
ENGROSSED SUBSTITUTE HOUSE BILL 1440

State of Washington

52nd Legislature

1991 Regular Session

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

Read first time February 19, 1991.

1 AN ACT Relating to mobile home affairs; amending RCW 59.21.060,
2 59.22.020, 59.22.050, 82.08.065, and 82.45.090; adding a new section to
3 chapter 59.21 RCW; adding a new section to chapter 59.22 RCW; creating
4 a new section; repealing RCW 59.22.050 and 59.22.900; providing an
5 effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.21 RCW
8 to read as follows:

9 (1) There is hereby imposed a fee of fifteen dollars on every
10 transfer of title on a new or used mobile homes where ownership of the
11 mobile home is changed by any transaction including but not limited to
12 sales and gift transactions and transfers of ownership which involve
13 elimination of title under chapter 65.20 RCW, but not including court-
14 mandated divorce transactions or the removal of a deceased spouse's
15 name from the mobile home title. The county auditor shall collect the

1 fee as provided in chapter 82.08 RCW. The fee collected under this
2 section shall be forwarded to the state treasurer. The state treasurer
3 shall deposit each fee collected in the mobile home affairs account
4 created by RCW 59.22.070.

5 (2) The department of revenue, the department of licensing, and the
6 state treasurer may enact any rules necessary to carry out this
7 section.

8 **Sec. 2.** RCW 59.22.020 and 1988 c 280 s 3 are each amended to read
9 as follows:

10 The following definitions shall apply throughout this chapter
11 unless the context clearly requires otherwise:

12 (1) "Account" means the mobile home affairs account created under
13 RCW 59.22.070.

14 (2) "Affordable" means that, where feasible, low-income residents
15 should not pay more than thirty percent of their monthly income for
16 housing costs.

17 ~~((+2))~~ (3) "Conversion costs" includes the cost of acquiring the
18 mobile home park, the costs of planning and processing the conversion,
19 the costs of any needed repairs or rehabilitation, and any expenditures
20 required by a government agency or lender for the project.

21 ~~((+3))~~ (4) "Department" means the department of community
22 development.

23 (5) "Fee" means the mobile home title transfer fee created under
24 RCW 59.21.060.

25 ~~((+4))~~ (6) "Fund" means the mobile home park purchase fund created
26 pursuant to RCW 59.22.030.

27 ~~((+5))~~ (7) "Housing costs" means the total cost of owning,
28 occupying, and maintaining a mobile home and a lot or space in a mobile
29 home park.

1 ~~((6))~~ (8) "Individual interest in a mobile home park" means any
2 interest which is fee ownership or a lesser interest which entitles the
3 holder to occupy a lot or space in a mobile home park for a period of
4 not less than either fifteen years or the life of the holder.
5 Individual interests in a mobile home park include, but are not limited
6 to, the following:

7 (a) Ownership of a lot or space in a mobile home park or
8 subdivision;

9 (b) A membership or shares in a stock cooperative, or a limited
10 equity housing cooperative; or

11 (c) Membership in a nonprofit mutual benefit corporation which
12 owns, operates, or owns and operates the mobile home park.

13 ~~((7))~~ (9) "Low-income resident" means an individual or household
14 who resided in the mobile home park prior to application for a loan
15 pursuant to this chapter and with an annual income at or below eighty
16 percent of the median income for the county of standard metropolitan
17 statistical area of residence. Net worth shall be considered in the
18 calculation of income with the exception of the resident's
19 mobile/manufactured home which is used as their primary residence.

20 ~~((8))~~ (10) "Low-income spaces" means those spaces in a mobile
21 home park operated by a resident organization which are occupied by
22 low-income residents.

23 ~~((9))~~ (11) "Mobile home park" means a mobile home park, as
24 defined in RCW 59.20.030(4), or a manufactured home park subdivision as
25 defined by RCW 59.20.030(6) created by the conversion to resident
26 ownership of a mobile home park.

27 ~~((10))~~ (12) "Resident organization" means a group of mobile home
28 park residents who have formed a nonprofit corporation, cooperative
29 corporation, or other entity or organization for the purpose of
30 acquiring the mobile home park in which they reside and converting the

1 mobile home park to resident ownership. The membership of a resident
2 organization shall include at least two-thirds of the households
3 residing in the mobile home park at the time of application for
4 assistance from the department.

5 ~~((11))~~ (13) "Resident ownership" means, depending on the context,
6 either the ownership, by a resident organization, as defined in this
7 section, of an interest in a mobile home park which entitles the
8 resident organization to control the operations of the mobile home park
9 for a term of no less than fifteen years. or the ownership of
10 individual interests in a mobile home park, or both.

11 ~~((12))~~ (14) "Landlord" shall have the same meaning as it does in
12 RCW 59.20.030.

13 ~~((13))~~ (15) "Manufactured housing" means residences constructed
14 on one or more chassis for transportation, and which bear an insignia
15 issued by a state or federal regulatory agency indication compliance
16 with all applicable construction standards of the United States
17 department of housing and urban development.

18 ~~((14))~~ (16) "Mobile home" shall have the same meaning as it does
19 in RCW 46.04.302.

20 ~~((15))~~ (17) "Mobile home lot" shall have the same meaning as it
21 does in RCW 59.20.030.

22 ~~((16))~~ (18) "Tenant" means a person who rents a mobile home lot
23 for a term of one month or longer and owns the mobile home on the
24 lot.

25 **Sec. 3.** RCW 59.22.050 and 1989 c 294 s 1 are each amended to read
26 as follows:

27 (1) In order to provide general assistance to mobile home resident
28 organizations, park owners, and landlords and tenants, the department
29 shall establish an office of mobile home affairs which will serve as

1 the coordinating office within state government for matters relating to
2 mobile homes or manufactured housing.

3 This office will provide an ombudsman service to mobile home park
4 owners and mobile home tenants with respect to problems and disputes
5 between park owners and park residents and to provide technical
6 assistance to resident organizations or persons in the process of
7 forming a resident organization pursuant to chapter 59.22 RCW. The
8 office will keep records of its activities in this area.

9 ~~(2) ((In addition, the office shall work with the mobile home space
10 availability and affordability task force to develop recommendations to
11 (a) increase the availability of mobile home park spaces, (b) stabilize
12 rent levels through traditional market forces of supply and demand and
13 through incentives such as current use valuation of mobile home parks,
14 but not through artificial controls on rent, and (c) allow senior
15 citizens on fixed incomes to continue living in their mobile homes,
16 including the possibility of direct subsidies.~~

17 ~~The mobile home space availability and affordability task force
18 shall be comprised of four legislators, one from each caucus in the
19 house of representatives appointed by the speaker of the house and one
20 from each caucus in the senate appointed by the president of the
21 senate, two representatives of park owners, two representatives of
22 tenants, and two representatives of local governments. All
23 nonlegislative members shall be appointed by the director of the
24 department of community development. Staffing for the task force shall
25 be supplied by the department of community development, the house of
26 representatives housing committee, and the senate economic development
27 and labor committee.~~

28 ~~(3) In developing these recommendations the office and the task
29 force shall:~~

1 ~~(a) Review the ordinances of local government to assess their~~
2 ~~impact on the availability of mobile home rental spaces;~~

3 ~~(b) Consult with federal, state, and local agencies, senior citizen~~
4 ~~organizations, the real estate industry, and other groups as it~~
5 ~~considers necessary;~~

6 ~~(c) Use, to the fullest extent possible, the services, facilities,~~
7 ~~information, and advice of public and private agencies, organizations,~~
8 ~~and individuals in order to avoid duplication of effort and expense;~~
9 ~~and~~

10 ~~(d) Hold public hearings to allow public input and involvement))~~
11 The office shall perform all the consumer complaint and related
12 functions of the state administrative agency that are required for
13 purposes of complying with the regulations established by the federal
14 department of housing and urban development for manufactured housing,
15 including the preparation and submission of the state administrative
16 plan.

17 **Sec. 4.** RCW 82.08.065 and 1990 c 171 s 8 are each amended to read
18 as follows:

19 In the collection of the sales tax on mobile homes and ~~((the))~~ any
20 fee imposed ~~((in RCW 59.21.060(1)))~~ to fund the mobile home affairs
21 account, the department of revenue may designate the county auditors of
22 the several counties of the state as its collecting agents. Upon such
23 designation, it shall be the duty of each county auditor to collect the
24 tax and the fee at the time the mobile home dealer or selling agent
25 applies for a new certificate of ownership for such mobile home in the
26 instance where transfer of ownership was from a mobile home dealer or
27 person deemed a selling agent under RCW 82.04.480, except where the
28 applicant presents a written statement signed by the department of
29 revenue or its duly authorized agent showing that no retail sales tax

1 or use tax is legally due. The term "mobile home" as used in this
2 section means a mobile home as defined in RCW 46.04.302. It shall be
3 the duty of every mobile home dealer or selling agent to declare upon
4 the application for a new certificate of ownership the selling price
5 paid for the mobile home. Any person willfully misrepresenting, or
6 failing or refusing to declare upon the application, such selling price
7 shall be guilty of a gross misdemeanor.

8 Each county auditor who acts as agent of the department of revenue
9 shall at the time of remitting license fee receipts on motor vehicles
10 subject to the provisions of RCW 82.12.045 pay over and account to the
11 state treasurer for all sales tax revenue collected under this section,
12 after first deducting as his or her collection fee the sum of two
13 dollars for each mobile home upon which the tax has been collected.

14 Any applicant who has paid sales tax to a county auditor under this
15 section may apply to the department of revenue for refund thereof if he
16 has reason to believe that such tax was not legally due and owing. No
17 refund is allowed unless application therefor is received by the
18 department of revenue within four years after payment of the tax. Upon
19 receipt of an application for refund the department of revenue shall
20 consider the same and issue its order either granting or denying it and
21 if refund is denied the taxpayer shall have the right of appeal as
22 provided in RCW 82.32.170, 82.32.180, and 82.32.190.

23 The provisions of this section shall be construed as cumulative of
24 other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for
25 the collection of the tax imposed by this chapter. The department of
26 revenue shall have power to adopt such rules as may be necessary to
27 administer the provisions of this section. Any duties required by this
28 section to be performed by the county auditor may be performed by the
29 director of licensing but no collection fee shall be deductible by the

1 director of licensing in remitting sales tax revenue to the state
2 treasurer.

3 **Sec. 5.** RCW 82.45.090 and 1990 c 171 s 7 are each amended to read
4 as follows:

5 The tax imposed by this chapter (~~and the fee imposed in RCW~~
6 ~~59.21.060(1))~~) shall be paid to and collected by the treasurer of the
7 county within which is located the real property which was sold, said
8 treasurer acting as agent for the state. The county treasurer shall
9 cause a stamp evidencing satisfaction of the lien to be affixed to the
10 instrument of sale or conveyance prior to its recording or to the real
11 estate excise tax affidavit in the case of used mobile home sales and
12 used floating home sales. A receipt issued by the county treasurer for
13 the payment of the tax imposed under this chapter shall be evidence of
14 the satisfaction of the lien imposed hereunder and may be recorded in
15 the manner prescribed for recording satisfactions of mortgages. No
16 instrument of sale or conveyance evidencing a sale subject to the tax
17 shall be accepted by the county auditor for filing or recording until
18 the tax shall have been paid and the stamp affixed thereto; in case the
19 tax is not due on the transfer, the instrument shall not be so accepted
20 until suitable notation of such fact has been made on the instrument by
21 the treasurer.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 59.22 RCW
23 to read as follows:

24 (1) A manufactured housing task force is established to study and
25 make recommendations concerning the structure state government should
26 use to regulate manufactured housing in this state. In conducting this
27 study, the task force shall review the structures used in other states,
28 including those states with a commission structure. The task force

1 shall consider the report prepared by the department of licensing, the
2 department of labor and industries, and the department of community
3 development on consolidating mobile home-related functions in
4 conducting its study.

5 (2) The task force shall submit a final report containing its
6 findings and recommendations to the house of representatives housing
7 committee and the senate commerce and labor committee by December 1,
8 1992. The task force shall terminate on December 31, 1992.

9 (3) The task force shall consist of the following members:

10 (a) Two members of the house of representatives appointed by the
11 speaker of the house of representatives, from different political
12 caucuses;

13 (b) Two members of the senate appointed by the president of the
14 senate, from different political caucuses;

15 (c) Two members who represent mobile home park owners, appointed by
16 the governor;

17 (d) Two members who represent mobile home owners, appointed by the
18 governor;

19 (e) One member who represents mobile home manufacturers, appointed
20 by the governor;

21 (f) One member who represents mobile home dealers, appointed by the
22 governor;

23 (g) One member who represents mobile home transporters, appointed
24 by the governor;

25 (h) One member who represents local building officials, appointed
26 by the governor;

27 (i) One member who represents local health officials, appointed by
28 the governor; and

29 (j) The director, or the director's designee from the department of
30 community development, the department of licensing, the department of

1 labor and industries, and the attorney general's office. The designees
2 shall be nonvoting, ex officio members of the task force.

3 (4) The members of the task force shall select the chair or
4 co-chairs of the task force.

5 (5) Staff assistance for the task force will be provided by
6 legislative staff and staff from the agencies or offices listed in
7 subsection (3)(j) of this section.

8 NEW SECTION. **Sec. 7.** The fifteen-dollar fee imposed in
9 section 1 of this 1991 act on the transfer or elimination of mobile
10 home titles for deposit in the mobile home affairs account, shall
11 supersede the fifteen-dollar fee imposed in RCW 59.21.060 on the
12 transfer or elimination of mobile home titles on July 1, 1991.

13 NEW SECTION. **Sec. 8.** RCW 59.22.900 and 1987 c 482 s 12 are
14 each repealed.

15 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect July 1, 1991.