

# SENATE BILL REPORT

## SB 6309

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As of January 27, 2014

**Title:** An act relating to legal fees and costs affiliated with notice of violation review under the manufactured/mobile home dispute resolution program.

**Brief Description:** Concerning legal fees and costs affiliated with notice of violation review under the manufactured/mobile home dispute resolution program.

**Sponsors:** Senators Sheldon and Benton.

**Brief History:**

**Committee Activity:** Financial Institutions, Housing & Insurance: 1/28/14.

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

**Staff:** Alison Mendiola (786-7483)

**Background:** The Attorney General's Office (AGO) administers the Manufactured/Mobile Home Dispute Resolution Program (Program) to resolve disputes regarding alleged violations of the Manufactured/Mobile Home Landlord-Tenant Act (Act). Under this Program, the AGO may receive and investigate complaints from manufactured/mobile home tenants and landlords. If appropriate, the AGO may then facilitate an agreement between the parties.

If the AGO determines that no agreement can be reached, the AGO may make written determinations about whether a violation occurred and deliver a citation to any violator.

If the AGO issues a citation, the citation specifies the violation and the corrective action required. If no corrective action is taken and no administrative hearing is requested within the allowed 15 business days, the AGO may issue a fine up to \$250 per day per violation until the violation is corrected. Determinations of both violation and nonviolation, citations, fines, other penalties, and orders to cease and desist may be contested in an administrative hearing before an administrative law judge under the Administrative Procedure Act.

If no administrative hearing is requested, the order of the AGO is final and may not be appealed to any court or agency. The order of the administrative law judge is the final agency action and may be appealed to superior court.

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*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.*

Costs. Currently if an administrative hearing is initiated, respondents and complainants each bear the cost of their own legal expenses.

**Summary of Bill:** The language regarding each party bearing their own legal expenses for initiating an administrative hearing is stricken.

In an administrative or judicial review of any notice or violation issued by the AGO under the Program, the prevailing party is entitled to reasonable attorneys' fees and costs.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.