

HOUSE BILL REPORT

HB 1590

As Reported by House Committee On:
Community Development, Housing & Tribal Affairs

Title: An act relating to establishing a training program for managers of manufactured housing communities.

Brief Description: Establishing a training program for managers of manufactured housing communities.

Sponsors: Representatives Springer, Appleton, Warnick, Kirby, McCoy, Goodman, Hunt, Ryu, Moscoso and Ormsby.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 2/14/13, 2/20/13 [DPS].

Brief Summary of Substitute Bill

- Establishes a training program administered by the Attorney General for managers of manufactured housing communities.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McCoy, Chair; Appleton, Vice Chair; Angel, Ranking Minority Member; Johnson, Assistant Ranking Minority Member; Haler, Ryu, Santos and Sawyer.

Minority Report: Do not pass. Signed by 1 member: Representative Pike.

Staff: Jill Reinmuth (786-7134).

Background:

Manufactured/Mobile Home Landlord-Tenant Act.

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.

The Manufactured/Mobile Home Landlord-Tenant Act (Act) governs the legal rights, remedies, and obligations arising from any rental agreement between a landlord and a tenant regarding a mobile home lot or pad where the tenant has no ownership interest in the real property or in the association which owns the real property. The Act sets forth grounds for termination of the tenancy, duties of the landlord, duties of the tenant, rules with respect to transfer of the rental agreement, and the effect of failure to carry out duties.

Manufactured/Mobile Home Dispute Resolution Program.

The Attorney General (AG) administers a Manufactured/Mobile Home Dispute Resolution Program (Program) that provides educational materials to tenants and landlords and attempts to resolve disputes regarding alleged violations of the Act. The AG investigates complaints from tenants and landlords and attempts to negotiate a resolution. If no agreement can be reached, the AG may issue written notices of violations, specify corrective action, and issue fines up to a maximum of \$250 for each day that a violation remains uncorrected. The Program is funded with \$9 of every \$10 of the annual registration assessment for each manufactured/mobile home and any fines collected as a result of the Program.

Civil Infractions.

Civil infractions are noncriminal offenses that subject the violator to monetary penalties. Notices of civil infractions are issued by an enforcement officer when the violation occurs in the officer's presence or by a court based on an officer's statement. A person subject to the notice of civil infraction may contest the determination within 15 days. A person that commits a Class 1 civil infraction is subject to a fine of \$250.

Summary of Substitute Bill:

A training program is established for managers of manufactured housing communities (MHC). "Management" is defined as those actions, functions, or duties related to the management of a MHC, including collecting rent, renting lots, enforcing terms, and implementing landlord and tenant duties and responsibilities under the Manufactured/Mobile Home Landlord-Tenant Act

A MHC manager must complete four hours of training to acquire or renew a certificate of completion of training. The training certificate must be obtained within one year of beginning employment as a MHC manager, and must be renewed annually. A MHC owner is not required to satisfy the training requirement if the owner employs a MHC manager who has completed the training program.

The Attorney General (AG) under the Manufactured/Mobile Home Dispute Resolution Program must administer the training program. The AG must develop the curriculum with input from statewide associations representing tenants and owners, issue the training certificates, and maintain a list of persons who completed the training program. The AG may charge a fee for the training program to recover costs, but only to the extent that funds are not

available in the Manufactured/Mobile Home Dispute Resolution Program Account to cover costs.

The AG may enforce the training requirement. A violation of the training requirement is a Class 1 civil infraction. The AG is not responsible for the conduct of persons attending or required to attend the training program. There is no cause of action against the AG related to the training program or a violation of the training requirement by a person required to comply with the requirement.

Substitute Bill Compared to Original Bill:

The Attorney General (AG) under the Manufactured/Mobile Home Dispute Resolution Program must administer the training program (rather than a statewide nonprofit association exclusively representing manufactured housing communities). The AG also must: (1) develop the curriculum (with input from associations representing tenants and owners); (2) issue certificates of completion of training; and (3) maintain the list of persons who completed training. A cause of action against the AG related to the training program is not created. The AG may charge a fee for the training program to recover costs, but only to the extent that funds are not available in the Manufactured/Mobile Home Dispute Resolution Program Account (Account) to cover costs. The Account may be used for the costs associated with administering the training program. A definition for "training program" is added. An advisory council is not established. The training program takes effect July 1, 2014 (rather than either July 1, 2014, or six months after the advisory council approves the training program).

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 20, 2013.

Effective Date of Substitute Bill: The bill takes effect on August 1, 2013, except for sections 3 through 5 relating to the training requirement for managers, which take effect July 1, 2014.

Staff Summary of Public Testimony:

(In support) Owners want training for all managers. Some managers go to training now, but others do not. It will increase professionalism in the industry. The training should be simple to keep the cost down.

The owners' association should train the managers, not the Attorney General (AG). The association will keep the cost down. If the AG was going to do the training, it would cost more. The AG does not understand all of the laws that managers need to understand. The AG administers a consumer protection program, so there are issues with their neutrality.

(Opposed) This bill, as written, is not in the best interest of homeowners.

The only entity authorized to provide training would be the owners' association. It grants an exclusive franchise to a special interest group. It would encourage all owners to belong to the association.

There is no cap or other language about the cost of the training. These costs should not be passed on to the tenants.

The advisory board includes two owner representatives and two tenant representatives. It does not address how split votes are resolved or how the chair or the members are selected.

The AG is a neutral party. The AG should provide the training for free, as part of the dispute resolution program.

Persons Testifying: (In support) Representative Appleton; and Ken Spencer and Kyle Woodring, Manufactured Housing Communities of Washington.

(Opposed) Ishbel Dickens, Margaret Hopkins, and Dan Barrett, Association of Manufactured Home Owners; Don Carlson, Colonial Estates; and Jennifer Steele, Office of the Attorney General.

Persons Signed In To Testify But Not Testifying: None.