

---

## Housing Committee

---

### HB 1461

**Brief Description:** Addressing manufactured/mobile home community registrations and dispute resolution.

**Sponsors:** Representatives Morrell, Miloscia, O'Brien, Ericks, Hunt, Sells, Green, Flannigan, Williams, Kenney, Appleton, Ormsby, Quall, Haigh, Hasegawa and Lantz.

#### Brief Summary of Bill

- Authorizes the Attorney General to administer and enforce a Manufactured/Mobile Home Dispute Resolution program which includes making determinations and administratively resolving disputes.
- Authorizes the Department of Community, Trade and Economic Development (DCTED) to register manufactured/mobile home communities.

**Hearing Date:** 1/31/07

**Staff:** Robyn Dupuis (786-7166).

#### Background:

There are 1,829 known manufactured/mobile home communities representing about 62,000 homes.

The 2005 Legislature passed ESHB 1640 to temporarily expand the complaint investigation and dispute resolution resources of the Department of Community, Trade and Economic Development (DCTED) Office of Mobile Home Affairs (OMH). The DCTED was also required to register manufactured/mobile home communities and submit data to the Legislature. The act went into effect May 13, 2005 and expired December 31, 2005.

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

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

authorizing the DCTED to issue findings as to whether or not violations occurred; eliminating the requirement that complainants need notify respondents; and revising the formula for the calculation of registration late fees.

The 2006 Legislature included a proviso in the Capital Budget (ESSB 6384, Section 108) which appropriated \$200,000 to continue the program within the financial means provided and directed OMH to estimate the number and types of complaints since the onset of the 2005 program that do present violations of the Manufactured/Mobile Home Landlord-Tenant Act. The DCTED presented a report to the legislature in January, 2007 which included the following information reflecting the opinions of the DCTED staff:

Of the 827 issues reviewed, 55% presented a violation and 44% did not present a violation. Of the 55% determined to present violations, 100% were landlord violations. Most prevalent issues consisted of "Park Rules", "Difficulties with Community Manager", "Park Maintenance", and "Park Amenities".

### **Summary of Bill:**

#### **The Manufactured/Mobile Home Dispute Resolution Program - Attorney General**

The Attorney General is authorized to administer a Manufactured/Mobile Home Dispute Resolution program to resolve disputes regarding alleged violations of the Manufactured/Mobile Home Landlord-Tenant Act and the Consumer Protection Act.

The Attorney General will:

1. Take complaints from manufactured/mobile home tenants and landlords;
2. Investigate complaints; and
3. Attempt to negotiate an agreement.

If no agreement can be reached, the Attorney General may:

4. Make written determinations about whether a violation has occurred; and
5. Deliver a citation, if necessary, to any violator. The citation will specify the violation and the corrective action required.

Determinations, citations, fines, other penalties and orders to cease and desist may be contested through an administrative hearing before an administrative judge.

If no corrective action has been taken (as per citation order) and no hearing has been requested within the allowed 15 day time frame, the Attorney General may issue a fine up to a maximum of \$500 a day until the violation is corrected.

#### **Other Attorney General Responsibilities**

The Attorney General must:

Create and provide to the DCTED educational materials about the Manufactured/Mobile Home Dispute Resolution Program and the Manufactured/Mobile Home Landlord-Tenant Act.

Maintain a database of complaints and report annually to the Legislature.

#### **Dispute Resolution Program Funding**

The Attorney General will receive \$4 of each \$5 manufactured/mobile home registration annual assessment as well as all fines and penalties collected as a result of citations.

**Manufactured/Mobile Home Registration - The Department of Community, Trade and Economic Development (DCTED)**

The DCTED is authorized to:

Register all communities annually and collect the registration assessment of \$5 for each home;  
and

Maintain a database of communities.

**Funding for the Registration Program and other OMH Programs**

The DCTED will receive \$1 of each \$5 manufactured/mobile home registration annual assessment and all registration late fines.

The Office of Mobile Home Affairs and Mobile Home Affairs Account are renamed the Office of Manufactured Housing and the Office of Manufactured Housing Account, respectively.

**Appropriation:** None.

**Fiscal Note:** Received on January 23, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.