
SUBSTITUTE HOUSE BILL 3069

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Housing (originally sponsored by Representatives Morrell, Pettigrew, Miloscia, Springer, Williams, Hunt, O'Brien, Hasegawa and Hudgins)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to resolving manufactured/mobile home landlord and
2 tenant disputes; amending RCW 59.20.030, 59.22.050, and 59.22.070;
3 adding new sections to chapter 59.22 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 59.22 RCW
6 to read as follows:

7 (1) The legislature finds that there are factors unique to the
8 relationship between a manufactured/mobile home owner and a
9 manufactured/mobile home park owner. Once occupancy has commenced, the
10 difficulty and expense in moving and relocating a manufactured/mobile
11 home can affect the operation of market forces, and lead to an
12 inequality of the bargaining position of the parties. Once occupancy
13 has commenced, a homeowner may be subject to violations of the
14 manufactured/mobile home landlord-tenant act or unfair practices
15 without a timely and cost-effective conflict resolution process.
16 Although a homeowner, landlord, or park owner may take legal action as
17 prescribed in the manufactured/mobile home landlord-tenant act, the
18 judicial process is often time and cost prohibitive. This act is

1 created for the purpose of protecting the public, fostering fair and
2 honest competition, and regulating the factors unique to the
3 relationship between the manufactured/mobile home owner and park owner.

4 (2) The legislature finds that taking legal action against a park
5 owner for violations of the manufactured/mobile home landlord-tenant
6 act can be a costly and lengthy process, and that many people cannot
7 afford to pursue a court process to vindicate statutory rights. Park
8 owners similarly are impacted by legal fees and lengthy proceedings
9 resulting from pursuing a remedy through the legal system and would
10 also, therefore, benefit from having access to an appropriate,
11 effective process that resolves disputes quickly and efficiently.

12 (3) Therefore, it is the intent of the legislature to provide a
13 less costly and more efficient way for manufactured/mobile home owners
14 and park owners to resolve disputes, and to provide a mechanism for
15 state authorities to quickly locate owners of manufactured housing
16 communities. The legislature further intends to authorize the
17 department of community, trade, and economic development to:

18 (a) Register mobile home parks or manufactured housing communities;

19 (b) Maintain and update its current ombudsman program by retaining
20 or securing the necessary staffing level of hired or contracted persons
21 used to operate and implement the program under chapter 429, Laws of
22 2005;

23 (c) Take complaints, conduct investigations, and resolve disputes
24 through the ombudsman complaint resolution program; and

25 (d) Collect and report upon data related to conflicts and
26 violations.

27 **Sec. 2.** RCW 59.20.030 and 2003 c 127 s 1 are each amended to read
28 as follows:

29 For purposes of this chapter:

30 (1) "Abandoned" as it relates to a mobile home, manufactured home,
31 or park model owned by a tenant in a mobile home park, mobile home park
32 cooperative, or mobile home park subdivision or tenancy in a mobile
33 home lot means the tenant has defaulted in rent and by absence and by
34 words or actions reasonably indicates the intention not to continue
35 tenancy;

36 (2) "Department" means the department of community, trade, and
37 economic development;

1 (3) "Director" means the director of the department of community,
2 trade, and economic development;

3 (4) "Landlord" or "park owner" means the owner of a mobile home
4 park or a manufactured housing community and includes the agents of a
5 landlord;

6 ~~((3))~~ (5) "Manufactured home" means a single-family dwelling
7 built according to the United States department of housing and urban
8 development manufactured home construction and safety standards act,
9 which is a national preemptive building code. A manufactured home
10 also: (a) Includes plumbing, heating, air conditioning, and electrical
11 systems; (b) is built on a permanent chassis; and (c) can be
12 transported in one or more sections with each section at least eight
13 feet wide and forty feet long when transported, or when installed on
14 the site is three hundred twenty square feet or greater;

15 ~~((4))~~ (6) "Mobile home" means a factory-built dwelling built
16 prior to June 15, 1976, to standards other than the United States
17 department of housing and urban development code, and acceptable under
18 applicable state codes in effect at the time of construction or
19 introduction of the home into the state. Mobile homes have not been
20 built since the introduction of the United States department of housing
21 and urban development manufactured home construction and safety act;

22 ~~((5))~~ (7) "Mobile home lot" means a portion of a mobile home park
23 or manufactured housing community designated as the location of one
24 mobile home, manufactured home, or park model and its accessory
25 buildings, and intended for the exclusive use as a primary residence by
26 the occupants of that mobile home, manufactured home, or park model;

27 ~~((6))~~ (8) "Mobile home park" or "manufactured housing community"
28 means any real property which is rented or held out for rent to others
29 for the placement of two or more mobile homes, manufactured homes,
30 ~~((or))~~ park models, or recreational vehicles for the primary purpose of
31 production of income, except where such real property is rented or held
32 out for rent for seasonal recreational ~~((purpose))~~ purposes only and is
33 not ~~((intended))~~ used for year-round occupancy;

34 ~~((7))~~ (9) "Mobile home park cooperative" or "manufactured housing
35 cooperative" means real property consisting of common areas and two or
36 more lots held out for placement of mobile homes, manufactured homes,
37 or park models in which both the individual lots and the common areas

1 are owned by an association of shareholders which leases or otherwise
2 extends the right to occupy individual lots to its own members;
3 ~~((+8+))~~ (10) "Mobile home park subdivision" or "manufactured
4 housing subdivision" means real property, whether it is called a
5 subdivision, condominium, or planned unit development, consisting of
6 common areas and two or more lots held for placement of mobile homes,
7 manufactured homes, or park models in which there is private ownership
8 of the individual lots and common, undivided ownership of the common
9 areas by owners of the individual lots;
10 ~~((+9+))~~ (11) "Owner" means one or more persons, jointly or
11 severally, in whom is vested:
12 (a) All or part of the legal title to the real property; or
13 (b) All or part of the beneficial ownership, and a right to present
14 use and enjoyment of the real property;
15 (12) "Park model" means a recreational vehicle intended for
16 permanent or semi-permanent installation and is used as a ~~((primary))~~
17 permanent residence;
18 ~~((+10+))~~ (13) "Recreational vehicle" means a travel trailer, motor
19 home, truck camper, or camping trailer that is primarily ~~((designed~~
20 ~~and))~~ used ~~((as temporary living quarters, is either self-propelled or~~
21 ~~mounted on or drawn by another vehicle, is transient, is not occupied))~~
22 as a ~~((primary))~~ permanent residence~~((, and is not immobilized or~~
23 ~~permanently affixed to))~~ located in a mobile home ~~((lot))~~ park or
24 manufactured housing community;
25 ~~((+11+))~~ (14) "Tenant" or "homeowner" means any person, except a
26 transient, who rents or occupies a mobile home lot;
27 ~~((+12+))~~ (15) "Transient" means a person who rents a mobile home
28 lot for a period of less than one month for purposes other than as a
29 primary residence;
30 ~~((+13+))~~ (16) "Occupant" means any person, including a live-in care
31 provider, other than a tenant, who occupies a mobile home, manufactured
32 home, or park model and mobile home lot;
33 (17) "Unfair practice" means any act that would constitute an
34 unfair or deceptive act or practice under chapter 19.86 RCW;
35 (18) "Complainant" means a landlord, park owner, tenant, or
36 homeowner, who has a complaint alleging an unfair practice or violation
37 of this chapter;

1 (19) "Respondent" means a landlord, park owner, tenant, or
2 homeowner, alleged to have committed an unfair practice or violation of
3 this chapter.

4 **NEW SECTION. Sec. 3.** A new section is added to chapter 59.22 RCW
5 to read as follows:

6 (1) A complainant has the right to file a complaint with the
7 department alleging an unfair practice or a violation of chapter 59.20
8 RCW.

9 (2) Upon receiving a complaint under this chapter, the department
10 shall utilize the ombudsman complaint resolution program and must:

11 (a) Inform the complainant of the time frame to remedy the
12 complaint under RCW 59.20.080 for tenant violations or RCW 59.20.200
13 for landlord violations; and

14 (b) Encourage the complainant to notify the respondent of the
15 complaint.

16 (3) After receiving a complaint under this chapter, the department
17 may:

18 (a) Investigate the alleged violations at its discretion upon
19 receipt of a complaint alleging unfair practices or violations of
20 chapter 59.20 RCW;

21 (b) Utilize investigative ombudsman staff or contractors to
22 investigate and evaluate complaints alleging unfair practices or
23 violations of chapter 59.20 RCW;

24 (c) Discuss the issues surrounding or relating to the complaint
25 with the complainant, respondent, or any witnesses, either individually
26 or jointly;

27 (d) Explain options available to the complainant or respondent,
28 including the involvement of other agencies; and

29 (e) Negotiate an agreement that is agreed upon by both the
30 complainant and the respondent.

31 (4) The department may require or permit any person to file a
32 complaint or statement in writing or otherwise as the department
33 determines, as to the facts and circumstances concerning a matter to be
34 investigated.

35 (5) The department has the power to employ investigative,
36 administrative, and clerical staff as necessary for administration of
37 this chapter.

1 (6)(a) Complainants and respondents shall cooperate with the
2 department in the course of an investigation by:

3 (i) Furnishing any papers or documents requested;

4 (ii) Furnishing in writing an explanation covering the matter
5 contained in a complaint when requested by the department; and

6 (iii) Allowing authorized access to department representatives for
7 inspection of mobile home parks/manufactured housing community
8 facilities relevant to the alleged violation being investigated.

9 (b) Failure to cooperate with the department in the course of an
10 investigation is a violation of this chapter.

11 (7) After the department has completed its investigation and other
12 duties, the department shall provide the interested parties to the
13 dispute with documentation of the complaint process and documentation
14 on the resolution of the complaint investigation. The department may
15 make or issue written findings, conclusions, decisions, or rulings on
16 whether there was a violation of chapter 59.20 or 19.86 RCW.

17 (8) The department shall (a) provide notice of the ombudsman
18 complaint resolution program to each mobile/manufactured home landlord
19 or park owner upon completed registration or (b) to the best of its
20 ability, provide such notice even if a mobile/manufactured home park or
21 housing community has failed to register. The landlord shall post an
22 easily visible notice in all common areas of mobile/manufactured home
23 communities, including in each clubhouse, summarizing mobile home park
24 tenant rights and responsibilities, in a style and format to be
25 determined by the department, and including information on how to file
26 a complaint with the office of manufactured housing and a toll-free
27 telephone number that mobile home park owners and tenants can use to
28 seek additional information and communicate complaints.

29 (9) The department shall review all unresolved complaints from the
30 previous twelve-month period and make or issue findings, conclusions,
31 decisions, or rulings on whether there was a violation of chapter 59.20
32 or 19.86 RCW. The department shall provide interested parties to the
33 dispute with documentation of these findings, conclusions, decisions,
34 or rulings.

35 (10) This section is not exclusive and does not limit the right of
36 landlords or tenants to take legal action against another party as
37 provided in chapter 59.20 RCW or otherwise. Exhaustion of this
38 ombudsman complaint resolution program is not required before bringing

1 legal action. This section does not apply to unlawful detainer actions
2 initiated under chapters 59.20, 59.12, and 59.18 RCW; however, a tenant
3 is not precluded from seeking relief under this chapter if the
4 complaint claims the notice of termination violates RCW 59.20.080.
5 Filing a complaint with the department is not a defense nor shall it in
6 any way delay or otherwise affect an unlawful detainer action.
7 Department-written reports documenting the process and resolution of
8 the complaint investigation, any written explanation covering the
9 matter requested by the department, any other documents or papers
10 requested or produced by the department, or any other record of the
11 complaint may be admissible for any reason, including for purposes of
12 impeachment, in accordance with the rules of evidence in any unlawful
13 detainer or other administrative or legal action in regard to chapter
14 59.20 or 19.86 RCW.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.22 RCW
16 to read as follows:

17 The director or individuals acting on the director's behalf are
18 immune from suit in any action, civil or criminal, based upon any
19 disciplinary actions or other official acts performed in the course of
20 their duties under this chapter, except their intentional or willful
21 misconduct.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 59.22 RCW
23 to read as follows:

24 (1) All mobile home parks and manufactured housing communities must
25 be registered annually with the department.

26 (2) To apply for registration, the owner of a mobile home park or
27 manufactured housing community must file with the department an
28 application for registration on a form prescribed by the department.
29 The application must include, but is not limited to:

30 (a) The name and address of the owner of the mobile home park or
31 manufactured housing community;

32 (b) The name and address of the mobile home park or manufactured
33 housing community;

34 (c) The name and address of the manager of the mobile home park or
35 manufactured housing community; and

1 (d) The number of lots within the mobile home park or manufactured
2 housing community that are subject to chapter 59.20 RCW.

3 (3) Registration is effective on the date determined by the
4 department. All registrations must be assigned an expiration date by
5 the department. The department must:

6 (a) Establish a process for the annual renewal of registrations;
7 and

8 (b) Mail annually a letter with the effective registration and
9 expiration date to each owner of a mobile home park or manufactured
10 housing community, who has been registered by the department.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 59.22 RCW
12 to read as follows:

13 The department must continually maintain and update a data base, in
14 which the following information is contained at a minimum:

15 (1) The number and names of all mobile home parks and manufactured
16 communities, and their owners, in the state;

17 (2) The number of complaints received;

18 (3) The nature and extent of the complaints received;

19 (4) The violation of law or unfair practice complained of; and

20 (5) The outcomes of resolution program complaints.

21 A summary analysis of this data base shall be provided to the
22 appropriate committees of the legislature by December 31st of each
23 year.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 59.22 RCW
25 to read as follows:

26 The department must:

27 (1) Compile, update, and maintain the most accurate list possible
28 of all the mobile home parks or manufactured housing communities in the
29 state, the number of lots subject to chapter 59.20 RCW located in each
30 mobile home park or manufactured housing community, and the names and
31 addresses of the owners of these parks. The department is encouraged
32 to work with groups including, but not limited to: Mobile homeowners'
33 associations, tenant advocacy groups, park owners' associations, and
34 county assessors to generate the list;

35 (2) Send out notifications to all known mobile home park owners or
36 manufactured housing community owners regarding the due date of the

1 assessment under section 8 of this act. These notifications must
2 include information about late fees and passing costs on to tenants;
3 and

4 (3) Collect the registration assessment due from all mobile home
5 park owners or manufactured housing community owners, and allow ninety
6 days to pass before sending notices of late fees to noncomplying owners
7 as provided in this chapter.

8 NEW SECTION. **Sec. 8.** A new section is added to chapter 59.22 RCW
9 to read as follows:

10 (1) The owner of each mobile home park or manufactured housing
11 community shall annually pay to the department a registration
12 assessment of five dollars for each mobile home or manufactured home
13 that is subject to chapter 59.20 RCW within a park or community to fund
14 the costs associated with administering this chapter. Manufactured
15 housing community owners or mobile home park owners may pass on no more
16 than two dollars and fifty cents of this assessment to tenants.

17 (2) If an owner fails to pay the assessment before the registration
18 expiration date, a late fee shall be assessed, as provided in this
19 subsection for each mobile home or manufactured home that is subject to
20 chapter 59.20 RCW. The owner is not entitled to any reimbursement of
21 this fee from the tenants.

22 (a) A late fee shall be assessed at fifty percent of the total
23 amount due for registration, if the fee is received by the department
24 more than thirty, but less than sixty days after the registration fee
25 due date.

26 (b) A late fee shall be assessed at one hundred percent of the
27 total amount due for registration, if the fee is received by the
28 department more than sixty days late.

29 **Sec. 9.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read
30 as follows:

31 (1) In order to provide general assistance to mobile home resident
32 organizations, park owners, and landlords and tenants, the department
33 shall establish an office of (~~mobile home affairs~~) manufactured
34 housing which will serve as the coordinating office within state
35 government for matters relating to mobile homes or manufactured
36 housing.

1 This office will provide an ombudsman ((service)) complaint
2 resolution program to assist mobile home park owners and mobile home
3 tenants ((with respect to)) resolve problems and disputes ((between
4 ~~park owners and park residents and to~~)). The office will also provide
5 technical assistance to resident organizations or persons in the
6 process of forming a resident organization pursuant to chapter 59.22
7 RCW. The office will keep records of its activities in this area.

8 (2) The office shall perform all the consumer complaint and related
9 functions of the state administrative agency that are required for
10 purposes of complying with the regulations established by the federal
11 department of housing and urban development for manufactured housing,
12 including the preparation and submission of the state administrative
13 plan.

14 (3) The office shall administer the mobile/manufactured home
15 community registration program including the collection of assessments,
16 associated late fees, and the compilation of data related to the number
17 of communities and number of lots within the community that are subject
18 to chapter 59.20 RCW.

19 (4) The office shall administer the mobile home relocation
20 assistance program established in chapter 59.21 RCW, including
21 verifying the eligibility of tenants for relocation assistance.

22 **Sec. 10.** RCW 59.22.070 and 1995 c 399 s 156 are each amended to
23 read as follows:

24 (1) There is created in the custody of the state treasurer a
25 special account known as the ((mobile home affairs)) office of
26 manufactured housing account.

27 ((Disbursements from this special account shall be as follows:

28 (1) ~~For the two year period beginning July 1, 1988, forty thousand~~
29 ~~dollars, or so much thereof as may be necessary for costs incurred in~~
30 ~~registering landlords and collecting fees, and thereafter five thousand~~
31 ~~dollars per year for that purpose.~~

32 (2)) All ((remaining)) amounts shall be remitted to the department
33 for the purpose of implementing RCW 59.22.050 ((and 59.22.060)).

34 (2) All funds collected by the department under section 8 of this
35 act shall be transferred to the state treasurer for deposit into the
36 office of manufactured housing account.

1 (3) Expenditures from the account may be used only for the costs
2 associated with administering this chapter. Only the director or the
3 director's designee may authorize expenditures from the account. The
4 account is subject to allotment procedures under chapter 43.88 RCW, but
5 an appropriation is not required for expenditures.

6 NEW SECTION. Sec. 11. This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

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