

SHB 2118 - S COMM AMD

By Committee on Consumer Protection & Housing

ADOPTED 04/11/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 43.63A.460 and 1993 c 280 s 76 are each amended to
4 read as follows:

5 Beginning on July 1, (~~(1991)~~) 2007, the department (~~((of community,~~
6 ~~trade, and economic development))~~) shall (~~((be responsible for~~
7 ~~performing))~~) perform all the consumer complaint and related functions
8 of the state administrative agency that are required for purposes of
9 complying with the regulations established by the federal department of
10 housing and urban development for manufactured housing, including the
11 preparation and submission of the state administrative plan.

12 The department (~~((of community, trade, and economic development))~~)
13 may enter into state or local interagency agreements to coordinate site
14 inspection activities with record monitoring and complaint handling.
15 The interagency agreement may also provide for the reimbursement for
16 cost of work that an agency performs. The department may include other
17 related areas in any interagency agreements which are necessary for the
18 efficient provision of services.

19 The department of (~~((labor and industries))~~) community, trade, and
20 economic development shall transfer all records, files, books, and
21 documents necessary for the department (~~((of community, trade, and~~
22 ~~economic development))~~) to assume these new functions.

23 The directors of community, trade, and economic development and
24 (~~((the department))~~) of labor and industries shall immediately take such
25 steps as are necessary to ensure that (~~((chapter 176, Laws of 1990))~~)
26 this act is implemented on (~~((June 7, 1990))~~) July 1, 2007.

27 **Sec. 2.** RCW 43.63A.465 and 1995 c 399 s 74 are each amended to
28 read as follows:

29 The director (~~((of the department of community, trade, and economic~~

1 development)) shall enforce manufactured housing safety and
2 construction standards adopted by the secretary of housing and urban
3 development under the national manufactured housing construction and
4 safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-
5 5426). Furthermore, the director may make agreements with the United
6 States government, state agencies, or private inspection organizations
7 to implement the development and enforcement of applicable provisions
8 of this chapter and the national manufactured housing construction and
9 safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
10 regarding the state administrative agency program.

11 **Sec. 3.** RCW 43.63B.010 and 1998 c 124 s 6 are each amended to read
12 as follows:

13 Unless the context clearly requires otherwise, the definitions in
14 this section apply throughout this chapter.

15 (1) "Authorized representative" means an employee of a state
16 agency, city, or county acting on behalf of the department.

17 (2) "Certified manufactured home installer" means a person who is
18 in the business of installing mobile or manufactured homes and who has
19 been issued a certificate by the department as provided in this
20 chapter.

21 (3) "Department" means the department of (~~community, trade, and~~
22 ~~economic development~~) labor and industries.

23 (4) "Director" means the director of (~~community, trade, and~~
24 ~~economic development~~) labor and industries.

25 (5) "Manufactured home" means a single-family dwelling built in
26 accordance with the department of housing and urban development
27 manufactured home construction and safety standards act, which is a
28 national, preemptive building code.

29 (6) "Mobile or manufactured home installation" means all on-site
30 work necessary for the installation of a manufactured home, including:

31 (a) Construction of the foundation system;

32 (b) Installation of the support piers and earthquake resistant
33 bracing system;

34 (c) Required connection to foundation system and support piers;

35 (d) Skirting;

36 (e) Connections to the on-site water and sewer systems that are
37 necessary for the normal operation of the home; and

1 (f) Extension of the pressure relief valve for the water heater.

2 (7) "Manufactured home standards" means the manufactured home
3 construction and safety standards as promulgated by the United States
4 department of housing and urban development (HUD).

5 (8) "Mobile home" means a factory-built dwelling built prior to
6 June 15, 1976, to standards other than the HUD code, and acceptable
7 under applicable state codes in effect at the time of construction or
8 introduction of the home into the state. Mobile homes have not been
9 built since introduction of the HUD manufactured home construction and
10 safety standards act.

11 (9) "Training course" means the education program administered by
12 the department, or the education course administered by an approved
13 educational provider, as a prerequisite to taking the examination for
14 certification.

15 (10) "Approved educational provider" means an organization approved
16 by the department to provide education and training of manufactured
17 home installers and local inspectors.

18 **Sec. 4.** RCW 43.63B.150 and 1994 c 284 s 29 are each amended to
19 read as follows:

20 ~~((All violations designated as an infraction shall be adjudicated
21 in accordance with the administrative procedure act, chapter 34.05
22 RCW-))~~ If a party desires to contest a notice of infraction and civil
23 penalty issued under this chapter, the party must file a notice of
24 appeal with the department within twenty days of the department mailing
25 the notice of civil penalty. An administrative law judge of the office
26 of administrative hearings shall hear and determine the appeal. Appeal
27 proceedings must be conducted under chapter 34.05 RCW. An appeal of
28 the administrative law judge's determination or order must be to the
29 superior court. The superior court's decision is subject only to
30 discretionary review under the rules of appellate procedure.

31 **Sec. 5.** RCW 43.63B.170 and 1994 c 284 s 31 are each amended to
32 read as follows:

33 (1) A person found to have committed an infraction under this
34 chapter shall be assessed a monetary penalty of one thousand dollars.

35 (2) The administrative law judge may waive, reduce, or suspend the
36 monetary penalty imposed for the infraction.

1 (3) Monetary penalties collected under this chapter shall be
2 (~~remitted as provided in chapter 3.62 RCW~~) deposited into the
3 manufactured home installation training account created in RCW
4 43.63B.080 (as recodified by this act) for the purposes specified in
5 this chapter.

6 **Sec. 6.** RCW 43.22.431 and 2001 c 335 s 3 are each amended to read
7 as follows:

8 The director of the department of labor and industries may enforce
9 manufactured home safety and construction standards adopted by the
10 secretary of housing and urban development under the national
11 manufactured home construction and safety standards act of 1974 (800
12 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may
13 make agreements with the United States government and private
14 inspection organizations to implement the development and enforcement
15 of applicable provisions of this chapter and the national manufactured
16 home construction and safety standards act of 1974 (800 Stat. 700; 42
17 U.S.C. Secs. 5401-5426). Any fees or contract moneys collected under
18 these agreements shall be deposited into the manufactured home
19 installation training account created in RCW 43.63B.080 (as recodified
20 by this act).

21 **Sec. 7.** RCW 43.22.495 and 1995 c 399 s 69 are each amended to read
22 as follows:

23 Beginning on July 1, (~~1991~~) 2007, the department (~~(of community,~~
24 ~~trade, and economic development)~~) of labor and industries shall (~~(be~~
25 ~~responsible for performing)~~) perform all the consumer complaint and
26 related functions of the state administrative agency that are required
27 for purposes of complying with the regulations established by the
28 federal department of housing and urban development for manufactured
29 housing, including the preparation and submission of the state
30 administrative plan.

31 The department (~~(of community, trade, and economic development)~~) of
32 labor and industries may enter into state or local interagency
33 agreements to coordinate site inspection activities with record
34 monitoring and complaint handling. The interagency agreement may also
35 provide for the reimbursement for cost of work that an agency performs.

1 The department may include other related areas in any interagency
2 agreements which are necessary for the efficient provision of services.

3 The directors of the department of community, trade, and economic
4 development and the department of labor and industries shall
5 immediately take such steps as are necessary to ensure that (~~chapter~~
6 ~~176, Laws of 1990~~) this act is implemented on (~~June 7, 1990~~) July 1,
7 2007.

8 **Sec. 8.** RCW 46.70.136 and 1994 c 284 s 12 are each amended to read
9 as follows:

10 The department may mediate disputes that arise regarding any
11 warranty required in chapter 46.70 RCW pertaining to the purchase or
12 installation of a manufactured home. The department may charge
13 reasonable fees for this service and shall deposit the moneys collected
14 in accordance with RCW 43.63B.080 (as recodified by this act).

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

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

22 This office will provide an ombudsman service to mobile home park
23 owners and mobile home tenants with respect to problems and disputes
24 between park owners and park residents and to provide technical
25 assistance to resident organizations or persons in the process of
26 forming a resident organization pursuant to chapter 59.22 RCW. The
27 office will keep records of its activities in this area.

28 (~~(2) (The office shall perform all the consumer complaint and~~
29 ~~related functions of the state administrative agency that are required~~
30 ~~for purposes of complying with the regulations established by the~~
31 ~~federal department of housing and urban development for manufactured~~
32 ~~housing, including the preparation and submission of the state~~
33 ~~administrative plan.~~

34 (~~3~~)) The office shall administer the mobile home relocation
35 assistance program established in chapter 59.21 RCW, including
36 verifying the eligibility of tenants for relocation assistance.

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

3 There is created in the custody of the state treasurer a special
4 account known as the (~~mobile home affairs~~) manufactured housing
5 account.

6 Disbursements from this special account shall be as follows:

7 (1) For the two-year period beginning July 1, 1988, forty thousand
8 dollars, or so much thereof as may be necessary for costs incurred in
9 registering landlords and collecting fees, and thereafter five thousand
10 dollars per year for that purpose.

11 (2) All remaining amounts shall be remitted to the department for
12 the purpose of implementing RCW 59.22.050 (~~and 59.22.060~~), except
13 those funds needed to implement the state administrative agency
14 function and manufactured home installation training and certification
15 program under chapter 43.-- RCW (as created in section 13 of this act),
16 as well as all appropriated and nonappropriated funds related to
17 department of labor and industries functions.

18 **Sec. 11.** RCW 43.63B.070 and 1994 c 284 s 22 are each amended to
19 read as follows:

20 (1) The department shall charge reasonable fees to cover the costs
21 to administer the certification program which shall include but not be
22 limited to the issuance, renewal, and reinstatement of all
23 certificates, training courses, and examinations required under this
24 chapter. All fees collected under this chapter shall be deposited in
25 the manufactured home installation training account created in RCW
26 43.63B.080 and used only for the purposes specified in this chapter.

27 The fees shall be limited to covering the direct cost of issuing
28 the certificates, administering the examinations, and administering and
29 enforcing this chapter. The costs shall include only essential travel,
30 per diem, and administrative support costs.

31 (2) For the purposes of implementing this act, until July 1, 2008,
32 the department may increase fees for the certification program in
33 excess of the fiscal growth factor under chapter 43.135 RCW.

34 NEW SECTION. **Sec. 12.** (1) All powers, duties, and functions of
35 the department of community, trade, and economic development pertaining

1 to mobile and manufactured home installation are transferred to the
2 department of labor and industries.

3 (2)(a) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the department of
5 community, trade, and economic development pertaining to the powers,
6 functions, and duties transferred shall be delivered to the custody of
7 the department of labor and industries. All cabinets, furniture,
8 office equipment, motor vehicles, and other tangible property employed
9 by the department of community, trade, and economic development in
10 carrying out the powers, functions, and duties transferred shall be
11 made available to the department of labor and industries. All funds,
12 credits, or other assets held in connection with the powers, functions,
13 and duties transferred shall be assigned to the department of labor and
14 industries.

15 (b) Any appropriations made to the department of community, trade,
16 and economic development for carrying out the powers, functions, and
17 duties transferred shall, on the effective date of this section, be
18 transferred and credited to the department of labor and industries.

19 (c) Whenever any question arises as to the transfer of any
20 personnel, funds, books, documents, records, papers, files, equipment,
21 or other tangible property used or held in the exercise of the powers
22 and the performance of the duties and functions transferred, the
23 director of financial management shall make a determination as to the
24 proper allocation and certify the same to the state agencies concerned.

25 (3) All employees of the department of community, trade, and
26 economic development engaged in performing the powers, functions, and
27 duties transferred are transferred to the jurisdiction of the
28 department of labor and industries. All employees classified under
29 chapter 41.06 RCW, the state civil service law, are assigned to the
30 department of labor and industries to perform their usual duties upon
31 the same terms as formerly, without any loss of rights, subject to any
32 action that may be appropriate thereafter in accordance with the laws
33 and rules governing state civil service.

34 (4) All rules and all pending business before the department of
35 community, trade, and economic development pertaining to the powers,
36 functions, and duties transferred shall be continued and acted upon by
37 the department of labor and industries. All existing contracts and

1 obligations shall remain in full force and shall be performed by the
2 department of labor and industries.

3 (5) The transfer of the powers, duties, functions, and personnel of
4 the department of community, trade, and economic development shall not
5 affect the validity of any act performed before the effective date of
6 this section.

7 (6) If apportionments of budgeted funds are required because of the
8 transfers directed by this section, the director of financial
9 management shall certify the apportionments to the agencies affected,
10 the state auditor, and the state treasurer. Each of these shall make
11 the appropriate transfer and adjustments in funds and appropriation
12 accounts and equipment records in accordance with the certification.

13 (7) Nothing contained in this section may be construed to alter any
14 existing collective bargaining unit or the provisions of any existing
15 collective bargaining agreement until the agreement has expired or
16 until the bargaining unit has been modified by action of the personnel
17 resources board as provided by law.

18 NEW SECTION. **Sec. 13.** The following sections are each recodified
19 as a new chapter in Title 43 RCW: RCW 43.63B.005, 43.63B.010,
20 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060,
21 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120,
22 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800,
23 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136.

24 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 immediately.

28 NEW SECTION. **Sec. 15.** Section 2 of this act expires if the
29 contingency in RCW 43.63A.490 occurs."

ADOPTED 04/11/2007

1 On page 1, line 4 of the title, after "industries;" strike the
2 remainder of the title and insert "amending RCW 43.63A.460, 43.63A.465,
3 43.63B.010, 43.63B.150, 43.63B.170, 43.22.431, 43.22.495, 46.70.136,
4 59.22.050, 59.22.070, and 43.63B.070; adding a new chapter to Title 43
5 RCW; creating a new section; recodifying RCW 43.63B.005, 43.63B.010,
6 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060,
7 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120,
8 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800,
9 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136;
10 providing a contingent expiration date; and declaring an emergency."

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