#### HOUSE BILL 2306

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State of Washington 56th Legislature 1999 1 Special Session

By Representatives Van Luven, Kastama, Veloria, Boldt, Kenney, McDonald, Eickmeyer, Radcliff, Ballasiotes, Miloscia, K. Schmidt, Haigh, Skinner, Hankins and Wolfe

Read first time . Referred to Committee on .

- 1 AN ACT Relating to mobile home parks; amending RCW 59.22.010,
- 2 59.22.020, 59.22.030, 59.22.032, 59.22.036, 59.22.039, 59.21.021,
- 3 59.20.070, 59.20.090, and 59.20.130; adding new sections to chapter
- 4 59.20 RCW; adding a new section to chapter 35.63 RCW; adding a new
- 5 section to chapter 35A.63 RCW; adding a new section to chapter 36.70
- 6 RCW; adding a new section to chapter 36.70B RCW; and creating new
- 7 sections.
- 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 9 <u>NEW SECTION.</u> **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 cause 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

p. 1 HB 2306

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

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3 PART I

4 FINANCIAL INCENTIVES

## Subpart A - Mobile Home Park Purchase/Development Account

- 6 Sec. 2. RCW 59.22.010 and 1995 c 399 s 154 are each amended to 7 read as follows:
- (1) The legislature finds: 8
- (a) That manufactured housing and mobile home parks provide a 9 source of low-cost housing to the low income, elderly, poor and 10 infirmed, without which they could not afford private housing; but 11 12 rising costs of mobile home park development and operation, as well as 13 turnover in ownership, has resulted in mobile home park living becoming unaffordable to the low income, elderly, poor and infirmed, resulting 14 15 in increased numbers of homeless persons, and persons who must look to 16 public housing and public programs, increasing the burden on the state 17 to meet the housing needs of its residents;
- (b) That state government can play a vital role in addressing the 18 19 problems confronted by mobile home park residents by providing 20 assistance which makes it possible for mobile home park residents to acquire the mobile home parks in which they reside and convert them to 21 22 resident ownership; ((and))
- 23 (c) That state government can also play a vital role in addressing the lack of affordable mobile home lots by providing assistance which 24 25 makes it possible for nonprofit organizations to develop mobile home parks that will be affordable and occupied primarily by the low-income, 26 27
  - seniors, or poor and infirmed; and
- (d) That to accomplish this purpose, information and technical 28 support shall be made available through the department. 29
- 30 (2) Therefore, it is the intent of the legislature, in order to maintain or increase low-cost housing in mobile home parks to benefit 31 32 the low income, elderly, poor and infirmed, to encourage and facilitate the conversion of mobile home parks to resident ownership, to protect 33 34 low-income mobile home park residents from both physical and economic displacement, to obtain a high level of private financing for mobile 35

home park conversions or development, and to help establish acceptance

HB 2306 p. 2

- 1 for  $\underline{\text{nonprofit}}$  or  $\underline{\text{resident-owned}}$  mobile home parks in the private
- 2 market.
- 3 **Sec. 3.** RCW 59.22.020 and 1995 c 399 s 155 are each amended to 4 read as follows:
- 5 The following definitions shall apply throughout this chapter 6 unless the context clearly requires otherwise:
- 7 (1) "Account" means the mobile home affairs account created under 8 RCW 59.22.070.
- 9 (2) "Affordable" means that, where feasible, low-income residents 10 should not pay more than thirty percent of their monthly income for 11 housing costs.
- 12 (3) "Conversion costs" includes the cost of acquiring the mobile 13 home park, the costs of planning and processing the conversion, the 14 costs of any needed repairs or rehabilitation, and any expenditures 15 required by a government agency or lender for the project.
- 16 (4) "Department" means the department of community, trade, and 17 economic development.
- 18 (5) "Development costs" includes the cost of land acquisition, the
  19 costs associated with the mobile home park project planning and
  20 predevelopment, the construction costs associated with development of
  21 the mobile home park, and any expenditures required by a government
  22 agency or lender for the project.
- (6) "Fee" means the mobile home title transfer fee imposed under RCW 59.22.080.
- $((\frac{(6)}{(6)}))$  "Fund" or "park purchase account" means the mobile home park purchase and development account created pursuant to RCW 59.22.030.
- $((\frac{7}{1}))$  (8) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.
- ((<del>(8)</del>)) (9) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder.
- 35 Individual interests in a mobile home park include, but are not limited 36 to, the following:
- 37 (a) Ownership of a lot or space in a mobile home park or 38 subdivision;

p. 3 HB 2306

- 1 (b) A membership or shares in a stock cooperative, or a limited 2 equity housing cooperative; or
- 3 (c) Membership in a nonprofit mutual benefit corporation which 4 owns, operates, or owns and operates the mobile home park.

- ((+9+)) (10) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/ manufactured home which is used as their primary residence.
- (((10))) (11) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.
- $((\frac{(11)}{)})$  (12) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030( $(\frac{(4)}{)}$ ), or a manufactured home park subdivision as defined by RCW 59.20.030( $(\frac{(6)}{)}$ ) created by the conversion to resident ownership of a mobile home park.
  - ((\(\frac{(12)}{12}\))) (13) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.
  - $((\frac{13}{13}))$  (14) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.
- $((\frac{14}{1}))$  (15) "Landlord" shall have the same meaning as it does in RCW 59.20.030.
- ((<del>(15)</del>)) (16) "Manufactured housing" ((means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States

- 1 department of housing and urban development)) has the same meaning as
- 2 <u>in RCW 59.20.030</u>.
- 3  $((\frac{16}{16}))$  <u>(17)</u> "Mobile home" shall have the same meaning as it does 4 in RCW  $(\frac{46.04.302}{1000})$  <u>59.20.030</u>.
- 5  $((\frac{17}{17}))$  <u>(18)</u> "Mobile home lot" shall have the same meaning as it
- 6 does in RCW 59.20.030.
- 7 ((<del>(18)</del>)) <u>(19)</u> "Tenant" ((means a person who rents a mobile home lot
- 8 for a term of one month or longer and owns the mobile home on the lot))
- 9 has the same meaning as in RCW 59.20.030.
- 10 **Sec. 4.** RCW 59.22.030 and 1991 sp.s. c 13 s 89 are each amended to
- 11 read as follows:
- 12 The mobile home park purchase <u>and development</u> account is hereby
- 13 created in the state treasury. The purpose of this account is to
- 14 provide loans according to the provisions of this chapter and for
- 15 related administrative costs of the department. The account shall
- 16 include appropriations, loan repayments, and any other money from
- 17 private sources made available to the state for the purposes of this
- 18 chapter. Owners of mobile home parks shall not be assessed for the
- 19 purposes of this account.
- 20 **Sec. 5.** RCW 59.22.032 and 1993 c 66 s 10 are each amended to read
- 21 as follows:
- 22 (1) The department may make loans from the fund to resident
- 23 organizations for the purpose of financing mobile home park conversion
- 24 costs. The department may only make loans to resident organizations of
- 25 mobile home parks where a significant portion of the residents are low-
- 26 income or infirm.
- 27 (2) The department may make loans from the fund to low-income
- 28 residents of mobile home parks converted to resident ownership or which
- 29 plan to convert to resident ownership. The purpose of providing loans
- 30 under this subsection is to reduce the monthly housing costs for low-
- 31 income residents to an affordable level. The department may establish
- 32 flexible repayment terms for loans provided under this subsection if
- 33 the terms are necessary to reduce the monthly housing costs for low-
- 34 income residents to an affordable level, and do not represent an
- 35 unacceptable risk to the security of the fund. Flexible repayment
- 36 terms may include, but are not limited to, graduated payment schedules
- 37 with negative amortization.

p. 5 HB 2306

- 1 (3) The department may make loans from the fund to organizations
- 2 <u>eliqible to receive assistance under chapter 43.185 RCW for the purpose</u>
- 3 of mobile home park development costs. The department may only make
- 4 loans to eligible organizations where at least fifty-one percent of
- 5 the mobile home park residents will be low-income or infirmed.
- 6 **Sec. 6.** RCW 59.22.036 and 1993 c 66 s 12 are each amended to read 7 as follows:
- 8 (1) Before providing financing <u>for mobile home park conversion</u> 9 <u>costs</u> under this chapter, the department shall require:
- 10  $((\frac{1}{1}))$  (a) Verification that at least two-thirds of the households
- 11 residing in the mobile home park support the plan for acquisition and
- 12 conversion of the park;
- $((\frac{2}{2}))$  (b) Verification that either no park residents will be
- 14 involuntarily displaced as a result of the park conversion, or the
- 15 impacts of displacement will be mitigated so as not to impose a
- 16 hardship on the displaced resident;
- 17  $((\frac{3}{3}))$  <u>(c)</u> Projected costs and sources of funds for conversion
- 18 activities;
- 19 (((4))) (d) A projected operating budget for the park during and
- 20 after conversion; and
- 21 (((5))) (e) A management plan for the conversion and operation of
- 22 the park.
- 23 (2) Before providing financing for mobile home park development
- 24 costs under this chapter, the department shall require:
- 25 (a) Certification by the eligible organization that at least fifty-
- 26 one percent of the mobile home park will be occupied by residents that
- 27 are low-income or infirmed;
- 28 (b) Projected development costs and sources of funds for project
- 29 <u>development activities;</u>
- 30 (c) A projected five-year operating budget for the park after
- 31 completion of development activities; and
- 32 (d) A management plan for the development and operation of the
- 33 <u>park.</u>
- 34 **Sec. 7.** RCW 59.22.039 and 1993 c 66 s 14 are each amended to read
- 35 as follows:
- 36 (1) The department may provide technical assistance to resident
- 37 organizations who wish to convert the mobile home park in which they

- reside to resident ownership. Technical assistance does not include details connected with the sale or conversion of a mobile home park which would require the department to act in a representative capacity, or the drafting of documents affecting legal or property rights of the parties by the department.
- 6 (2) The department may provide technical assistance to nonprofit
  7 organizations to assist in the development of new mobile home parks.
  8 Technical assistance does not include details connected with the
  9 acquisition of property which would require the department to act in a
  10 representative capacity, or the drafting of documents affecting legal
  11 or property rights of the parties by the department.

#### Subpart B - Mobile Home Relocation Assistance

13 **Sec. 8.** RCW 59.21.021 and 1998 c 124 s 2 are each amended to read 14 as follows:

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- (1) If a mobile home park is closed or converted to another use after December 31, 1995, eligible tenants shall be entitled to assistance on a first-come, first-serve basis. Payments shall be made upon the department's verification of eligibility, subject to the availability of remaining funds.
- 20 (2) Assistance for closures occurring after December 31, 1995, is 21 limited to persons who maintain ownership of and relocate their mobile 22 home.
- (3) Persons who maintained ownership of and relocated their mobile homes are entitled to up to seven thousand dollars for a double-wide home and up to three thousand five hundred dollars for a single-wide home, including amounts necessary to cover security deposits, and first and last months rent.
- 28 (4) <u>Persons who demolish their mobile homes are entitled to up to</u>
  29 <u>two thousand dollars to cover the cost of demolition of a double-wide</u>
  30 <u>or single-wide home.</u>
- 31 (5) Any organization may apply to receive funds from the mobile 32 home park relocation fund, for use in combination with funds from 33 public or private sources, toward relocation of tenants eligible under 34 this section. Funds received from the mobile home park relocation fund 35 shall only be used for relocation, demolition, or move-in costs 36 assistance.

p. 7 HB 2306

1 PART II

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#### MOBILE HOME LANDLORD-TENANT RELATIONS

## 3 Subpart A - Applicability of Consumer Protection Act

4 <u>NEW SECTION.</u> **Sec. 9.** A new section is added to chapter 59.20 RCW 5 to read as follows:

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

#### Subpart B - Single-Wide Mobile Homes Not Excluded

14 **Sec. 10.** RCW 59.20.070 and 1999 c ... (HB 1378) s 6 are each 15 amended to read as follows:

16 A landlord shall not:

- 17 (1) Deny any tenant the right to sell such tenant's mobile home, 18 manufactured home, or park model within a park or require the removal 19 of the mobile home, manufactured home, or park model from the park 20 because of the sale thereof. Requirements for the transfer of the 21 rental agreement are in RCW 59.20.073;
  - (2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials or candidates for public office meeting or distributing information to tenants in accordance with subsection (4) of this section;
- 30 (3) Prohibit meetings by tenants of the mobile home park to discuss 31 mobile home living and affairs, including political caucuses or forums 32 for or speeches of public officials or candidates for public office, or 33 meetings of organizations that represent the interest of tenants in the 34 park, held in any of the park community or recreation halls if these 35 halls are open for the use of the tenants, conducted at reasonable

- 1 times and in an orderly manner on the premises, nor penalize any tenant
  2 for participation in such activities;
- 3 (4) Prohibit a public official or candidate for public office from 4 meeting with or distributing information to tenants in their individual 5 mobile homes, manufactured homes, or park models, nor penalize any 6 tenant for participating in these meetings or receiving this 7 information;
- 8 (5) Evict a tenant, terminate a rental agreement, decline to renew 9 a rental agreement, increase rental or other tenant obligations, 10 decrease services, or modify park rules in retaliation for any of the 11 following actions on the part of a tenant taken in good faith:
- 12 (a) Filing a complaint with any state, county, or municipal 13 governmental authority relating to any alleged violation by the 14 landlord of an applicable statute, regulation, or ordinance;
- (b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;
  - (c) Filing suit against the landlord for any reason;

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- 19 (d) Participation or membership in any homeowners association or 20 group;
- (6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs;
- 26 (7) Remove or exclude a tenant from the premises unless this 27 chapter is complied with or the exclusion or removal is under an 28 appropriate court order; or
- 29 (8) Prevent the entry or require the removal of a mobile home, 30 manufactured home, or park model for the sole reason that the mobile home is a single-wide mobile home or has reached a certain age. 31 Nothing in this subsection shall limit a landlords' right to exclude or 32 33 expel a mobile home, manufactured home, or park model for any other reason, including but not limited to, fire and safety concerns provided 34 35 such action conforms to chapter 59.20 RCW ((or)), any other statutory provision, or local zoning regulations that impose restrictions on the 36 size of residential structures within specific areas. 37

# Subpart C - Early Termination of Rental Agreement

- 1 **Sec. 11.** RCW 59.20.090 and 1998 c 118 s 3 are each amended to read 2 as follows:
- 3 (1) Unless otherwise agreed rental agreements shall be for a term 4 of one year. Any rental agreement of whatever duration shall be 5 automatically renewed for the term of the original rental agreement, 6 unless a different specified term is agreed upon.
- 7 (2) A landlord seeking to increase the rent upon expiration of the 8 term of a rental agreement of any duration shall notify the tenant in 9 writing three months prior to the effective date of any increase in 10 rent.
- 11 (3) A tenant shall notify the landlord in writing one month prior 12 to the expiration of a rental agreement of an intention not to renew.
- 13 (4)(a) The tenant may terminate the rental agreement upon thirty days written notice whenever a change in the location of the tenant's 14 15 employment requires a change in his residence, and shall not be liable 16 for rental following such termination unless after due diligence and reasonable effort the landlord is not able to rent the mobile home lot 17 at a fair rental. If the landlord is not able to rent the lot, the 18 19 tenant shall remain liable for the rental specified in the rental 20 agreement until the lot is rented or the original term ends;
- (b) Any tenant who is a member of the armed forces may terminate a rental agreement with less than thirty days notice if he receives reassignment orders which do not allow greater notice.
- 24 (5) The tenant may terminate the rental agreement upon twenty days'
  25 written notice and shall not be liable for rent following such
  26 termination if, any time after receiving notice of a change of land use
  27 of the mobile home park pursuant to RCW 59.20.080(1)(e), the tenant
  28 either (a) relocates the mobile home to another location, or (b)
  29 abandons or transfers the mobile home under the provisions of section
  30 12 of this act.

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

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

If, after receiving notice of a change of land use of the mobile home park under RCW 59.20.080(1)(e), a tenant abandons the mobile home or provides written notification to the landlord that he or she is

HB 2306 p. 10

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- 1 relinquishing ownership of the mobile home, the landlord shall be 2 responsible for the costs of demolition or removal of the mobile home.
- 3 Sec. 13. RCW 59.20.130 and 1999 c . . . (HB 1378) s 11 are each 4 amended to read as follows:
- 5 It shall be the duty of the landlord to:

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- 6 (1) Comply with codes, statutes, ordinances, and administrative 7 rules applicable to the mobile home park;
- 8 (2) Maintain the common premises and prevent the accumulation of 9 stagnant water and to prevent the detrimental effects of moving water 10 when such condition is not the fault of the tenant;
- 11 (3) Keep any shared or common premises reasonably clean, sanitary, 12 and safe from defects to reduce the hazards of fire or accident;
- (4) Keep all common premises of the mobile home park, and vacant mobile home lots, not in the possession of tenants, free of weeds or plant growth noxious and detrimental to the health of the tenants and free from potentially injurious or unsightly objects and condition;
- (5) Exterminate or make a reasonable effort to exterminate rodents, vermin, or other pests dangerous to the health and safety of the tenant whenever infestation exists on the common premises or whenever infestation occurs in the interior of a mobile home, manufactured home, or park model as a result of infestation existing on the common premises;
  - (6) Maintain and protect all utilities provided to the mobile home, manufactured home, or park model in good working condition. Maintenance responsibility shall be determined at that point where the normal mobile home, manufactured home, or park model utilities "hook-ups" connect to those provided by the landlord or utility company;
- (7) Respect the privacy of the tenants and shall have no right of 28 29 entry to a mobile home, manufactured home, or park model without the prior written consent of the ((occupant)) tenant, except in case of 30 emergency or when the ((occupant)) tenant has abandoned the mobile 31 home, manufactured home, or park model or relinquished ownership of the 32 33 mobile home under section 12 of this act. Such consent may be revoked 34 in writing by the ((occupant)) tenant at any time. The ownership or management shall have a right of entry upon the land upon which a 35 36 mobile home, manufactured home, or park model is situated for 37 maintenance of utilities, to insure compliance with applicable codes, 38 statutes, ordinances, administrative rules, and the rental agreement

p. 11 HB 2306

- and the rules of the park, and protection of the mobile home park at any reasonable time or in an emergency, but not in a manner or at a time which would interfere with the ((occupant's)) tenant's quiet enjoyment. The ownership or management shall make a reasonable effort to notify the tenant of their intention of entry upon the land which a mobile home, manufactured home, or park model is located prior to entry;
- 8 (8) Allow tenants freedom of choice in the purchase of goods and 9 services, and not unreasonably restrict access to the mobile home park 10 for such purposes;
- 11 (9) Maintain roads within the mobile home park in good condition; 12 ((and))
- (10) Notify each tenant within five days after a petition has been filed by the landlord for a change in the zoning of the land where the mobile home park is located and make a description of the change available to the tenant; and
  - (11) Provide tenants with a brochure that explains the tenant's rights and responsibilities under this chapter. This brochure must be made available to the tenant at the time the lease or rental agreement is signed. The department of community, trade, and economic development, in consultation with the office of the attorney general, is responsible for the development of the brochure required under this subsection.
  - A landlord shall not have a duty to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, if the defective condition complained of was caused by the conduct of the tenant, the tenant's family, invitee, or other person acting under the tenant's control, or if a tenant unreasonably fails to allow the landlord access to the property for purposes of repair.

31 PART III

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### 32 LAND DEVELOPMENT REGULATIONS

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

Each city that plans and zones under this chapter shall, not later than December 31, 1999, adopt an ordinance providing that no project permit may be issued for converting a mobile home park to another use

- l until all mobile homes in the park have been relocated to other
- 2 locations or demolished. For purposes of this section, the term
- 3 "mobile home park" has the meaning set forth in RCW 59.20.030 and the
- 4 term "project permit" has the meaning set forth in RCW 36.70B.020.
- 5 <u>NEW SECTION.</u> **Sec. 15.** A new section is added to chapter 35A.63
- 6 RCW to read as follows:
- 7 Each code city that plans and zones under this chapter shall, not
- 8 later than December 31, 1999, adopt an ordinance providing that no
- 9 project permit may be issued for converting a mobile home park to
- 10 another use until all mobile homes in the park have been relocated to
- 11 other locations or demolished. For purposes of this section, the term
- 12 "mobile home park" has the meaning set forth in RCW 59.20.030 and the
- 13 term "project permit" has the meaning set forth in RCW 36.70B.020.
- 14 <u>NEW SECTION.</u> **Sec. 16.** A new section is added to chapter 36.70 RCW
- 15 to read as follows:
- 16 Each county planning under this chapter shall, not later than
- 17 December 31, 1999, incorporate in their development regulations, zoning
- 18 regulations, or official controls a requirement that no project permit
- 19 may be issued for converting a mobile home park to another use until
- 20 all mobile homes in the park have been relocated to other locations or
- 21 demolished. For purposes of this section, the term "mobile home park"
- 22 has the meaning set forth in RCW 59.20.030 and the term "project
- 23 permit" has the meaning set forth in RCW 36.70B.020.
- NEW SECTION. Sec. 17. A new section is added to chapter 36.70B
- 25 RCW to read as follows:
- No project permit may be issued for converting a mobile home park
- 27 to another use until all mobile homes in the park have been relocated
- 28 to other locations or demolished. For purposes of this section, the
- 29 term "mobile home park" has the same meaning as set forth in RCW
- 30 59.20.030.
- 31 PART IV
- 32 TECHNICAL PROVISIONS
- 33 <u>NEW SECTION.</u> **Sec. 18.** If any provision of this act or its
- 34 application to any person or circumstance is held invalid, the

p. 13 HB 2306

- 1 remainder of the act or the application of the provision to other
- 2 persons or circumstances is not affected.
- 3 <u>NEW SECTION.</u> **Sec. 19.** Part and subpart headings used in this act
- 4 are not any part of the law.

--- END ---