
Judiciary Committee

HB 1140

Title: An act relating to the manufactured/mobile home dispute resolution program.

Brief Description: Addressing the manufactured/mobile home dispute resolution program.

Sponsors: Representatives Liias, Morrell, Ericks, Miloscia, Ormsby, Rolfes, Simpson and Nelson.

Brief Summary of Bill

- Amends provisions of the Manufactured/Mobile Home Dispute Resolution Program to create informal and formal dispute resolution procedures.
- Requires the Attorney General to adopt rules for the uniform administration of the Manufactured/Mobile Home Dispute Resolution Program.

Hearing Date: 2/5/09

Staff: Courtney Barnes (786-7194)

Background:

The Washington Office of the Attorney General

The Washington Office of the Attorney General (Attorney General) is a constitutionally created office that advises and officially represents Washington in all legal proceedings. The Attorney General also enforces laws to protect the public as directed by the Legislature, such as upholding the Consumer Protection Act, enforcing laws against anti-competitive business practices, recovering refunds for consumers and imposing penalties and injunctions on offending businesses. The Attorney General is directed by the Legislature to administer specific programs intended to protect the public, such as administering Washington's Lemon Law and educating the public on issues such as identity theft and scams that target seniors, minorities, and vulnerable populations.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Manufactured/Mobile Home Dispute Resolution Program

The Attorney General is authorized to administer a Manufactured/Mobile Home Dispute Resolution Program to attempt to resolve disputes regarding alleged violations of the Manufactured/Mobile Home Landlord-Tenant Act.

Under the Manufactured/Mobile Home Dispute Resolution Program, the Attorney General:

- takes complaints from manufactured/mobile home tenants and landlords;
- investigates complaints; and
- attempts to negotiate an agreement.

If no agreement can be reached, the Attorney General may:

- make written determinations about whether a violation has occurred; and
- deliver a citation, if necessary, to any violator.

If the Attorney General issues a citation, the citation specifies the violation and the corrective action required. If no corrective action has been taken and no administrative hearing has been requested within the allowed 15 business days, the Attorney General may issue a fine up to \$250 a day per violation until the violation is corrected. Determinations, citations, fines, other penalties and orders to cease and desist may be contested through an administrative hearing before an administrative law judge.

Other Attorney General Responsibilities

Other Attorney General responsibilities include:

- creating and providing to tenants and landlords educational materials about the Manufactured/Mobile Home Dispute Resolution Program and the Manufactured/Mobile Home Landlord-Tenant Act; and
- maintaining a database of complaints and reporting annually to the Legislature.

Summary of Bill:

The Manufactured/Mobile Home Dispute Resolution Program

The Attorney General Manufactured/Mobile Home Dispute Resolution Program is directed to first approach reported disputes in an informal manner and attempt to resolve the dispute by facilitating communication. If the dispute is not resolved in this manner, the Attorney General may initiate a formal investigation. The Attorney General must adopt rules for conducting the informal dispute resolution and formal investigations, making written determinations, and the processes for appeal.

In addition to providing access to papers and other documents, complainants and respondents must cooperate with the Attorney General's formal investigation by answering written interrogatories in writing and providing oral testimony.

When an agreement has been negotiated following a formal investigation, the parties shall enter into a written settlement agreement signed by both parties. A violation of the settlement agreement is subject to fines and other penalties as allowed in statute.

If, during the course of a formal investigation, the Attorney General becomes aware of a potential violation of the Manufactured/Mobile Home Landlord-Tenant Act that is not the subject of the complaint filed, the Attorney General may act as the complainant and investigate the potential violation.

Appropriation: None.

Fiscal Note: Requested on February 2, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.