
SUBSTITUTE HOUSE BILL 2306

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Economic Development, Housing & Trade (originally sponsored by Representatives Van Luven, Kastama, Veloria, Boldt, Kenney, McDonald, Eickmeyer, Radcliff, Ballasiotes, Miloscia, K. Schmidt, Haigh, Skinner, Hankins, Wolfe and Ruderman)

Read first time 01/25/2000. Referred to Committee on .

1 AN ACT Relating to mobile home parks; amending RCW 59.22.039,
2 59.23.025, and 59.23.030; adding a new section to chapter 59.20 RCW;
3 adding new sections to chapter 35.63 RCW; adding new sections to
4 chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; adding a
5 new section to chapter 36.70B RCW; adding a new section to chapter
6 82.02 RCW; adding a new section to chapter 84.52 RCW; and creating new
7 sections.

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

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

17 It is the intent of the legislature to establish incentives
18 designed to preserve existing mobile home parks and to assist in the

1 development of additional mobile home parks by nonprofit organizations
2 and for-profit corporations.

3 **PART I--Department Technical Assistance**

4 **Sec. 2.** RCW 59.22.039 and 1993 c 66 s 14 are each amended to read
5 as follows:

6 (1) The department may provide technical assistance to resident
7 organizations who wish to convert the mobile home park in which they
8 reside to resident ownership. Technical assistance does not include
9 details connected with the sale or conversion of a mobile home park
10 which would require the department to act in a representative capacity,
11 or the drafting of documents affecting legal or property rights of the
12 parties by the department.

13 (2) The department may provide technical assistance to nonprofit
14 organizations to assist in the development of new mobile home parks.
15 Technical assistance does not include details connected with the
16 acquisition of property which would require the department to act in a
17 representative capacity, or the drafting of documents affecting legal
18 or property rights of the parties by the department.

19 **PART II--Consumer Protection Application**

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 59.20 RCW
21 to read as follows:

22 The legislature finds that the practices covered by this chapter
23 are matters vitally affecting the public interest for the purpose of
24 applying the consumer protection act, chapter 19.86 RCW. A violation
25 of this chapter is not reasonable in relation to the development and
26 preservation of business and is an unfair or deceptive act in trade or
27 commerce and an unfair method of competition for the purpose of
28 applying the consumer protection act, chapter 19.86 RCW. Civil actions
29 against a party for violations under chapter 19.86 RCW may only be
30 instituted by the office of the attorney general.

31 **PART III--Land Development Regulations**

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.63 RCW
33 to read as follows:

1 Each city that plans and zones under this chapter must, not later
2 than December 31, 2000, adopt an ordinance providing that no project
3 permit may be issued for converting a mobile home park to another use
4 until all mobile homes in the park have been relocated to other
5 locations or demolished. For purposes of this section, the term
6 "mobile home park" has the meaning set forth in RCW 59.20.030 and the
7 term "project permit" has the meaning set forth in RCW 36.70B.020.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.63 RCW
9 to read as follows:

10 Each code city that plans and zones under this chapter must, not
11 later than December 31, 2000, adopt an ordinance providing that no
12 project permit may be issued for converting a mobile home park to
13 another use until all mobile homes in the park have been relocated to
14 other locations or demolished. For purposes of this section, the term
15 "mobile home park" has the meaning set forth in RCW 59.20.030 and the
16 term "project permit" has the meaning set forth in RCW 36.70B.020.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70 RCW
18 to read as follows:

19 Each county planning under this chapter must, not later than
20 December 31, 2000, incorporate in their development regulations, zoning
21 regulations, or official controls a requirement that no project permit
22 may be issued for converting a mobile home park to another use until
23 all mobile homes in the park have been relocated to other locations or
24 demolished. For purposes of this section, the term "mobile home park"
25 has the meaning set forth in RCW 59.20.030 and the term "project
26 permit" has the meaning set forth in RCW 36.70B.020.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70B RCW
28 to read as follows:

29 No project permit may be issued for converting a mobile home park
30 to another use until all mobile homes in the park have been relocated
31 to other locations or demolished. For purposes of this section, the
32 term "mobile home park" has the same meaning as set forth in RCW
33 59.20.030.

34 NEW SECTION. **Sec. 8.** A new section is added to chapter 35.63 RCW
35 to read as follows:

1 (1) Each city that plans and zones under this chapter must, not
2 later than December 31, 2000, adopt an ordinance or ordinances that:

3 (a) Provides for an adequate supply of land that is zoned for the
4 placement of mobile home parks due to increased demand for mobile home
5 parks or as the result of the conversion of existing mobile home parks
6 to another use;

7 (b) Prohibits a change in the zoning classification of land for the
8 placement of mobile home parks for a period of at least thirty years
9 after the date a project permit is issued for the construction of a
10 mobile home park; and

11 (c) Provides for an expedited permit process for the development of
12 mobile home parks.

13 (2) For the purposes of this section, the term "mobile home park"
14 has the meaning set forth in RCW 59.20.030.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 35A.63 RCW
16 to read as follows:

17 (1) Each code city that plans and zones under this chapter must,
18 not later than December 31, 2000, adopt an ordinance or ordinances
19 that:

20 (a) Provides for an adequate supply of land that is zoned for the
21 placement of mobile home parks due to increased demand for mobile home
22 parks or as the result of the conversion of existing mobile home parks
23 to another use;

24 (b) Prohibits a change in the zoning classification of land for the
25 placement of mobile home parks for a period of at least thirty years
26 after the date a project permit is issued for the construction of a
27 mobile home park; and

28 (c) Provides for an expedited permit process for the development of
29 mobile home parks.

30 (2) For the purposes of this section, the term "mobile home park"
31 has the meaning set forth in RCW 59.20.030.

32 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.70 RCW
33 to read as follows:

34 (1) Each county that plans and zones under this chapter must, not
35 later than December 31, 2000, adopt an ordinance or ordinances that:

36 (a) Provides for an adequate supply of land that is zoned for the
37 placement of mobile home parks due to increased demand for mobile home

1 parks or as the result of the conversion of existing mobile home parks
2 to another use;

3 (b) Prohibits a change in the zoning classification of land for the
4 placement of mobile home parks for a period of at least thirty years
5 after the date a project permit is issued for the construction of a
6 mobile home park; and

7 (c) Provides for an expedited permit process for the development of
8 mobile home parks.

9 (2) For the purposes of this section, the term "mobile home park"
10 has the meaning set forth in RCW 59.20.030.

11 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.02 RCW
12 to read as follows:

13 A person that develops a mobile home park in response to the
14 closure of an existing mobile home park with an equal number of mobile
15 home spaces shall not be required to pay an impact fee under RCW
16 82.02.050 through 82.02.090 for public facilities or system
17 improvements. As used in this section, "mobile home park" has the same
18 meaning as in RCW 59.20.030.

19 **PART IV--Mobile Home Financing**

20 NEW SECTION. **Sec. 12.** The legislature recognizes, as provided in
21 Article XI, section 1 of the state Constitution, that it is the
22 paramount duty of the state to make ample provision for the education
23 of all children residing in this state. Each year, the state property
24 tax levy generates considerably less than one-half of the money that
25 the legislature has appropriated for basic education that year, which
26 is about one-quarter of the money the legislature has appropriated for
27 all K-12 education purposes that year. Allowing a diversion of a small
28 portion of the state property tax levy for purposes provided in section
29 13 of this act does not alter or limit the paramount duty of the state
30 to make ample provision for education of all children residing in the
31 state.

32 NEW SECTION. **Sec. 13.** A new section is added to chapter 84.52 RCW
33 to read as follows:

34 (1) The legislative authority of a county or city may impose a
35 regular property tax levy upon each eligible improvement within the

1 county or city. The rate of the levy for each eligible improvement is
2 equal to one hundred percent of the state equalized levy. The levy for
3 a particular eligible improvement expires after a period of five years.

4 (2) The levy under this section shall be credited against the levy
5 for the state upon each eligible improvement.

6 (3) The revenue from the levy under this section shall: (a) Be
7 used solely for either mobile home relocation assistance or for the
8 construction of mobile home parks; and (b) constitute the state's
9 contribution toward either mobile home relocation assistance costs or
10 mobile home park construction costs.

11 (4) The definitions in this subsection apply for the purposes of
12 this section:

13 (a) "Eligible improvement" means a building or structure that is
14 constructed on land where a change of use has occurred;

15 (b) "Mobile home park" has the same meaning as in RCW 59.20.030;

16 (c) "State levy rate" means the rate of the state levy adjusted to
17 the state equalization value under RCW 84.52.065;

18 (d) "Change of use" means land where the county or city has issued
19 a project permit that authorizes the conversion of a mobile home park
20 to another use;

21 (e) "Project permit" has the same meaning as in RCW 36.70B.020.

22 (5) The tax imposed under subsection (1) of this section shall not
23 be included as part of the calculation under RCW 84.52.043.

24 **PART V--Right of First Refusal**

25 **Sec. 14.** RCW 59.23.025 and 1993 c 66 s 5 are each amended to read
26 as follows:

27 (1) If notice of a desire to purchase has been given under RCW
28 59.23.015, a park owner shall notify the qualified tenant organization
29 that an agreement to purchase and sell has been reached and the terms
30 of the agreement, including the availability and terms of seller
31 financing, before closing a sale with any other person or entity. If,
32 within (~~(thirty))~~ ninety days after the actual notice has been
33 received, the qualified tenant organization tenders to the park owner
34 an amount equal to two percent of the agreed purchase price,
35 (~~((refundable only according to this chapter))~~) which is refundable if
36 the qualified tenant organization is not able to obtain financing for
37 the purchase of the mobile home park, together with a fully executed

1 purchase and sale agreement at least as favorable to the park owner as
2 the original agreement, the mobile home park owner must sell the mobile
3 home park to the qualified tenant organization. The tenant
4 organization must then close the sale on the same terms as outlined in
5 the original agreement between the park owner and the prospective
6 purchaser. In the case of seller financing, a mobile home park owner
7 may decline to sell the mobile home park to the qualified tenant
8 organization if, based on reasonable and objective evidence, to do so
9 would present a greater financial risk to the seller than would selling
10 on the same terms to the original offeror.

11 If the qualified tenant organization fails to perform under the
12 terms of the agreement the owner may proceed with the sale to any other
13 party at these terms. If the park owner thereafter elects to accept an
14 offer at a price lower than the price specified in the notice, the
15 homeowners will have an additional ten days to meet the price and terms
16 and conditions of this lower offer by executing a contract. If the
17 qualified tenant organization fails to perform following two such
18 opportunities, the park owner shall be free for a period of twenty-four
19 months to execute a sale of the park to any other party.

20 A mobile home park owner who enters into a signed agreement to sell
21 or transfer the ownership of the mobile home park to a relative or a
22 legal entity composed of relatives or established for the benefit of
23 relatives of the mobile home park owner, who signs an agreement stating
24 the intention to maintain the property as a mobile home park is
25 exempted from the requirements of this section and RCW 59.23.030.

26 **Sec. 15.** RCW 59.23.030 and 1993 c 66 s 6 are each amended to read
27 as follows:

28 Failure on the part of a mobile home park owner to give notice as
29 required by this chapter renders a sale of the mobile home park that
30 occurs within (~~thirty~~) ninety days of the time the qualified tenant
31 organization knows or has reason to know that a violation of the notice
32 provisions of RCW 59.23.015 has occurred, voidable upon application to
33 superior court after notice and hearing. If the court determines that
34 the notice provisions of this chapter have been violated, the court
35 shall issue an order setting aside the improper sale. In an action
36 brought under this section, the court shall award the prevailing party
37 attorneys' fees and costs. For the purposes of this section, a

1 "prevailing party" includes any third party purchaser who appears and
2 successfully defends his or her interest.

3 NEW SECTION. **Sec. 16.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 17.** Part headings used in this act are not any
8 part of the law.

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