

HOUSE BILL REPORT

ESHB 1440

*As Passed House
March 11, 1991*

Title: An act relating to mobile home affairs.

Brief Description: Regulating mobile homes.

Sponsor(s): By House Committee on Housing (originally sponsored by Representatives Winsley, Franklin, Ballard, Nelson, Leonard, Ogden, Wineberry and Miller).

Brief History:

Reported by House Committee on:
Housing, February 15, 1991, DPS;
Passed House, March 11, 1991, 98-0.

**HOUSE COMMITTEE ON
HOUSING**

Majority Report: *That Substitute House Bill No. 1440 be substituted therefor, and the substitute bill do pass.*
Signed by 8 members: Representatives Nelson, Chair; Franklin, Vice Chair; Mitchell, Ranking Minority Member; Winsley, Assistant Ranking Minority Member; Ballard; Leonard; Ogden; and Wineberry.

Staff: Bill Lynch (786-7092).

Background: The Office of Mobile Home Affairs was created by the Legislature in 1988 within the Department of Community Development. The office serves as the coordinating office within state government for matters related to manufactured housing. The office also serves as an ombudsman with respect to problems which arise between mobile home park owners and park residents.

During the 1990 session, the Legislature transferred some functions pertaining to manufactured housing from other agencies to the Department of Community Development. The responsibilities transferred from the Department of Labor and Industries include functions required by the United States Department of Housing and Urban Development (HUD) for a state administrative agency in the regulation of manufactured housing. HUD requires the preparation of a state administrative plan and a consumer complaint process. Although these functions were transferred to the Department

of Community Development, they were not specifically added to the responsibilities of the Office of Mobile Home Affairs.

When the Mobile Home Park Purchase Fund was created in 1987, it contained a provision that repealed the **chapter** on July 1, 1991. The Office of Mobile Home Affairs became subject to this repealer when it was codified in the same chapter as the Mobile Home Park Purchase Fund a year later. The Office of Mobile Home Affairs will terminate on July 1, 1991 unless this repealer is deleted.

The Office of Mobile Home Affairs is funded by a \$15 fee imposed on the transfer of title on new or used mobile homes where ownership of the mobile home is changed, or when a mobile home title is eliminated pursuant to statute. Funding for the office was suspended when a superior court judge recently declared the entire Mobile Home Relocation Act unconstitutional. The \$15 fee was part of the act that was declared unconstitutional. Funding for the office will be unsettled until the court challenge is resolved.

Some states have a mobile home commission that administers all mobile home programs. It has been suggested that the state should consider adopting a similar structure to regulate mobile home issues.

Summary of Bill: A fee of \$15 is reimposed on every transfer of title on new or used mobile homes where ownership is changed, or when a mobile home title is eliminated. The fee does not apply to court-mandated divorce transactions or the removal of a deceased spouse's name from the mobile home title. The fee is collected by the county auditor and forwarded to the state treasurer. The fee is deposited into the Mobile Home Affairs Account to support the Office of Mobile Home Affairs.

A Manufactured Housing Task Force is created to study and make recommendations regarding the structure the state should use to regulate manufactured housing. The task force is directed to examine the structures other states use to regulate manufactured housing, including the commission form.

The task force is required to submit a final report to the House Housing Committee and the Senate Commerce and Labor Committee by December 1, 1992. The task force terminates on December 31, 1992.

The task force consists of: two members of the Senate, one from each caucus; two members of the House of Representatives, one from each caucus; two representatives

of mobile home park owners; two representatives of mobile home owners; one representative of the mobile home manufacturers; one representative of the mobile home dealers; one representative of mobile home transporters; one representative of local building officials; and one representative of local health officials. The ex officio members of the task force are the director, or the director's designee from the Department of Community Development, the Department of Licensing, the Department of Labor and Industries, and the Attorney General's Office.

Staffing for the task force will be provided by legislative staff and staff from the agencies or offices with ex officio membership.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 1991.

Testimony For: The office serves an important function and should continue. The office works well with tenants and park owners. It is useful to have one office in state government people can call to get assistance with mobile home problems.

Testimony Against: None.

Witnesses: Ron Clarke, WA Manufactured Housing Association; Bob Jacobson, Senior Lobby; Mimi Curry, Department of Community Development; and Rachel LeMieux, Department of Revenue.