

1 **HB 2216** - H AMD

2 By Representative Van Luven and Veloria

3 Strike everything after the enacting clause and insert the  
4 following:

5 NEW SECTION. **Sec. 1.** The legislature finds that manufactured  
6 homes and mobile homes provide a source of affordable housing for many  
7 residents in the state of Washington. The legislature further finds  
8 that many mobile home park residents are facing development pressures  
9 where mobile home park owners are converting their mobile home parks to  
10 other uses. The legislature further finds that closure of these mobile  
11 home parks cause the displacement of mobile home residents, many of  
12 which are senior citizens.

13 It is the intent of the legislature to establish incentives  
14 designed to preserve existing mobile home parks and to assist in the  
15 development of additional mobile home parks by nonprofit organizations  
16 and for-profit corporations.

17 **PART I**

18 **FINANCIAL INCENTIVES**

19 **Subpart A - Mobile Home Park Purchase/Development Account**

20 **Sec. 2.** RCW 59.22.010 and 1995 c 399 s 154 are each amended to  
21 read as follows:

22 (1) The legislature finds:

23 (a) That manufactured housing and mobile home parks provide a  
24 source of low-cost housing to the low income, elderly, poor and  
25 infirmed, without which they could not afford private housing; but  
26 rising costs of mobile home park development and operation, as well  
27 as turnover in ownership, has resulted in mobile home park living  
28 becoming unaffordable to the low income, elderly, poor and infirmed,  
29 resulting in increased numbers of homeless persons, and persons who  
30 must look to public housing and public programs, increasing the  
31 burden on the state to meet the housing needs of its residents;

32 (b) That state government can play a vital role in addressing  
33 the problems confronted by mobile home park residents by providing

1 assistance which makes it possible for mobile home park residents to  
2 acquire the mobile home parks in which they reside and convert them  
3 to resident ownership; (~~and~~)

4 (c) That state government can also play a vital role in  
5 addressing the lack of affordable mobile home lots by providing  
6 assistance which makes it possible for nonprofit organizations to  
7 develop mobile home parks that will be affordable and occupied  
8 primarily by the low-income, seniors, or poor and infirmed; and

9 (d) That to accomplish this purpose, information and technical  
10 support shall be made available through the department.

11 (2) Therefore, it is the intent of the legislature, in order to  
12 maintain or increase low-cost housing in mobile home parks to benefit  
13 the low income, elderly, poor and infirmed, to encourage and  
14 facilitate the conversion of mobile home parks to resident ownership,  
15 to protect low-income mobile home park residents from both physical  
16 and economic displacement, to obtain a high level of private  
17 financing for mobile home park conversions or development, and to  
18 help establish acceptance for nonprofit or resident-owned mobile home  
19 parks in the private market.

20 **Sec. 3.** RCW 59.22.020 and 1995 c 399 s 155 are each amended to  
21 read as follows:

22 The following definitions shall apply throughout this chapter  
23 unless the context clearly requires otherwise:

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

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

29 (3) "Conversion costs" includes the cost of acquiring the mobile  
30 home park, the costs of planning and processing the conversion, the  
31 costs of any needed repairs or rehabilitation, and any expenditures  
32 required by a government agency or lender for the project.

33 (4) "Department" means the department of community, trade, and  
34 economic development.

35 (5) "Development costs" includes the cost of land acquisition,  
36 the costs associated with the mobile home park project planning and  
37 predevelopment, the construction costs associated with development of

1 the mobile home park, and any expenditures required by a government  
2 agency or lender for the project.

3 ~~((6))~~ (7) "Fee" means the mobile home title transfer fee imposed under  
4 RCW 59.22.080.

5 ~~((+6))~~ (7) "Fund" or "park purchase account" means the mobile  
6 home park purchase account created pursuant to RCW 59.22.030.

7 ~~((+7))~~ (8) "Housing costs" means the total cost of owning,  
8 occupying, and maintaining a mobile home and a lot or space in a  
9 mobile home park.

10 ~~((+8))~~ (9) "Individual interest in a mobile home park" means  
11 any interest which is fee ownership or a lesser interest which  
12 entitles the holder to occupy a lot or space in a mobile home park  
13 for a period of not less than either fifteen years or the life of the  
14 holder. Individual interests in a mobile home park include, but are  
15 not limited to, the following:

16 (a) Ownership of a lot or space in a mobile home park or  
17 subdivision;

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

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

22 ~~((+9))~~ (10) "Low-income resident" means an individual or  
23 household who resided in the mobile home park prior to application  
24 for a loan pursuant to this chapter and with an annual income at or  
25 below eighty percent of the median income for the county of standard  
26 metropolitan statistical area of residence. Net worth shall be  
27 considered in the calculation of income with the exception of the  
28 resident's mobile/manufactured home which is used as their primary  
29 residence.

30 ~~((+10))~~ (11) "Low-income spaces" means those spaces in a mobile  
31 home park operated by a resident organization which are occupied by  
32 low-income residents.

33 ~~((+11))~~ (12) "Mobile home park" means a mobile home park, as  
34 defined in RCW 59.20.030(4), or a manufactured home park subdivision  
35 as defined by RCW 59.20.030(6) created by the conversion to resident  
36 ownership of a mobile home park.

37 ~~((+12))~~ (13) "Resident organization" means a group of mobile  
38 home park residents who have formed a nonprofit corporation,

1 cooperative corporation, or other entity or organization for the  
 2 purpose of acquiring the mobile home park in which they reside and  
 3 converting the mobile home park to resident ownership. The  
 4 membership of a resident organization shall include at least two-  
 5 thirds of the households residing in the mobile home park at the time  
 6 of application for assistance from the department.

7 ~~((+13))~~ (14) "Resident ownership" means, depending on the  
 8 context, either the ownership, by a resident organization, as defined  
 9 in this section, of an interest in a mobile home park which entitles  
 10 the resident organization to control the operations of the mobile  
 11 home park for a term of no less than fifteen years, or the ownership  
 12 of individual interests in a mobile home park, or both.

13 ~~((+14))~~ (15) "Landlord" shall have the same meaning as it does  
 14 in RCW 59.20.030.

15 ~~((+15))~~ (16) "Manufactured housing" ~~((means residences  
 16 constructed on one or more chassis for transportation, and which bear  
 17 an insignia issued by a state or federal regulatory agency indication  
 18 compliance with all applicable construction standards of the United  
 19 States department of housing and urban development))~~ has the same  
 20 meaning as in RCW 59.20.030.

21 ~~((+16))~~ (17) "Mobile home" shall have the same meaning as it  
 22 does in RCW ~~((46.04.302))~~ 59.20.030.

23 ~~((+17))~~ (18) "Mobile home lot" shall have the same meaning as  
 24 it does in RCW 59.20.030.

25 ~~((+18))~~ (19) "Tenant" ~~((means a person who rents a mobile home  
 26 lot for a term of one month or longer and owns the mobile home on the  
 27 lot))~~ has the same meaning as in RCW 59.20.030.

28 **Sec. 4.** RCW 59.22.030 and 1991 sp.s. c 13 s 89 are each amended  
 29 to read as follows:

30 The mobile home park purchase and development account is hereby  
 31 created in the state treasury. The purpose of this account is to  
 32 provide loans according to the provisions of this chapter and for  
 33 related administrative costs of the department. The account shall  
 34 include appropriations, loan repayments, and any other money from  
 35 private sources made available to the state for the purposes of this  
 36 chapter. Owners of mobile home parks shall not be assessed for the  
 37 purposes of this account.

1           **Sec. 5.** RCW 59.22.032 and 1993 c 66 s 10 are each amended to  
2 read as follows:

3           (1) The department may make loans from the fund to resident  
4 organizations for the purpose of financing mobile home park  
5 conversion costs. The department may only make loans to resident  
6 organizations of mobile home parks where a significant portion of the  
7 residents are low-income or infirm.

8           (2) The department may make loans from the fund to low-income  
9 residents of mobile home parks converted to resident ownership or  
10 which plan to convert to resident ownership. The purpose of  
11 providing loans under this subsection is to reduce the monthly  
12 housing costs for low-income residents to an affordable level. The  
13 department may establish flexible repayment terms for loans provided  
14 under this subsection if the terms are necessary to reduce the  
15 monthly housing costs for low-income residents to an affordable  
16 level, and do not represent an unacceptable risk to the security of  
17 the fund. Flexible repayment terms may include, but are not limited  
18 to, graduated payment schedules with negative amortization.

19           (3) The department may make loans from the fund to organizations  
20 eligible to receive assistance under chapter 43.185 RCW, for the  
21 purpose of mobile home park development costs. The department may  
22 only make loans to eligible organizations where at least fifty-one  
23 percent of the mobile home park residents will be low-income or  
24 infirmed.

25           **Sec. 6.** RCW 59.22.036 and 1993 c 66 s 12 are each amended to  
26 read as follows:

27           (1) Before providing financing for mobile home park conversion  
28 costs under this chapter, the department shall require:

29           (~~(1)~~) (a) Verification that at least two-thirds of the  
30 households residing in the mobile home park support the plan for  
31 acquisition and conversion of the park;

32           (~~(2)~~) (b) Verification that either no park residents will be  
33 involuntarily displaced as a result of the park conversion, or the  
34 impacts of displacement will be mitigated so as not to impose a  
35 hardship on the displaced resident;

36           (~~(3)~~) (c) Projected costs and sources of funds for conversion  
37 activities;

1           ~~((+4))~~ (d) A projected operating budget for the park during and  
2 after conversion; and

3           ~~((+5))~~ (e) A management plan for the conversion and operation  
4 of the park.

5           (2) Before providing financing for mobile home park development  
6 costs under this chapter, the department shall require:

7           (a) Certification by the eligible organization that at least  
8 fifty-one percent of the mobile home park will be occupied by  
9 residents that are low-income or infirmed;

10           (b) Projected development costs and sources of funds for project  
11 development activities;

12           (c) A projected five-year operating budget for the park after  
13 completion of development activities; and

14           (d) A management plan for the development and operation of the  
15 park.

16           **Sec. 7.** RCW 59.22.039 and 1993 c 66 s 14 are each amended to  
17 read as follows:

18           (1) The department may provide technical assistance to resident  
19 organizations who wish to convert the mobile home park in which they  
20 reside to resident ownership. Technical assistance does not include  
21 details connected with the sale or conversion of a mobile home park  
22 which would require the department to act in a representative  
23 capacity, or the drafting of documents affecting legal or property  
24 rights of the parties by the department.

25           (2) The department may provide technical assistance to nonprofit  
26 organizations to assist in the development of new mobile home parks.  
27 Technical assistance does not include details connected with the  
28 acquisition of property which would require the department to act in  
29 a representative capacity, or the drafting of documents affecting  
30 legal or property rights of the parties by the department.

31           **Subpart B - Mobile Home Relocation Assistance**

32           **Sec. 8.** RCW 59.21.021 and 1998 c 124 s 2 are each amended to  
33 read as follows:

34           (1) If a mobile home park is closed or converted to another use  
35 after December 31, 1995, eligible tenants shall be entitled to

1 assistance on a first-come, first-serve basis. Payments shall be  
2 made upon the department's verification of eligibility, subject to  
3 the availability of remaining funds.

4 (2) Assistance for closures occurring after December 31, 1995,  
5 is limited to persons who maintain ownership of and relocate their  
6 mobile home.

7 (3) Persons who maintained ownership of and relocated their  
8 mobile homes are entitled to up to seven thousand dollars for a  
9 double-wide home and up to three thousand five hundred dollars for a  
10 single-wide home, including amounts necessary to cover security  
11 deposits, and first and last months rent.

12 (4) Persons who demolish their mobile homes are entitled to up  
13 to two thousand dollars to cover the cost of demolition of a double-  
14 wide or single-wide home.

15 (5) Any organization may apply to receive funds from the mobile  
16 home park relocation fund, for use in combination with funds from  
17 public or private sources, toward relocation of tenants eligible  
18 under this section. Funds received from the mobile home park  
19 relocation fund shall only be used for relocation, demolition, or  
20 move-in costs assistance.

21 **PART II**

22 **MOBILE HOME LANDLORD-TENANT RELATIONS**

23 **Subpart A - Applicability of Consumer Protection Act**

24 NEW SECTION. **Sec. 9.** A new section is added to chapter 59.20  
25 RCW to read as follows:

26 The legislature finds that the practices covered by this chapter  
27 are matters vitally affecting the public interest for the purpose of  
28 applying the consumer protection act, chapter 19.86 RCW. A violation  
29 of this chapter is not reasonable in relation to the development and  
30 preservation of business and is an unfair or deceptive act in trade  
31 or commerce and an unfair method of competition for the purpose of  
32 applying the consumer protection act, chapter 19.86 RCW.

33 **Subpart B - Single-Wide Mobile Homes Not Excluded**

1           **Sec. 10.** RCW 59.20.070 and 1993 c 66 s 16 are each amended to  
2 read as follows:

3           A landlord shall not:

4           (1) Deny any tenant the right to sell such tenant's mobile home  
5 within a park or require the removal of the mobile home from the park  
6 because of the sale thereof. Requirements for the transfer of the  
7 rental agreement are in RCW 59.20.073;

8           (2) Restrict the tenant's freedom of choice in purchasing goods  
9 or services but may reserve the right to approve or disapprove any  
10 exterior structural improvements on a mobile home space: PROVIDED,  
11 That door-to-door solicitation in the mobile home park may be  
12 restricted in the rental agreement. Door-to-door solicitation does  
13 not include public officials or candidates for public office meeting  
14 or distributing information to tenants in accordance with subsection  
15 (4) of this section;

16           (3) Prohibit meetings by tenants of the mobile home park to  
17 discuss mobile home living and affairs, including political caucuses  
18 or forums for or speeches of public officials or candidates for  
19 public office, or meetings of organizations that represent the  
20 interest of tenants in the park, held in any of the park community or  
21 recreation halls if these halls are open for the use of the tenants,  
22 conducted at reasonable times and in an orderly manner on the  
23 premises, nor penalize any tenant for participation in such  
24 activities;

25           (4) Prohibit a public official or candidate for public office  
26 from meeting with or distributing information to tenants in their  
27 individual mobile homes, nor penalize any tenant for participating in  
28 these meetings or receiving this information;

29           (5) Evict a tenant, terminate a rental agreement, decline to  
30 renew a rental agreement, increase rental or other tenant  
31 obligations, decrease services, or modify park rules in retaliation  
32 for any of the following actions on the part of a tenant taken in  
33 good faith:

34           (a) Filing a complaint with any state, county, or municipal  
35 governmental authority relating to any alleged violation by the  
36 landlord of an applicable statute, regulation, or ordinance;



1 (b) Requesting the landlord to comply with the provision of this  
2 chapter or other applicable statute, regulation, or ordinance of the  
3 state, county, or municipality;

4 (c) Filing suit against the landlord for any reason;

5 (d) Participation or membership in any homeowners association or  
6 group;

7 (6) Charge to any tenant a utility fee in excess of actual  
8 utility costs or intentionally cause termination or interruption of  
9 any tenant's utility services, including water, heat, electricity, or  
10 gas, except when an interruption of a reasonable duration is required  
11 to make necessary repairs;

12 (7) Remove or exclude a tenant from the premises unless this  
13 chapter is complied with or the exclusion or removal is under an  
14 appropriate court order; or

15 (8) Prevent the entry or require the removal of a mobile home  
16 for the sole reason that the mobile home is a single-wide mobile home  
17 or has reached a certain age. Nothing in this subsection shall limit  
18 a landlords' right to exclude or expel a mobile home for any other  
19 reason provided such action conforms to chapter 59.20 RCW, ~~((or))~~ any  
20 other statutory provision, or local zoning regulations that impose  
21 restrictions on the size of residential structures within specific  
22 areas.

23 **Subpart C - Early Termination of Rental Agreement**

24 **Sec. 11.** RCW 59.20.090 and 1998 c 118 s 3 are each amended to  
25 read as follows:

26 (1) Unless otherwise agreed rental agreements shall be for a  
27 term of one year. Any rental agreement of whatever duration shall be  
28 automatically renewed for the term of the original rental agreement,  
29 unless a different specified term is agreed upon.

30 (2) A landlord seeking to increase the rent upon expiration of  
31 the term of a rental agreement of any duration shall notify the  
32 tenant in writing three months prior to the effective date of any  
33 increase in rent.

34 (3) A tenant shall notify the landlord in writing one month  
35 prior to the expiration of a rental agreement of an intention not to  
36 renew.

1 (4)(a) The tenant may terminate the rental agreement upon thirty  
2 days written notice whenever a change in the location of the tenant's  
3 employment requires a change in his residence, and shall not be  
4 liable for rental following such termination unless after due  
5 diligence and reasonable effort the landlord is not able to rent the  
6 mobile home lot at a fair rental. If the landlord is not able to  
7 rent the lot, the tenant shall remain liable for the rental specified  
8 in the rental agreement until the lot is rented or the original term  
9 ends;

10 (b) Any tenant who is a member of the armed forces may terminate  
11 a rental agreement with less than thirty days notice if he receives  
12 reassignment orders which do not allow greater notice.

13 (5) The tenant may terminate the rental agreement upon twenty  
14 days' written notice and shall not be liable for rental following  
15 such termination if, any time after receiving notice of a change of  
16 land use of the mobile home park pursuant to RCW 59.20.080(1)(e), the  
17 tenant either (a) relocates the mobile home to another location, or  
18 (b) abandons or transfers the mobile home under the provisions of  
19 section 12 of this act.

#### 20 Subpart D - Demolition Costs and Informational Brochures

21 NEW SECTION. Sec. 12. A new section is added to chapter 59.20  
22 RCW to read as follows:

23 If, after receiving notice of a change of land use of the mobile  
24 home park under RCW 59.20.080(1)(e), a tenant abandons the mobile  
25 home or provides written notification to the landlord that he or she  
26 is relinquishing ownership of the mobile home, the landlord shall be  
27 responsible for the costs of demolition or removal of the mobile  
28 home.

29 **Sec. 13.** RCW 59.20.130 and 1993 c 66 s 20 are each amended to  
30 read as follows:

31 It shall be the duty of the landlord to:

32 (1) Comply with codes, statutes, ordinances, and administrative  
33 rules applicable to the mobile home park;

1 (2) Maintain the common premises and prevent the accumulation of  
2 stagnant water and to prevent the detrimental effects of moving water  
3 when such condition is not the fault of the tenant;

4 (3) Keep any shared or common premises reasonably clean,  
5 sanitary, and safe from defects to reduce the hazards of fire or  
6 accident;

7 (4) Keep all common premises of the mobile home park, not in the  
8 possession of tenants, free of weeds or plant growth noxious and  
9 detrimental to the health of the tenants and free from potentially  
10 injurious or unsightly objects and condition;

11 (5) Exterminate or make a reasonable effort to exterminate  
12 rodents, vermin, or other pests dangerous to the health and safety of  
13 the tenant whenever infestation exists on the common premises or  
14 whenever infestation occurs in the interior of a mobile home as a  
15 result of infestation existing on the common premises;

16 (6) Maintain and protect all utilities provided to the mobile  
17 home in good working condition. Maintenance responsibility shall be  
18 determined at that point where the normal mobile home utilities  
19 "hook-ups" connect to those provided by the landlord or utility  
20 company;

21 (7) Respect the privacy of the tenants and shall have no right  
22 of entry to a mobile home without the prior written consent of the  
23 ((~~occupant~~)) tenant, except in case of emergency or when the  
24 ((~~occupant~~)) tenant has abandoned the mobile home or relinquished  
25 ownership of the mobile home under section 12 of this act. Such  
26 consent may be revoked in writing by the ((~~occupant~~)) tenant at any  
27 time. The ownership or management shall have a right of entry upon  
28 the land upon which a mobile home is situated for maintenance of  
29 utilities, to insure compliance with applicable codes, statutes,  
30 ordinances, administrative rules, and the rental agreement and the  
31 rules of the park, and protection of the mobile home park at any  
32 reasonable time or in an emergency, but not in a manner or at a time  
33 which would interfere with the ((~~occupant's~~)) tenant's quiet  
34 enjoyment;

35 (8) Allow tenants freedom of choice in the purchase of goods and  
36 services, and not unreasonably restrict access to the mobile home  
37 park for such purposes;

1 (9) Maintain roads within the mobile home park in good  
2 condition; ((and))

3 (10) Notify each tenant within five days after a petition has  
4 been filed by the landlord for a change in the zoning of the land  
5 where the mobile home park is located and make a description of the  
6 change available to the tenant; and

7 (11) Provide tenants with a brochure that explains the tenant's  
8 rights and responsibilities under this chapter. This brochure must  
9 be made available to the tenant at the time the lease or rental  
10 agreement is signed. The department of community, trade, and  
11 economic development, in consultation with the office of the attorney  
12 general, is responsible for the development of the brochure required  
13 under this subsection.

14 A landlord shall not have a duty to repair a defective condition  
15 under this section, nor shall any defense or remedy be available to  
16 the tenant under this chapter, if the defective condition complained  
17 of was caused by the conduct of the tenant, the tenant's family,  
18 invitee, or other person acting under the tenant's control, or if a  
19 tenant unreasonably fails to allow the landlord access to the  
20 property for purposes of repair.

21 **PART III**

22 **LAND DEVELOPMENT REGULATIONS**

23 NEW SECTION. Sec. 14. A new section is added to chapter 35.63  
24 RCW to read as follows:

25 Each city that plans and zones under this chapter shall, not  
26 later than December 31, 1999, adopt an ordinance providing that no  
27 project permit may be issued for converting a mobile home park to  
28 another use until all mobile homes in the park have been relocated to  
29 other locations or demolished. For purposes of this section, the  
30 term "mobile home park" has the meaning set forth in RCW 59.20.030  
31 and the term "project permit" has the meaning set forth in RCW  
32 36.70B.020.

33 NEW SECTION. Sec. 15. A new section is added to chapter 35A.63  
34 RCW to read as follows:



1            NEW SECTION.    **Sec. 19.** Part and subpart headings used in this  
2 act are not any part of the law."

3 Correct the title.

EFFECT:    **(1)** Revises the existing mobile home park purchase fund to allow loans to nonprofits to develop mobile home parks; **(2)** Revises the mobile home relocation assistance fund to (i) allow costs to cover security deposits, and first and last months rent to tenants that are required to relocate their mobile home due to park closure, or (ii) provide up to \$2,000 to a mobile home owner to cover costs associated with the demolition of a mobile home; **(3)** Revises the mobile home landlord-tenant act to (i) apply the consumer protection act to violations of the mobile home landlord-tenant act, (ii) prohibit a mobile home park owner from excluding a mobile home from the park based on it being a single-wide mobile home, (iii) allow a tenant to terminate the lease with 20 days notice after the park owner has issued the required 12 month park closure notice, (iv) require the landlord to pay for the cost of demolition of a mobile home if the tenant either abandons or relinquishes ownership of the mobile home after a notice of park closure has been issued, (v) requires the mobile home park owner to provide each tenant an informational brochure that explains the tenant's rights at the time the lease or rental agreement is signed; and **(4)** Prohibits a local government from issuing a land development permit on property that was converted from use as a mobile home park to another use until all mobile homes are relocated to other locations.