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HOUSE BILL 2125

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Veloria, Cooke, Cody, Backlund, Keiser, Blalock, Tokuda, O'Brien, Mason, Cooper and Costa

Read first time 02/21/97. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to certification of resident managers of mobile  
2 home parks; adding a new chapter to Title 18 RCW; and prescribing  
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The purpose of this chapter is to establish  
6 a certification program for managers of mobile home parks.

7 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
8 otherwise, the definitions in this section apply throughout this  
9 chapter.

10 (1) "Advisory council" means the advisory council on mobile home  
11 park manager training and certification created in section 6 of this  
12 act.

13 (2) "Department" means the department of community, trade, and  
14 economic development.

15 (3) "Director" means the director of the department of community,  
16 trade, and economic development.

17 (4) "Mobile home park" has the same meaning as in RCW 59.20.030.

1 (5) "Mobile home park management" means those actions, functions,  
2 or duties related to the operation, maintenance, or management of a  
3 mobile home park.

4 (6) "Mobile home park manager" means a person who is certified  
5 under this chapter to perform mobile home park management services and  
6 includes owners of mobile home parks.

7 NEW SECTION. **Sec. 3.** (1) All mobile home parks shall be managed  
8 by a mobile home park manager.

9 (2) A person shall not manage or hold himself or herself out to the  
10 public as being able to manage a mobile home park in this state until  
11 a certificate of registration certifying him or her as a mobile home  
12 park manager has been issued to him or her by the director in  
13 accordance with this chapter.

14 (3) A corporation, partnership, trust, association, or other like  
15 organization may own or operate a mobile home park or engage in the  
16 business of mobile home park management without being certified if it  
17 employs, retains, or contracts with certified natural persons who are  
18 registered mobile home park managers in the direct provision of  
19 management services. The corporation, partnership, trust, association,  
20 or other organization shall also file with the department a statement  
21 on a form approved by the department that it submits itself to the  
22 rules of the department and this chapter.

23 (4) A mobile home park shall not operate in this state without  
24 first registering with the department to do business as a mobile home  
25 park on a form approved by the department.

26 NEW SECTION. **Sec. 4.** (1) The director shall not issue a  
27 certificate of registration to any person to act as a mobile home park  
28 manager until that person has:

29 (a) Executed a written application on a form prescribed by the  
30 director, subscribed and sworn to by the applicant;

31 (b) Attended and completed a department-approved training course  
32 for mobile home park managers;

33 (c) Passed an examination adopted or approved by the department  
34 which demonstrates that the applicant has a fundamental knowledge of  
35 the mobile home landlord-tenant act under chapter 59.20 RCW and  
36 applicable federal and state laws relating to residential property  
37 management; and

1 (d) Paid to the director a fee as prescribed in section 7 of this  
2 act.

3 (2) Certificates of registration are effective on the date issued  
4 by the department and must be renewed annually subject to the  
5 requirements of this chapter.

6 (3) A certificate of registration may be renewed annually provided  
7 the applicant provides evidence of continuing education as approved by  
8 the department. This evidence must be submitted with an application to  
9 renew certification. No less than six and no more than ten hours of  
10 continuing education annually may be required by the department for  
11 renewal of certification.

12 NEW SECTION. **Sec. 5.** (1) The department, in consultation with the  
13 advisory council created in section 6 of this act, shall administer,  
14 coordinate, and enforce this chapter, evaluate the qualifications of  
15 applicants, supervise the examination of applicants, and be responsible  
16 for the granting of certificates to qualified persons and for  
17 withholding certificates from unqualified persons. It may issue  
18 subpoenas, examine witnesses, and administer oaths, and shall  
19 investigate persons engaging in practices that violate this chapter.

20 (2) The department shall conduct hearings and keep records and  
21 minutes as necessary for an orderly dispatch of business.

22 (3) The department is authorized to adopt rules that are necessary  
23 to implement, enforce, and interpret this chapter.

24 NEW SECTION. **Sec. 6.** (1) There is created an advisory council on  
25 mobile home park manager training and certification. The council shall  
26 consist of seven members as follows: Two members of the council shall  
27 be residents of mobile home parks, two members shall be owners or  
28 operators of mobile home parks, and three members shall be lay citizens  
29 who do not reside in or own or operate a mobile home park. The  
30 director shall appoint three members for terms of one year, two members  
31 for terms of two years, and two members for terms of three years.  
32 Thereafter, each member shall be appointed for a term of four years.  
33 A vacancy shall be filled for the remainder of the unexpired term.

34 (2) The advisory council shall select a chair from its members for  
35 a two-year term.

1 (3) Members of the council shall serve without compensation but are  
2 entitled to receive reimbursement for travel expenses as provided in  
3 RCW 43.03.050 and 43.03.060.

4 (4) The functions of the advisory council are to:

5 (a) Review, evaluate, and advise the department concerning  
6 revisions and adoption of rules affecting certification of mobile home  
7 park managers; and

8 (b) Develop, review, revise, and approve, in consultation with the  
9 department, the program for certification of mobile home park managers.

10 (5) The advisory council shall meet at the call of its chair, at  
11 the request of a majority of its membership, at the request of the  
12 department, or at such times as are prescribed by its rules.

13 (6) The department shall provide adequate staff support to the  
14 advisory council to assist it in fulfilling its duties.

15 NEW SECTION. **Sec. 7.** (1) The department shall charge fees for the  
16 application, issuance, and renewal of certificates of registration.  
17 The department shall set fees by rule.

18 (2) The fees shall cover the actual costs incurred by the  
19 department in carrying out its certification and other related  
20 responsibilities under this chapter.

21 NEW SECTION. **Sec. 8.** (1) The department has the power to enforce  
22 and ensure compliance with this chapter and rules adopted under this  
23 chapter relating to the certification of mobile home park managers. In  
24 performing its duties, the department has the following powers and  
25 duties:

26 (a) To make necessary public or private investigations within or  
27 outside this state to determine whether any person has violated this  
28 chapter or any rule or order adopted under this chapter, to aid in the  
29 enforcement of this chapter, or to aid in the adoption of rules or  
30 forms under this chapter;

31 (b) To require or permit any person to file a statement in writing,  
32 under oath or otherwise, as the department determines, as to the facts  
33 and circumstances concerning a matter to be investigated; and

34 (c) For the purpose of any investigation under this chapter, the  
35 director or any officer or employee designated by the director, may  
36 administer oaths or affirmations, subpoena witnesses and compel their  
37 attendance, take evidence, and require the production of any matter

1 that is relevant to the investigation, including the existence,  
2 description, nature, custody, condition, and location of any books,  
3 documents, or other tangible things and the identity and location of  
4 persons having knowledge of relevant facts or any other matter  
5 reasonably calculated to lead to the discovery of material evidence.  
6 Upon the failure by a person to obey a subpoena or to answer questions  
7 propounded by the investigating officer and upon reasonable notice to  
8 all persons affected thereby, the department may apply to the superior  
9 court for an order compelling compliance.

10 (2) A certificate of registration may be suspended or revoked upon  
11 a showing that the manager has:

12 (a) Violated any provision of this chapter;

13 (b) Violated any lawful order or rule rendered or adopted by the  
14 department;

15 (c) Been convicted or pleaded nolo contendere to a felony in any  
16 court in the United States;

17 (d) Obtained his or her certification or any other order, ruling,  
18 or authorization by means of fraud, misrepresentation, or concealment  
19 of material facts; or

20 (e) Committed acts of misconduct or negligence in the pursuit of  
21 his or her profession.

22 NEW SECTION. **Sec. 9.** If the department has reasonable cause to  
23 believe that a violation of this chapter or rule adopted under this  
24 chapter has occurred, the department may institute enforcement  
25 proceedings in its own name against any mobile home park manager as  
26 follows:

27 (1) The department may permit a person whose conduct or actions may  
28 be under investigation to waive formal proceedings and enter into a  
29 consent proceeding whereby orders, rules, or letters of censure or  
30 warning, whether formal or informal, may be entered against the person;

31 (2) The department may issue an order requiring the manager to  
32 cease and desist from the unlawful practice and take such affirmative  
33 action as in the judgment of the department will carry out the purposes  
34 of this chapter;

35 (3) The department may bring an action in superior court for  
36 declaratory relief or injunctive relief; or

37 (4) The department may impose a civil penalty against a manager for  
38 any violation of this chapter or of a rule adopted under this chapter

1 that does not exceed one thousand dollars per violation. If a manager  
2 fails to pay the civil penalty, the department may issue an order  
3 directing that the manager cease and desist from further operation  
4 until such time as the civil penalty is paid or pursue enforcement of  
5 the penalty in a court of competent jurisdiction. Any action commenced  
6 by the department shall be brought in the county in which the  
7 department has its executive offices or in the county where the  
8 violation occurred. A resident or tenant living in a mobile home park  
9 or renting a home in a mobile home park may institute an action in the  
10 appropriate court against a mobile home park manager to enforce this  
11 chapter. In any action brought to enforce this chapter the prevailing  
12 party shall be awarded his or her reasonable attorneys' fees and costs.

13 NEW SECTION. **Sec. 10.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act shall  
18 constitute a new chapter in Title 18 RCW.

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