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**SUBSTITUTE HOUSE BILL 1005**

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**State of Washington                      66th Legislature                      2019 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representative Appleton)

READ FIRST TIME 02/14/19.

1            AN ACT Relating to sales of manufactured/mobile or park model  
2 homes at county treasurer's foreclosure or distraint sales; and  
3 amending RCW 46.12.700 and 84.56.070.

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

5            **Sec. 1.** RCW 46.12.700 and 2011 c 171 s 38 are each amended to  
6 read as follows:

7            (1) **Titling options.** An owner of a manufactured home shall  
8 establish ownership in the manufactured home by either:

9            (a) Applying for a certificate of title as required under this  
10 chapter; or

11            (b) Eliminating the certificate of title under chapter 65.20 RCW.

12            (2) **Exemption.** This section does not apply to a manufactured home  
13 held for resale by a dealer or manufacturer.

14            (3) **Transferring ownership.** (a) A registered owner of record must  
15 sign the certificate of title releasing the owner's interest when  
16 transferring ownership of a manufactured home. If the manufactured  
17 home was manufactured before June 15, 1976, the registered owner must  
18 sign an affidavit on a form approved by the department. The affidavit  
19 must state that the purchaser was notified that failure of the  
20 manufactured home to meet federal housing and urban development  
21 standards or failure of the manufactured home to meet a fire and

1 safety inspection by the department of labor and industries may  
2 result in denial by a local jurisdiction of a permit to site the  
3 manufactured home.

4 (b) When a manufactured/mobile or park model home is sold at a  
5 county treasurer's foreclosure or distraint sale, the registered  
6 owner of record, legal owner on title, and the purchaser are not  
7 required to sign the certificate of title and title application to  
8 transfer title. Any lienholder interest in a manufactured/mobile or  
9 park model home is extinguished by the county treasurer's foreclosure  
10 or distraint sale, provided that the county treasurer provided such  
11 lienholder, as listed on the title, a copy of the notice of sale at  
12 his or her last known address, by registered letter, at least thirty  
13 days prior to the date of sale.

14 (4) **Evidence of taxes paid.** Before accepting an application for a  
15 certificate of title for a manufactured home, the department, county  
16 auditor or other agent, or subagent appointed by the director shall  
17 require the applicant to provide evidence that any taxes due on the  
18 sale of the manufactured home under chapters 82.45 and 84.52 RCW have  
19 been paid. Acceptable evidence includes a copy of:

20 (a) The real estate excise tax affidavit that has been stamped by  
21 the county treasurer; or

22 (b) A treasurer certificate that is prepared by the treasurer of  
23 the county in which a used manufactured home is located and that  
24 states that all property taxes due upon the used manufactured home  
25 being sold have been satisfied.

26 (5) **County assessor notification.** The department shall notify the  
27 county assessor of the county where the manufactured home is located  
28 when ownership of a manufactured home is transferred. The  
29 notification must include the name and address of the former owner  
30 and the new owner.

31 (6) **Title elimination.** The certificate of title for a  
32 manufactured home may be eliminated or not issued when the  
33 manufactured home is registered under chapter 65.20 RCW. If the  
34 certificate of title is eliminated or not issued, the application  
35 must be recorded in the county property records of the county where  
36 the real property to which the home is affixed is located. All  
37 vehicle license fees and taxes applicable to manufactured homes under  
38 this chapter are due and must be collected before recording the  
39 ownership with the county auditor.

1 (7) **Rules.** The department may adopt rules as necessary to  
2 implement this section.

3 **Sec. 2.** RCW 84.56.070 and 2015 c 95 s 8 are each amended to read  
4 as follows:

5 (1) The county treasurer must proceed to collect all personal  
6 property taxes after first completing the tax roll for the current  
7 year's collection.

8 (2) The treasurer must give notice by mail to all persons charged  
9 with personal property taxes, and if the taxes are not paid before  
10 they become delinquent, the treasurer must commence delinquent  
11 collection efforts. A delinquent collection charge for costs incurred  
12 by the treasurer may be added to the account.

13 (3) In the event that the treasurer is unable to collect the  
14 taxes when due under this section, the treasurer must prepare papers  
15 in distraint. The papers must contain a description of the personal  
16 property, the amount of taxes, including any amounts deferred under  
17 chapters 84.37 and 84.38 RCW that are a lien on the personal property  
18 to be distrained, the amount of the accrued interest at the rate  
19 provided by law from the date of delinquency, and the name of the  
20 owner or reputed owner.

21 (a) The treasurer must without demand or notice distraint  
22 sufficient goods and chattels belonging to the person charged with  
23 the taxes to pay the same, with interest at the rate provided by law  
24 from the date of delinquency, together with all accruing costs. The  
25 treasurer must proceed to advertise the distraint by posting written  
26 notices in three public places in the county in which the property  
27 has been distrained, including the county courthouse. The notice must  
28 state the time when and place where the property will be sold.

29 (b) The county treasurer, or the treasurer's deputy, must tax the  
30 same fees for making the distraint and sale of goods and chattels for  
31 the payment of taxes as are allowed by law to sheriffs for making  
32 levy and sale of property on execution. Traveling fees must be  
33 computed from the county seat of the county to the place of making  
34 distraint.

35 (c) If the taxes for which the property is distrained, and the  
36 interest and costs accruing thereon, are not paid before the date  
37 appointed for the sale, which may not be less than ten days after the  
38 taking of the property, the treasurer or treasurer's designee must  
39 proceed to sell the property at public auction, or so much thereof as

1 is sufficient to pay the taxes and any amounts deferred under  
2 chapters 84.37 and 84.38 RCW that are a lien on the property to be  
3 sold, with interest and costs. If there is any excess of money  
4 arising from the sale of any personal property, the treasurer must  
5 pay the excess less any cost of the auction to the owner of the  
6 property so sold or to his or her legal representative.

7 (d) If necessary to distraint any standing timber owned separately  
8 from the ownership of the land upon which the same may stand, or any  
9 fish trap, pound net, reef net, set net, or drag seine fishing  
10 location, or any other personal property as the treasurer determines  
11 to be incapable or reasonably impracticable of manual delivery, it is  
12 deemed to have been distrained and taken into possession when the  
13 treasurer has, at least thirty days before the date fixed for the  
14 sale thereof, filed with the auditor of the county wherein the  
15 property is located a notice in writing reciting that the treasurer  
16 has distrained the property. The notice must describe the property,  
17 give the name of the owner or reputed owner, the amount of the tax  
18 due, with interest, and the time and place of sale. A copy of the  
19 notice must also be sent to the owner or reputed owner at his or her  
20 last known address, by registered letter at least thirty days prior  
21 to the date of sale.

22 (e) If the county treasurer has reasonable grounds to believe  
23 that any personal property, including mobile homes, manufactured  
24 homes, or park model trailers, upon which taxes have been levied, but  
25 not paid, is about to be removed from the county where the property  
26 has been assessed, or is about to be destroyed, sold, or disposed of,  
27 the county treasurer may demand the taxes, without the notice  
28 provided for in this section, and if necessary distraint sufficient  
29 goods and chattels to pay the same.

30 (4) As an alternative to the sale procedure specified in this  
31 section, the county treasurer may conduct a public auction sale by  
32 electronic media pursuant to RCW 36.16.145.

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