. 13.** RCW 59.21.050 and 1990 c 171 s 5 are each amended to read  
6 as follows:

7       (1) The mobile home park relocation fund is created in the custody  
8 of the state treasurer. All legislative appropriations for mobile home  
9 relocation assistance, receipts from fees collected under this chapter,  
10 and amounts required to be paid by park-owners to low-income park  
11 tenants when there are insufficient moneys in the fund shall be  
12 deposited into the fund. Expenditures from the fund may be used only  
13 for relocation assistance under RCW 59.21.020, or transfer to the  
14 mobile home park purchase fund under subsection (2) of this section.  
15 Only the director of community development or the director's designee  
16 may authorize expenditures from the fund. All relocation payments to  
17 low-income park tenants, including those due from the park-owner shall  
18 be made from the fund. The fund is subject to allotment procedures  
19 under chapter 43.88 RCW, but no appropriation is required for  
20 expenditures.

21       (2) The state treasurer shall maintain the fund and shall invest  
22 the fund moneys. Moneys earned on these investments shall be deposited  
23 in the fund and shall be used for the same purposes as other fund  
24 moneys. Unexpended and unencumbered moneys that remain in the fund at  
25 the end of the fiscal year do not revert to the state general fund but  
26 remain in the fund, separately accounted for, as a contingency reserve,  
27 or if the director determines at the end of any fiscal year beginning  
28 after December 31, 1991, that the fund contains a surplus over the  
29 projected amount needed for relocation during the upcoming year(s), any

1 surplus may be transferred to the mobile home park purchase fund  
2 created by chapter 59.22 RCW. However, the director may cause any  
3 uncommitted funds in the mobile home park purchase fund which were  
4 transferred from the mobile home park relocation fund to be transferred  
5 back to the mobile home park relocation fund if that fund cannot  
6 otherwise meet its current obligations.

7 (3) A low-income park tenant who is entitled to relocation  
8 assistance under this chapter is entitled to payment only after  
9 submitting an application which includes: (a) A copy of the notice  
10 from the park-owner that the tenancy is terminated due to closure of  
11 the park; (b) a copy of the rental agreement currently in force; and  
12 (c) a copy of the contract entered into for the purpose of relocating  
13 the mobile home, which includes the date of relocation.

14 (4) The director may adopt rules for the administration of the  
15 fund.

16 **Sec. 14.** RCW 59.21.110 and 1989 c 201 s 15 are each amended to  
17 read as follows:

18 Any person who intentionally violates, intentionally attempts to  
19 evade, or intentionally evades the provisions of this ((act)) chapter  
20 is guilty of a misdemeanor.

21 NEW SECTION. **Sec. 15.** RCW 59.20.190 as amended by this act is  
22 recodified as a section in chapter 59.21 RCW.

23 NEW SECTION. **Sec. 16.** This act shall not be construed as  
24 affecting any existing right acquired or liability or obligation  
25 incurred under the sections amended or repealed in this act or under  
26 any rule or order adopted under those sections, nor as affecting any  
27 proceeding instituted under those sections.

1        NEW SECTION.    **Sec. 17.**        Sections 1 through 5 and 7 through 10 of  
2 this act are each added to chapter 59.21 RCW.

3        NEW SECTION.    **Sec. 18.**        RCW 59.21.060 and 1990 c 171 s 6 & 1989  
4 c 201 s 6 are each repealed.

5        NEW SECTION.    **Sec. 19.**        If any provision of this act or its  
6 application to any person or circumstance is held invalid, the  
7 remainder of the act or the application of the provision to other  
8 persons or circumstances is not affected.