
Housing Committee

HB 3069

Brief Description: Resolving manufactured/mobile home landlord and tenant disputes.

Sponsors: Representatives Morrell, Pettigrew, Miloscia, Springer, Williams, Hunt, O'Brien, Hasegawa and Hudgins.

Brief Summary of Bill
<ul style="list-style-type: none">• Authorizes the Department of Community, Trade, and Economic Development to conduct investigations and resolve disputes, through an alternative dispute resolution process or administrative action process, when violations of the manufactured/mobile home landlord-tenant act occur.• Requires that mobile home parks and communities be registered with the department.

Hearing Date: 1/26/06

Staff: Robyn Dupuis (786-7166).

Background:

Last year ESHB 1640 was passed by the legislature. The act expired December 31, 2005. The act temporarily expanded the complaint investigation and mediation duties and resources of the Department of Community, Trade, and Economic Development's (DCTED) Office of Mobile Home Affairs (OMH). The DCTED was authorized to add staff to respond to more disputes and allegations of unfair practices and violations of the mobile/manufactured home landlord tenant act and was required to report data on the number and nature of complaints. The DCTED was also required to register parks and communities and submit identified data to the legislature along with recommendations for further action.

The DCTED presented a report, as required by ESHB 1640, to the legislature on December 31, 2005 which provided data regarding complaints, the estimated number of parks and communities in the state, and an outline of recommendations for legislative action. The DCTED recommended continuing the OMH program as expanded under 1640 with a few changes including:

- authorizing the DCTED to issue opinions as to whether or not violations have occurred;
- cancelling the requirement that complainants need notify respondents before notifying the DCTED;
- revising the formula for the calculation of registration late fees; and
- increasing the mediation program.

Other changes to current statutes were also recommended along with a recommendation to provide a training program for owners and managers of parks and communities regarding state law and dispute resolution skills.

The DCTED recommended against the adoption of state enforcement of the Manufactured/Mobile Home Landlord-Tenant Act.

Summary of Bill:

The DCTED Office of Manufactured Housing is authorized to take complaints from both landlords and tenants, conduct investigations, issue findings and administratively resolve disputes when a violation of the manufactured/mobile home landlord-tenant act is found.

Alternative Dispute Resolution Process

Upon receiving a complaint, the department must:

- a. inform the complainant of any statutory time periods are applicable under the manufactured/mobile home landlord tenant law; and
- b. encourage the complainant to notify the respondent of the complaint.

After receiving a complaint, the department will utilize the "alternative dispute resolution" process which includes investigating the alleged violations, discussing the issues with both parties, and negotiating an agreement if possible.

Both parties must cooperate with the DCTED investigations by furnishing requested papers or documents, submitting a written explanation of their side in the matter, allowing access to the DCTED staff, and responding to subpoenas issued by the department.

Administrative Action

If no agreement is reached through negotiations, the DCTED is authorized to make written findings, conclusions, decisions or rulings on whether an unfair practice or violation of the manufactured/mobile home landlord tenant act occurred. If a violation is found, the department delivers a citation to the violator which specifies the violation, the corrective action to be taken and the penalty that will result if corrective action is not taken within the required time period. If a violation is not found, the DCTED will deliver a notice to that effect to both parties.

Time Periods for Corrective Action following citation by DCTED

- Twenty- Four hours for violations that substantially endanger or impair the health or safety of a complainant.
- Forty-Eight hours for violations regarding heat, water or electricity.
- Fifteen days for all other violations.

Time periods may be extended at the discretion of the department.

If violations are not corrected and the department has not received a request for an administrative hearing within the thirty-day time period allowed, the department may impose a fine up to \$1,000 per violation for every day the violation remains uncorrected. Parties may appeal a fine by requesting a hearing within 30 days of receipt of the notice of the fine.

Administrative Hearings

Within 30 days of receiving a citation from the DCTED, either party may request an administrative hearing to contest whether or not a violation has occurred (34.05 RCW). An

administrative law judge must hear the case, review evidence and testimony, and enter an appropriate order within thirty days after the close of the hearing. Further appeals must go to the superior court.

Cease and Desist Orders

The department may issue a cease and desist order and may take affirmative actions that will carry out the purposes of this chapter. Affirmative actions may include, for example, ordering landlords to refund rent increases, improper fees, or charges.

Not Exclusive Remedy

This act does not limit the right of any party to take legal action as provided in chapter 59.20 or otherwise.

Notice to Landlords and Tenants

Notice of the complaint resolution program will be given to all landlords and tenants. Landlords are required to post a notice about the program which includes information about how to file complaints and provides a toll-free telephone number to do so.

Complaint Resolution Database

A database recording pertinent information about complaints received and resolved through both the alternative dispute resolution and administrative action process must be maintained.

Manufactured/Mobile Home Database

The department must maintain and update a database including information on all mobile home parks and manufactured home communities and data regarding complaints and outcomes of the alternative dispute resolution and administrative action processes.

Registration of All Manufactured/Mobile Home Communities

All parks and communities must be registered with the department. The registration will include information about the park, including number of lots and contact information for the landlord and park manager. The registration assessment is \$5.00 for each mobile or manufactured home and mobile home owners may pass on no more than \$2.50 to tenants. Late fees are assessed at 50 percent of the total amount due for registration if received between 30 and 60 days and 100 percent if received after 60 days. Funds from the registration fees and late fees will be deposited in the office of manufactured housing account, created in this act.

Office of Mobile Home Affairs Created (OMH)

The OMH will serve as the coordinating office within state government or matters relating to mobile homes or manufactured housing. The office will house the complaint resolution program and will provide technical assistance to resident organizations or persons in the process of forming a resident organization. The office shall perform all consumer complaint functions required by state and federal law and shall administer the mobile home relocation assistance program.

Appropriation: None.

Fiscal Note: Requested on January 19, 2006.

Effective Date: The bill contains an emergency clause and takes effect immediately.