

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5183

66th Legislature
2019 Regular Session

Passed by the Senate April 28, 2019
Yeas 36 Nays 11

President of the Senate

Passed by the House April 27, 2019
Yeas 93 Nays 4

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5183** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5183

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senate Housing Stability & Affordability (originally sponsored by Senators Kuderer, Pedersen, Wellman, Saldaña, Lias, and Wilson, C.)

READ FIRST TIME 02/21/19.

1 AN ACT Relating to manufactured/mobile homes; amending RCW
2 59.21.005, 59.21.021, 59.21.025, 59.21.050, 46.17.155, 59.30.050,
3 84.36.560, 35.21.684, 35A.21.312, 36.01.225, 59.20.060, and
4 59.20.---; reenacting and amending RCW 59.21.010 and 82.45.010;
5 adding a new section to chapter 59.21 RCW; creating new sections;
6 providing a contingent effective date; and providing an expiration
7 date.

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

9 **Sec. 1.** RCW 59.21.005 and 1995 c 122 s 2 are each amended to
10 read as follows:

11 The legislature recognizes that it is quite costly (~~to move a~~
12 ~~mobile home~~) for tenants who own homes in manufactured/mobile home
13 parks to relocate when the park in which they reside is closed or
14 converted to another use. Many (~~mobile home~~) such tenants need
15 financial assistance in order to (~~move their mobile homes from a~~)
16 relocate from a manufactured/mobile home park. The purpose of this
17 chapter is to provide a mechanism for assisting manufactured/mobile
18 home tenants to relocate their manufactured/mobile homes to suitable
19 alternative sites (~~when the mobile home park in which they reside is~~
20 ~~closed or converted to another use~~) or demolish and dispose of their
21 homes and secure housing.

1 **Sec. 2.** RCW 59.21.010 and 2009 c 565 s 47 are each reenacted and
2 amended to read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Assignee" means an individual or entity who has agreed to
6 advance allowable relocation assistance expenses in exchange for the
7 assignment and transfer of a right to reimbursement from the fund.

8 (2) "Department" means the department of commerce.

9 ~~((+2))~~ (3) "Director" means the director of the department of
10 commerce.

11 ~~((+3))~~ (4) "Fund" means the manufactured/mobile home park
12 relocation fund established under RCW 59.21.050.

13 ~~((+4))~~ (5) "Landlord" or "park-owner" means the owner of the
14 manufactured/mobile home park that is being closed at the time
15 relocation assistance is provided.

16 ~~((+5))~~ (6) "Low-income household" means a single person, family,
17 or unrelated persons living together whose adjusted income is less
18 than eighty percent of the median family income, adjusted for
19 household size, for the county where the manufactured/mobile home is
20 located.

21 (7) "Manufactured/mobile home park" or "park" means real property
22 that is rented or held out for rent to others for the placement of
23 two or more manufactured/mobile homes for the primary purpose of
24 production of income, except where the real property is rented or
25 held out for rent for seasonal recreational purpose only and is not
26 intended for year-round occupancy.

27 ~~((+6))~~ (8) "Relocate" means to do one of the following:

28 (a) Remove ((the)) a manufactured/mobile home from ((the)) a
29 manufactured/mobile home park being closed and ((to—either))
30 reinstall it in another location ((or to)); or

31 (b) Remove a manufactured/mobile home from a manufactured/mobile
32 home park being closed and demolish and dispose of it ((and purchase
33 another mobile/manufactured home constructed to the standards set by
34 the department of housing and urban development)) and secure other
35 housing.

36 ~~((+7))~~ (9) "Relocation assistance" means the monetary assistance
37 provided under this chapter, including reimbursement for the costs of
38 relocation as well as cash assistance provided to allow the tenant to
39 secure new housing.

1 (10) "Tenant" means a person that owns a manufactured/mobile home
2 located on a rented lot in a manufactured/mobile home park.

3 **Sec. 3.** RCW 59.21.021 and 2005 c 399 s 5 are each amended to
4 read as follows:

5 (1) If a manufactured/mobile home park is closed or converted to
6 another use (~~((after December 31, 1995))~~), eligible tenants shall be
7 entitled to relocation assistance on a first-come, first-serve basis.
8 The department shall give priority for distribution of relocation
9 assistance to eligible tenants residing in parks that are closed as a
10 result of park-owner fraud or as a result of health and safety
11 concerns as determined by the local board of health. Payments shall
12 be made upon the department's verification of eligibility, subject to
13 the availability of remaining funds.

14 (2) Eligibility for relocation assistance funds is limited to
15 low-income households. ((As used in this section, "low-income
16 household" means a single person, family, or unrelated persons living
17 together whose adjusted income is less than eighty percent of the
18 median family income, adjusted for household size, for the county
19 where the mobile or manufactured home is located.

20 ~~(2) Assistance for closures occurring after December 31, 1995, is~~
21 ~~limited to persons who maintain ownership of and relocate their~~
22 ~~mobile home or who dispose of a home not relocatable to a new site.))~~

23 (3) ~~((Persons))~~ (a) Eligible tenants who ~~((removed and disposed~~
24 ~~of their mobile home or maintained ownership of and relocated their~~
25 ~~mobile homes))~~ relocate are entitled to ~~((reimbursement of actual~~
26 ~~relocation expenses))~~ financial assistance from the fund, up to a
27 maximum of twelve thousand dollars for a ~~((double-wide))~~ multisection
28 home and up to a maximum of seven thousand five hundred dollars for a
29 single-~~((wide))~~ section home. The department shall distribute
30 relocation assistance for each eligible tenant as follows:

31 (i) Up to forty percent of the total assistance may be disbursed
32 in the form of cash assistance to help the tenant secure new housing;
33 and

34 (ii) The remainder of the total assistance shall be disbursed as
35 reimbursement for costs associated with relocation.

36 (b) To receive financial assistance as provided in (a)(i) of this
37 subsection, documentation must be provided to the department that
38 demonstrates the tenant:

39 (i) Has relocated the home;

1 (ii) Has established a process to secure the relocation of the
2 home by having assigned the right to reimbursement of the relocation
3 costs and liability for such removal or demolition and disposal to
4 another entity; or

5 (iii) Has contracted to incur expenses associated with relocating
6 the home.

7 (c) If the tenant is requesting financial assistance under
8 (b)(ii) or (iii) of this subsection, the tenant, or the assignee on
9 the tenant's behalf, must submit as part of the application described
10 in RCW 59.21.050(2):

11 (i) Proof of the assignation; and

12 (ii) Evidence that the assignee is capable of fulfilling the
13 obligation itself or a contract or invoice for relocation of the home
14 executed with a vendor by the tenant or the assignee.

15 (4) Any individual or organization may apply to receive funds
16 from the ~~((mobile home park relocation))~~ fund, for use in combination
17 with funds from public or private sources, toward relocation of
18 tenants eligible under this section, with agreement from the tenant.
19 ~~((Funds received from the mobile home park relocation fund shall only
20 be used for relocation assistance expenses or other mobile/
21 manufactured home ownership expenses, that include down payment
22 assistance, if the owners are not planning to relocate their mobile
23 home as long as their original home is removed from the park.))~~

24 (5) The legislature intends the cash assistance provided under
25 subsection (3)(a)(i) of this section to be considered a one-time
26 direct grant payment that shall be excluded from household income
27 calculations for purposes of determining the eligibility of the
28 recipient for benefits or assistance under any state program financed
29 in whole or in part with state funds.

30 **Sec. 4.** RCW 59.21.025 and 1998 c 124 s 3 are each amended to
31 read as follows:

32 ~~((1))~~ If financial assistance for relocation is obtained from
33 sources other than the ~~((mobile home park relocation))~~ fund
34 ~~((established under this chapter))~~, then the relocation assistance
35 provided to any person ~~((under this chapter))~~ from the fund shall be
36 reduced as necessary to ensure that no person receives financial
37 assistance for relocation from all sources combined ~~((more than: (a)~~
38 ~~That person's actual cost of relocation; or (b) seven thousand~~

1 dollars for a double-wide mobile home and three thousand five hundred
2 dollars for a single-wide mobile home.

3 ~~(2) When a person receives financial assistance for relocation~~
4 ~~from a source other than the mobile home park relocation assistance~~
5 ~~fund, then the assistance received from the fund will be the~~
6 ~~difference between the maximum amount to which a person is entitled~~
7 ~~under RCW 59.21.021(3) and the amount of assistance received from the~~
8 ~~outside source.~~

9 ~~(3) If the amount of assistance received from an outside source~~
10 ~~exceeds the maximum amounts of assistance to which a person is~~
11 ~~entitled under RCW 59.21.021(3), then that person will not receive~~
12 ~~any assistance from the mobile home park relocation assistance fund))~~
13 in excess of that person's actual relocation expenses.

14 **Sec. 5.** RCW 59.21.050 and 2011 c 158 s 7 are each amended to
15 read as follows:

16 (1) (a) The existence of the manufactured/mobile home park
17 relocation fund in the custody of the state treasurer is affirmed.

18 (b) Expenditures from the fund may only be used as follows:

19 (i) Except as provided in subsection (3) of this section, all
20 moneys received from the fee as specified in RCW 46.17.155 must be
21 used only for relocation assistance awarded under this chapter.

22 (ii) All moneys received from the fee as specified in RCW
23 59.30.050 must be used only for the relocation coordination program
24 created in section 8 of this act.

25 (c) Only the director or the director's designee may authorize
26 expenditures from the fund. All relocation payments to tenants shall
27 be made from the fund. The fund is subject to allotment procedures
28 under chapter 43.88 RCW, but no appropriation is required for
29 expenditures.

30 (2) A ((~~park~~)) tenant is eligible for relocation assistance under
31 this chapter only after an application is submitted by that tenant or
32 an organization acting on the tenant's account under RCW 59.21.021(4)
33 on a form approved by the director ((~~which~~)). The application shall
34 include: (a) ((~~For those persons who maintained ownership of and~~
35 ~~relocated their homes or removed their homes from the park: (i)~~)) A
36 copy of the notice from the park-owner, or other adequate proof, that
37 the tenancy is terminated due to closure of the park or its
38 conversion to another use; ((~~(ii)~~)) (b) a copy of the rental
39 agreement then in force, or other proof that the applicant was a

1 tenant at the time of notice of closure; ~~((iii) a copy of the~~
2 ~~contract for relocating the home which includes the date of~~
3 ~~relocation, or other proof of actual))~~ (c) a statement of relocation
4 expenses expected to be incurred ~~((on a date certain));~~ ~~((and (iv)))~~
5 (d) proof of ownership of the home at the time of notice of closure;
6 and (e) a statement of any other available assistance ~~((;))~~ received.

7 ~~((b) For those persons who sold their homes and incurred no~~
8 ~~relocation expenses: (i) A copy of the notice from the park owner, or~~
9 ~~other adequate proof, that the tenancy is terminated due to closure~~
10 ~~of the park or its conversion to another use; (ii) a copy of the~~
11 ~~rental agreement then in force, or other proof that the applicant was~~
12 ~~a tenant at the time of notice of closure; and (iii) a copy of the~~
13 ~~record of title transfer issued by the department of licensing when~~
14 ~~the tenant sold the home rather than relocate it due to park closure~~
15 ~~or conversion.))~~

16 (3) The department may deduct a percentage amount of the fee
17 collected under RCW 46.17.155 for administration expenses incurred by
18 the department.

19 **Sec. 6.** RCW 46.17.155 and 2010 c 161 s 511 are each amended to
20 read as follows:

21 (1) Before accepting an application for a certificate of title
22 for an original or transfer manufactured home transaction as required
23 in this title or chapter 65.20 RCW, the department, county auditor or
24 other agent, or subagent appointed by the director shall require the
25 applicant to pay a ~~((one hundred dollar))~~ fee, in accordance with
26 subsection (4) of this section, in addition to any other fees and
27 taxes required by law if the manufactured home:

28 (a) Is located in a mobile home park;

29 (b) Is one year old or older; and

30 (c) Is new or ownership changes, excluding changes that involve
31 adding or deleting spouse or domestic partner coregistered owners or
32 legal owners ~~((; and~~

33 ~~(d) Sales price is five thousand dollars or more))~~.

34 (2) The ~~((one hundred dollar))~~ fee amount established in
35 subsection (4) of this section must be forwarded to the state
36 treasurer, who shall deposit the fee in the manufactured/mobile home
37 park relocation fund created in RCW 59.21.050.

38 (3) The department and the state treasurer may adopt rules
39 necessary to carry out this section.

1 (4) The amount of the fee that the department must collect must
2 be 0.25 percent of the sale price of the manufactured home, but in no
3 case may the fee be less than one hundred dollars or greater than
4 five hundred dollars.

5 **Sec. 7.** RCW 59.30.050 and 2013 c 144 s 42 are each amended to
6 read as follows:

7 (1) The department must register all manufactured/mobile home
8 communities, which registration must be renewed annually. Each
9 community must be registered separately. The department must mail
10 registration notifications to all known manufactured/mobile home
11 community landlords. Registration information packets must include:

12 (a) Registration forms; and

13 (b) Registration assessment information, including registration
14 due dates and late fees, and the collections procedures, liens, and
15 charging costs to tenants.

16 (2) To apply for registration or registration renewal, the
17 landlord of a manufactured/mobile home community must file with the
18 department an application for registration or registration renewal on
19 a form provided by the department and must pay a registration fee as
20 described in subsection (3) of this section. The department may
21 require the submission of information necessary to assist in
22 identifying and locating a manufactured/mobile home community and
23 other information that may be useful to the state, which must
24 include, at a minimum:

25 (a) The names and addresses of the owners of the manufactured/
26 mobile home community;

27 (b) The name and address of the manufactured/mobile home
28 community;

29 (c) The name and address of the landlord and manager of the
30 manufactured/mobile home community;

31 (d) The number of lots within the manufactured/mobile home
32 community that are subject to chapter 59.20 RCW; and

33 (e) The addresses of each manufactured/mobile home lot within the
34 manufactured/mobile home community that is subject to chapter 59.20
35 RCW.

36 (3) Each manufactured/mobile home community landlord must pay to
37 the department:

1 (a) A one-time business license application fee for the first
2 year of registration and, in subsequent years, an annual renewal
3 application fee, as provided in RCW 19.02.075; and

4 (b) An annual registration assessment of (~~ten~~) fifteen dollars
5 for each manufactured/mobile home that is subject to chapter 59.20
6 RCW within a manufactured/mobile home community. Manufactured/mobile
7 home community landlords may charge a maximum of five dollars of this
8 assessment to tenants. Nine dollars of the registration assessment
9 for each manufactured/mobile home must be deposited into the
10 manufactured/mobile home dispute resolution program account created
11 in RCW 59.30.070 to fund the costs associated with the manufactured/
12 mobile home dispute resolution program. (~~The remaining~~) One dollar
13 of the registration assessment must be deposited into the business
14 license account created in RCW 19.02.210. The remaining five dollars
15 of the registration assessment must be deposited into the
16 manufactured/mobile home park relocation fund created in RCW
17 59.21.050. The annual registration assessment must be reviewed once
18 each biennium by the department and the attorney general and may be
19 adjusted to reasonably relate to the cost of administering this
20 chapter. The registration assessment may not exceed (~~ten~~) fifteen
21 dollars, but if the assessment is reduced, the portion allocated to
22 the manufactured/mobile home dispute resolution program account
23 (~~and~~), the business license account, and the manufactured/mobile
24 home park relocation fund must be adjusted proportionately.

25 (4) Initial registrations of manufactured/mobile home communities
26 must be filed before November 1, 2007, or within three months of the
27 availability of mobile home lots for rent within the community. The
28 manufactured/mobile home community is subject to a delinquency fee of
29 two hundred fifty dollars for late initial registrations. The
30 delinquency fee must be deposited in the business license account.
31 Renewal registrations that are not renewed by the expiration date as
32 assigned by the department are subject to delinquency fees under RCW
33 19.02.085.

34 (5) Thirty days after sending late fee notices to a noncomplying
35 landlord, the department may issue a warrant under RCW 59.30.090 for
36 the unpaid registration assessment and delinquency fee. If a warrant
37 is issued by the department under RCW 59.30.090, the department must
38 add a penalty of ten percent of the amount of the unpaid registration
39 assessment and delinquency fee, but not less than ten dollars. The
40 warrant penalty must be deposited into the business license account

1 created in RCW 19.02.210. Chapter 82.32 RCW applies to the collection
2 of warrants issued under RCW 59.30.090.

3 (6) Registration is effective on the date determined by the
4 department, and the department must issue a registration number to
5 each registered manufactured/mobile home community. The department
6 must provide an expiration date, assigned by the department, to each
7 manufactured/mobile home community who registers.

8 NEW SECTION. **Sec. 8.** A new section is added to chapter 59.21
9 RCW to read as follows:

10 (1) A relocation coordination program is created within the
11 department for the purpose of assisting tenants of a mobile home park
12 scheduled for closure or conversion to another use with the process
13 of relocation.

14 (2) The relocation coordination program assistance may include,
15 but is not limited to, performing casework on behalf of individual
16 tenants, maintaining and distributing informational resources for
17 tenants regarding the process for relocating and disposal of
18 manufactured/mobile homes, researching and distributing current
19 information regarding available locations for manufactured/mobile
20 homes and other forms of available housing, and researching and
21 distributing information regarding other sources of financial
22 assistance that may be available to secure new housing.

23 NEW SECTION. **Sec. 9.** This section is the tax preference
24 performance statement for the tax preference contained in section 10,
25 chapter . . ., Laws of 2019 (section 10 of this act). This
26 performance statement is only intended to be used for subsequent
27 evaluation of the tax preference. It is not intended to create a
28 private right of action by any party or be used to determine
29 eligibility for preferential tax treatment.

30 (1) The legislature categorizes this tax preference as one
31 intended to induce certain designated behaviors by taxpayers, as
32 indicated in RCW 82.32.808(2)(a).

33 (2) It is the legislature's specific public policy objective to
34 preserve the affordable housing opportunities provided by existing
35 manufactured/mobile home communities. It is the legislature's intent
36 to encourage owners to sell existing communities to tenants and
37 eligible organizations by providing a real estate excise tax
38 exemption.

1 (3) To measure the effectiveness of this tax preference in
2 achieving the specific public policy objective described in
3 subsection (2) of this section, the joint legislative audit and
4 review committee must, at minimum, review the number of units of
5 housing that are preserved as a result of qualified sales of
6 manufactured/mobile home communities and the total amount of
7 exemptions claimed, as reported to the department of revenue.

8 (4) The joint legislative audit and review committee may use any
9 other data it deems necessary in performing the evaluation under this
10 section.

11 **Sec. 10.** RCW 82.45.010 and 2018 c 223 s 3 and 2018 c 221 s 1 are
12 each reenacted and amended to read as follows:

13 (1) As used in this chapter, the term "sale" has its ordinary
14 meaning and includes any conveyance, grant, assignment, quitclaim, or
15 transfer of the ownership of or title to real property, including
16 standing timber, or any estate or interest therein for a valuable
17 consideration, and any contract for such conveyance, grant,
18 assignment, quitclaim, or transfer, and any lease with an option to
19 purchase real property, including standing timber, or any estate or
20 interest therein or other contract under which possession of the
21 property is given to the purchaser, or any other person at the
22 purchaser's direction, and title to the property is retained by the
23 vendor as security for the payment of the purchase price. The term
24 also includes the grant, assignment, quitclaim, sale, or transfer of
25 improvements constructed upon leased land.

26 (2)(a) The term "sale" also includes the transfer or acquisition
27 within any twelve-month period of a controlling interest in any
28 entity with an interest in real property located in this state for a
29 valuable consideration.

30 (b) For the sole purpose of determining whether, pursuant to the
31 exercise of an option, a controlling interest was transferred or
32 acquired within a twelve-month period, the date that the option
33 agreement was executed is the date on which the transfer or
34 acquisition of the controlling interest is deemed to occur. For all
35 other purposes under this chapter, the date upon which the option is
36 exercised is the date of the transfer or acquisition of the
37 controlling interest.

38 (c) For purposes of this subsection, all acquisitions of persons
39 acting in concert must be aggregated for purposes of determining

1 whether a transfer or acquisition of a controlling interest has taken
2 place. The department must adopt standards by rule to determine when
3 persons are acting in concert. In adopting a rule for this purpose,
4 the department must consider the following:

5 (i) Persons must be treated as acting in concert when they have a
6 relationship with each other such that one person influences or
7 controls the actions of another through common ownership; and

8 (ii) When persons are not commonly owned or controlled, they must
9 be treated as acting in concert only when the unity with which the
10 purchasers have negotiated and will consummate the transfer of
11 ownership interests supports a finding that they are acting as a
12 single entity. If the acquisitions are completely independent, with
13 each purchaser buying without regard to the identity of the other
14 purchasers, then the acquisitions are considered separate
15 acquisitions.

16 (3) The term "sale" does not include:

17 (a) A transfer by gift, devise, or inheritance.

18 (b) A transfer by transfer on death deed, to the extent that it
19 is not in satisfaction of a contractual obligation of the decedent
20 owed to the recipient of the property.

21 (c) A transfer of any leasehold interest other than of the type
22 mentioned above.

23 (d) A cancellation or forfeiture of a vendee's interest in a
24 contract for the sale of real property, whether or not such contract
25 contains a forfeiture clause, or deed in lieu of foreclosure of a
26 mortgage.

27 (e) The partition of property by tenants in common by agreement
28 or as the result of a court decree.

29 (f) The assignment of property or interest in property from one
30 spouse or one domestic partner to the other spouse or other domestic
31 partner in accordance with the terms of a decree of dissolution of
32 marriage or state registered domestic partnership or in fulfillment
33 of a property settlement agreement.

34 (g) The assignment or other transfer of a vendor's interest in a
35 contract for the sale of real property, even though accompanied by a
36 conveyance of the vendor's interest in the real property involved.

37 (h) Transfers by appropriation or decree in condemnation
38 proceedings brought by the United States, the state or any political
39 subdivision thereof, or a municipal corporation.

1 (i) A mortgage or other transfer of an interest in real property
2 merely to secure a debt, or the assignment thereof.

3 (j) Any transfer or conveyance made pursuant to a deed of trust
4 or an order of sale by the court in any mortgage, deed of trust, or
5 lien foreclosure proceeding or upon execution of a judgment, or deed
6 in lieu of foreclosure to satisfy a mortgage or deed of trust.

7 (k) A conveyance to the federal housing administration or
8 veterans administration by an authorized mortgagee made pursuant to a
9 contract of insurance or guaranty with the federal housing
10 administration or veterans administration.

11 (l) A transfer in compliance with the terms of any lease or
12 contract upon which the tax as imposed by this chapter has been paid
13 or where the lease or contract was entered into prior to the date
14 this tax was first imposed.

15 (m) The sale of any grave or lot in an established cemetery.

16 (n) A sale by the United States, this state or any political
17 subdivision thereof, or a municipal corporation of this state.

18 (o) A sale to a regional transit authority or public corporation
19 under RCW 81.112.320 under a sale/leaseback agreement under RCW
20 81.112.300.

21 (p) A transfer of real property, however effected, if it consists
22 of a mere change in identity or form of ownership of an entity where
23 there is no change in the beneficial ownership. These include
24 transfers to a corporation or partnership which is wholly owned by
25 the transferor and/or the transferor's spouse or domestic partner or
26 children of the transferor or the transferor's spouse or domestic
27 partner. However, if thereafter such transferee corporation or
28 partnership voluntarily transfers such real property, or such
29 transferor, spouse or domestic partner, or children of the transferor
30 or the transferor's spouse or domestic partner voluntarily transfer
31 stock in the transferee corporation or interest in the transferee
32 partnership capital, as the case may be, to other than (i) the
33 transferor and/or the transferor's spouse or domestic partner or
34 children of the transferor or the transferor's spouse or domestic
35 partner, (ii) a trust having the transferor and/or the transferor's
36 spouse or domestic partner or children of the transferor or the
37 transferor's spouse or domestic partner as the only beneficiaries at
38 the time of the transfer to the trust, or (iii) a corporation or
39 partnership wholly owned by the original transferor and/or the
40 transferor's spouse or domestic partner or children of the transferor

1 or the transferor's spouse or domestic partner, within three years of
2 the original transfer to which this exemption applies, and the tax on
3 the subsequent transfer has not been paid within sixty days of
4 becoming due, excise taxes become due and payable on the original
5 transfer as otherwise provided by law.

6 (q)(i) A transfer that for federal income tax purposes does not
7 involve the recognition of gain or loss for entity formation,
8 liquidation or dissolution, and reorganization, including but not
9 limited to nonrecognition of gain or loss because of application of
10 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal
11 revenue code of 1986, as amended.

12 (ii) However, the transfer described in (q)(i) of this subsection
13 cannot be preceded or followed within a twelve-month period by
14 another transfer or series of transfers, that, when combined with the
15 otherwise exempt transfer or transfers described in (q)(i) of this
16 subsection, results in the transfer of a controlling interest in the
17 entity for valuable consideration, and in which one or more persons
18 previously holding a controlling interest in the entity receive cash
19 or property in exchange for any interest the person or persons acting
20 in concert hold in the entity. This subsection (3)(q)(ii) does not
21 apply to that part of the transfer involving property received that
22 is the real property interest that the person or persons originally
23 contributed to the entity or when one or more persons who did not
24 contribute real property or belong to the entity at a time when real
25 property was purchased receive cash or personal property in exchange
26 for that person or persons' interest in the entity. The real estate
27 excise tax under this subsection (3)(q)(ii) is imposed upon the
28 person or persons who previously held a controlling interest in the
29 entity.

30 (r) A qualified sale of a manufactured/mobile home community, as
31 defined in RCW 59.20.030(~~(, that takes place on or after June 12,~~
32 ~~2008, but before December 31, 2018)~~).

33 (s)(i) A transfer of a qualified low-income housing development
34 or controlling interest in a qualified low-income housing
35 development, unless, due to noncompliance with federal statutory
36 requirements, the seller is subject to recapture, in whole or in
37 part, of its allocated federal low-income housing tax credits within
38 the four years prior to the date of transfer.

39 (ii) For purposes of this subsection (3)(s), "qualified low-
40 income housing development" means real property and improvements in

1 respect to which the seller or, in the case of a transfer of a
2 controlling interest, the owner or beneficial owner, was allocated
3 federal low-income housing tax credits authorized under 26 U.S.C.
4 Sec. 42 or successor statute, by the Washington state housing finance
5 commission or successor state-authorized tax credit allocating
6 agency.

7 (iii) This subsection (3)(s) does not apply to transfers of a
8 qualified low-income housing development or controlling interest in a
9 qualified low-income housing development occurring on or after July
10 1, 2035.

11 (iv) The Washington state housing finance commission, in
12 consultation with the department, must gather data on: (A) The fiscal
13 savings, if any, accruing to transferees as a result of the exemption
14 provided in this subsection (3)(s); (B) the extent to which
15 transferors of qualified low-income housing developments receive
16 consideration, including any assumption of debt, as part of a
17 transfer subject to the exemption provided in this subsection (3)(s);
18 and (C) the continued use of the property for low-income housing. The
19 Washington state housing finance commission must provide this
20 information to the joint legislative audit and review committee. The
21 committee must conduct a review of the tax preference created under
22 this subsection (3)(s) in calendar year 2033, as required under
23 chapter 43.136 RCW.

24 (t)(i) A qualified transfer of residential property by a legal
25 representative of a person with developmental disabilities to a
26 qualified entity subject to the following conditions:

27 (A) The adult child with developmental disabilities of the
28 transferor of the residential property must be allowed to reside in
29 the residence or successor property so long as the placement is safe
30 and appropriate as determined by the department of social and health
31 services;

32 (B) The title to the residential property is conveyed without the
33 receipt of consideration by the legal representative of a person with
34 developmental disabilities to a qualified entity;

35 (C) The residential property must have no more than four living
36 units located on it; and

37 (D) The residential property transferred must remain in continued
38 use for fifty years by the qualified entity as supported living for
39 persons with developmental disabilities by the qualified entity or
40 successor entity. If the qualified entity sells or otherwise conveys

1 ownership of the residential property the proceeds of the sale or
2 conveyance must be used to acquire similar residential property and
3 such similar residential property must be considered the successor
4 for continued use. The property will not be considered in continued
5 use if the department of social and health services finds that the
6 property has failed, after a reasonable time to remedy, to meet any
7 health and safety statutory or regulatory requirements. If the
8 department of social and health services determines that the property
9 fails to meet the requirements for continued use, the department of
10 social and health services must notify the department and the real
11 estate excise tax based on the value of the property at the time of
12 the transfer into use as residential property for persons with
13 developmental disabilities becomes immediately due and payable by the
14 qualified entity. The tax due is not subject to penalties, fees, or
15 interest under this title.

16 (ii) For the purposes of this subsection (3)(t) the definitions
17 in RCW 71A.10.020 apply.

18 (iii) A "qualified entity" is:

19 (A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3)
20 of the federal internal revenue code of 1986, as amended, as of June
21 7, 2018, or a subsidiary under the same taxpayer identification
22 number that provides residential supported living for persons with
23 developmental disabilities; or

24 (B) A nonprofit adult family home, as defined in RCW 70.128.010,
25 that exclusively serves persons with developmental disabilities.

26 (iv) In order to receive an exemption under this subsection
27 (3)(t) an affidavit must be submitted by the transferor of the
28 residential property and must include a copy of the transfer
29 agreement and any other documentation as required by the department.

30 **Sec. 11.** RCW 84.36.560 and 2007 c 301 s 1 are each amended to
31 read as follows:

32 (1) The real and personal property owned or used by a nonprofit
33 entity in providing rental housing for very low-income households or
34 used to provide space for the placement of a mobile home for a very
35 low-income household within a mobile home park is exempt from
36 taxation if:

37 (a) The benefit of the exemption inures to the nonprofit entity;

1 (b) At least seventy-five percent of the occupied dwelling units
2 in the rental housing or lots in a mobile home park are occupied by a
3 very low-income household; and

4 (c) The rental housing or lots in a mobile home park were
5 insured, financed, or assisted in whole or in part through one or
6 more of the following sources:

7 (i) A federal or state housing program administered by the
8 department of ~~((community, trade, and economic development))~~
9 commerce;

10 (ii) A federal housing program administered by a city or county
11 government;

12 (iii) An affordable housing levy authorized under RCW 84.52.105;
13 ~~((or))~~

14 (iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and
15 any of the surcharges authorized in chapter 43.185C RCW; or

16 (v) The Washington state housing finance commission, provided
17 that the financing is for a mobile home park cooperative or a
18 manufactured housing cooperative, as defined in RCW 59.20.030.

19 (2) If less than seventy-five percent of the occupied dwelling
20 units within the rental housing or lots in the mobile home park are
21 occupied by very low-income households, the rental housing or mobile
22 home park is eligible for a partial exemption on the real property
23 and a total exemption of the housing's or park's personal property as
24 follows:

25 (a) A partial exemption ~~((shall be))~~ is allowed for each dwelling
26 unit in the rental housing or for each lot in a mobile home park
27 occupied by a very low-income household.

28 (b) The amount of exemption ~~((shall))~~ must be calculated by
29 multiplying the assessed value of the property reasonably necessary
30 to provide the rental housing or to operate the mobile home park by a
31 fraction. The numerator of the fraction is the number of dwelling
32 units or lots occupied by very low-income households as of December
33 31st of the first assessment year in which the rental housing or
34 mobile home park becomes operational or on January 1st of each
35 subsequent assessment year for which the exemption is claimed. The
36 denominator of the fraction is the total number of dwelling units or
37 lots occupied as of December 31st of the first assessment year the
38 rental housing or mobile home park becomes operational and January
39 1st of each subsequent assessment year for which exemption is
40 claimed.

1 (3) If a currently exempt rental housing unit in a facility with
2 ten units or fewer or mobile home lot in a mobile home park with ten
3 lots or fewer was occupied by a very low-income household at the time
4 the exemption was granted and the income of the household
5 subsequently rises above fifty percent of the median income but
6 remains at or below eighty percent of the median income, the
7 exemption will continue as long as the housing continues to meet the
8 certification requirements of a very low-income housing program
9 listed in subsection (1) of this section. For purposes of this
10 section, median income, as most recently determined by the federal
11 department of housing and urban development for the county in which
12 the rental housing or mobile home park is located, shall be adjusted
13 for family size. However, if a dwelling unit or a lot becomes vacant
14 and is subsequently rerented, the income of the new household must be
15 at or below fifty percent of the median income adjusted for family
16 size as most recently determined by the federal department of housing
17 and urban development for the county in which the rental housing or
18 mobile home park is located to remain exempt from property tax.

19 (4) If at the time of initial application the property is
20 unoccupied, or subsequent to the initial application the property is
21 unoccupied because of renovations, and the property is not currently
22 being used for the exempt purpose authorized by this section but will
23 be used for the exempt purpose within two assessment years, the
24 property shall be eligible for a property tax exemption for the
25 assessment year in which the claim for exemption is submitted under
26 the following conditions:

27 (a) A commitment for financing to acquire, construct, renovate,
28 or otherwise convert the property to provide housing for very low-
29 income households has been obtained, in whole or in part, by the
30 nonprofit entity claiming the exemption from one or more of the
31 sources listed in subsection (1)(c) of this section;

32 (b) The nonprofit entity has manifested its intent in writing to
33 construct, remodel, or otherwise convert the property to housing for
34 very low-income households; and

35 (c) Only the portion of property that will be used to provide
36 housing or lots for very low-income households shall be exempt under
37 this section.

38 (5) To be exempt under this section, the property must be used
39 exclusively for the purposes for which the exemption is granted,
40 except as provided in RCW 84.36.805.

1 (6) The nonprofit entity qualifying for a property tax exemption
2 under this section may agree to make payments to the city, county, or
3 other political subdivision for improvements, services, and
4 facilities furnished by the city, county, or political subdivision
5 for the benefit of the rental housing. However, these payments shall
6 not exceed the amount last levied as the annual tax of the city,
7 county, or political subdivision upon the property prior to
8 exemption.

9 (7) (~~As used in this section:~~) The definitions in this
10 subsection apply throughout this section unless the context clearly
11 requires otherwise.

12 (a) "Group home" means a single-family dwelling financed, in
13 whole or in part, by one or more of the sources listed in subsection
14 (1)(c) of this section. The residents of a group home shall not be
15 considered to jointly constitute a household, but each resident shall
16 be considered to be a separate household occupying a separate
17 dwelling unit. The individual incomes of the residents shall not be
18 aggregated for purposes of this exemption;

19 (b) "Mobile home lot" or "mobile home park" means the same as
20 these terms are defined in RCW 59.20.030;

21 (c) "Occupied dwelling unit" means a living unit that is occupied
22 by an individual or household as of December 31st of the first
23 assessment year the rental housing becomes operational or is occupied
24 by an individual or household on January 1st of each subsequent
25 assessment year in which the claim for exemption is submitted. If the
26 housing facility is comprised of three or fewer dwelling units and
27 there are any unoccupied units on January 1st, the department shall
28 base the amount of the exemption upon the number of occupied dwelling
29 units as of December 31st of the first assessment year the rental
30 housing becomes operational and on May 1st of each subsequent
31 assessment year in which the claim for exemption is submitted;

32 (d) "Rental housing" means a residential housing facility or
33 group home that is occupied but not owned by very low-income
34 households;

35 (e) "Very low-income household" means a single person, family, or
36 unrelated persons living together whose income is at or below fifty
37 percent of the median income adjusted for family size as most
38 recently determined by the federal department of housing and urban
39 development for the county in which the rental housing is located and

1 in effect as of January 1st of the year the application for exemption
2 is submitted; and

3 (f) "Nonprofit entity" means a:

4 (i) Nonprofit as defined in RCW 84.36.800 that is exempt from
5 income tax under section 501(c) of the federal internal revenue code;

6 (ii) Limited partnership where a nonprofit as defined in RCW
7 84.36.800 that is exempt from income tax under section 501(c) of the
8 federal internal revenue code, a public corporation established under
9 RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created
10 under RCW 35.82.030 or 35.82.300, or a housing authority meeting the
11 definition in RCW 35.82.210(2)(a) is a general partner; (~~(or)~~)

12 (iii) Limited liability company where a nonprofit as defined in
13 RCW 84.36.800 that is exempt from income tax under section 501(c) of
14 the federal internal revenue code, a public corporation established
15 under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority
16 established under RCW 35.82.030 or 35.82.300, or a housing authority
17 meeting the definition in RCW 35.82.210(2)(a) is a managing member;
18 or

19 (iv) Mobile home park cooperative or a manufactured housing
20 cooperative, as defined in RCW 59.20.030.

21 NEW SECTION. Sec. 12. The provisions of RCW 82.32.805 and
22 82.32.808 do not apply to section 11 of this act.

23 NEW SECTION. Sec. 13. The legislature finds that manufactured
24 housing communities provide significant opportunity for affordable
25 housing, but at the same time, vacancy rates in established
26 communities are very low. Siting a replacement manufactured home on a
27 manufactured housing community lot is basic to a landlord's right to
28 continue in business and to provide opportunity for housing that is
29 needed. Imposing undue burdens and new restrictions for the siting of
30 replacement manufactured homes may deem lots unusable as home sites
31 thus, exacerbating the low vacancy rates and reducing affordable
32 housing opportunities. The legislature intends to provide protection
33 for manufactured housing communities by not prohibiting the siting of
34 a manufactured/mobile home on an existing lot based solely on lack of
35 compliance with the existing separation and setback requirements that
36 regulate distance between such homes.

1 **Sec. 14.** RCW 35.21.684 and 2009 c 79 s 1 are each amended to
2 read as follows:

3 (1) A city or town may not adopt an ordinance that has the
4 effect, directly or indirectly, of discriminating against consumers'
5 choices in the placement or use of a home in such a manner that is
6 not equally applicable to all homes. Homes built to 42 U.S.C. Sec.
7 5401-5403 standards (as amended in 2000) must be regulated for the
8 purposes of siting in the same manner as site built homes, factory
9 built homes, or homes built to any other state construction or local
10 design standard. However, except as provided in subsection (2) of
11 this section, any city or town may require that:

12 (a) A manufactured home be a new manufactured home;

13 (b) The manufactured home be set upon a permanent foundation, as
14 specified by the manufacturer, and that the space from the bottom of
15 the home to the ground be enclosed by concrete or an approved
16 concrete product which can be either load bearing or decorative;

17 (c) The manufactured home comply with all local design standards
18 applicable to all other homes within the neighborhood in which the
19 manufactured home is to be located;

20 (d) The home is thermally equivalent to the state energy code;
21 and

22 (e) The manufactured home otherwise meets all other requirements
23 for a designated manufactured home as defined in RCW 35.63.160.

24 A city with a population of one hundred thirty-five thousand or
25 more may choose to designate its building official as the person
26 responsible for issuing all permits, including department of labor
27 and industries permits issued under chapter 43.22 RCW in accordance
28 with an interlocal agreement under chapter 39.34 RCW, for
29 alterations, remodeling, or expansion of manufactured housing located
30 within the city limits under this section.

31 (2) (a) A city or town may not adopt an ordinance that has the
32 effect, directly or indirectly, of restricting the location of
33 manufactured/mobile homes in manufactured/mobile home communities
34 that were legally in existence before June 12, 2008, based
35 exclusively on the age or dimensions of the manufactured/mobile home.
36 (~~This does not preclude~~)

37 (b) A city or town may not prohibit the siting of a manufactured/
38 mobile home on an existing lot based solely on lack of compliance
39 with existing separation and setback requirements that regulate the
40 distance between homes.

1 (c) A city or town is not precluded by (a) or (b) of this
2 subsection from restricting the location of a manufactured/mobile
3 home in manufactured/mobile home communities for any other reason
4 including, but not limited to, failure to comply with fire, safety,
5 or other local ordinances or state laws related to manufactured/
6 mobile homes.

7 (3) Except as provided under subsection (4) of this section, a
8 city or town may not adopt an ordinance that has the effect, directly
9 or indirectly, of preventing the entry or requiring the removal of a
10 recreational vehicle used as a primary residence in manufactured/
11 mobile home communities.

12 (4) Subsection (3) of this section does not apply to any local
13 ordinance or state law that:

14 (a) Imposes fire, safety, or other regulations related to
15 recreational vehicles;

16 (b) Requires utility hookups in manufactured/mobile home
17 communities to meet state or federal building code standards for
18 manufactured/mobile home communities; or

19 (c) Includes both of the following provisions:

20 (i) A recreational vehicle must contain at least one internal
21 toilet and at least one internal shower; and

22 (ii) If the requirement in (c)(i) of this subsection is not met,
23 a manufactured/mobile home community must provide toilets and
24 showers.

25 (5) For the purposes of this section, "manufactured/mobile home
26 community" has the same meaning as in RCW 59.20.030.

27 (6) This section does not override any legally recorded covenants
28 or deed restrictions of record.

29 (7) This section does not affect the authority granted under
30 chapter 43.22 RCW.

31 **Sec. 15.** RCW 35A.21.312 and 2009 c 79 s 2 are each amended to
32 read as follows:

33 (1) A code city may not adopt an ordinance that has the effect,
34 directly or indirectly, of discriminating against consumers' choices
35 in the placement or use of a home in such a manner that is not
36 equally applicable to all homes. Homes built to 42 U.S.C. Sec.
37 5401-5403 standards (as amended in 2000) must be regulated for the
38 purposes of siting in the same manner as site built homes, factory
39 built homes, or homes built to any other state construction or local

1 design standard. However, except as provided in subsection (2) of
2 this section, any code city may require that:

3 (a) A manufactured home be a new manufactured home;

4 (b) The manufactured home be set upon a permanent foundation, as
5 specified by the manufacturer, and that the space from the bottom of
6 the home to the ground be enclosed by concrete or an approved
7 concrete product which can be either load bearing or decorative;

8 (c) The manufactured home comply with all local design standards
9 applicable to all other homes within the neighborhood in which the
10 manufactured home is to be located;

11 (d) The home is thermally equivalent to the state energy code;
12 and

13 (e) The manufactured home otherwise meets all other requirements
14 for a designated manufactured home as defined in RCW 35.63.160.

15 A code city with a population of one hundred thirty-five thousand
16 or more may choose to designate its building official as the person
17 responsible for issuing all permits, including department of labor
18 and industries permits issued under chapter 43.22 RCW in accordance
19 with an interlocal agreement under chapter 39.34 RCW, for
20 alterations, remodeling, or expansion of manufactured housing located
21 within the city limits under this section.

22 (2) (a) A code city may not adopt an ordinance that has the
23 effect, directly or indirectly, of restricting the location of
24 manufactured/mobile homes in manufactured/mobile home communities
25 that were legally in existence before June 12, 2008, based
26 exclusively on the age or dimensions of the manufactured/mobile home.
27 (~~This does not preclude~~)

28 (b) A code city may not prohibit the siting of a manufactured/
29 mobile home on an existing lot based solely on lack of compliance
30 with existing separation and setback requirements that regulate the
31 distance between homes.

32 (c) A code city is not precluded by (a) or (b) of this subsection
33 from restricting the location of a manufactured/mobile home in
34 manufactured/mobile home communities for any other reason including,
35 but not limited to, failure to comply with fire, safety, or other
36 local ordinances or state laws related to manufactured/mobile homes.

37 (3) Except as provided under subsection (4) of this section, a
38 code city may not adopt an ordinance that has the effect, directly or
39 indirectly, of preventing the entry or requiring the removal of a

1 recreational vehicle used as a primary residence in manufactured/
2 mobile home communities.

3 (4) Subsection (3) of this section does not apply to any local
4 ordinance or state law that:

5 (a) Imposes fire, safety, or other regulations related to
6 recreational vehicles;

7 (b) Requires utility hookups in manufactured/mobile home
8 communities to meet state or federal building code standards for
9 manufactured/mobile home communities or recreational vehicle parks;
10 or

11 (c) Includes both of the following provisions:

12 (i) A recreational vehicle must contain at least one internal
13 toilet and at least one internal shower; and

14 (ii) If the requirement in (c)(i) of this subsection is not met,
15 a manufactured/mobile home community must provide toilets and
16 showers.

17 (5) For the purposes of this section, "manufactured/mobile home
18 community" has the same meaning as in RCW 59.20.030.

19 (6) This section does not override any legally recorded covenants
20 or deed restrictions of record.

21 (7) This section does not affect the authority granted under
22 chapter 43.22 RCW.

23 **Sec. 16.** RCW 36.01.225 and 2009 c 79 s 3 are each amended to
24 read as follows:

25 (1) A county may not adopt an ordinance that has the effect,
26 directly or indirectly, of discriminating against consumers' choices
27 in the placement or use of a home in such a manner that is not
28 equally applicable to all homes. Homes built to 42 U.S.C. Sec.
29 5401-5403 standards (as amended in 2000) must be regulated for the
30 purposes of siting in the same manner as site built homes, factory
31 built homes, or homes built to any other state construction or local
32 design standard. However, except as provided in subsection (2) of
33 this section, any county may require that:

34 (a) A manufactured home be a new manufactured home;

35 (b) The manufactured home be set upon a permanent foundation, as
36 specified by the manufacturer, and that the space from the bottom of
37 the home to the ground be enclosed by concrete or an approved
38 concrete product which can be either load bearing or decorative;

1 (c) The manufactured home comply with all local design standards
2 applicable to all other homes within the neighborhood in which the
3 manufactured home is to be located;

4 (d) The home is thermally equivalent to the state energy code;
5 and

6 (e) The manufactured home otherwise meets all other requirements
7 for a designated manufactured home as defined in RCW 35.63.160.

8 (2) (a) A county may not adopt an ordinance that has the effect,
9 directly or indirectly, of restricting the location of manufactured/
10 mobile homes in manufactured/mobile home communities, as defined in
11 RCW 59.20.030, which were legally in existence before June 12, 2008,
12 based exclusively on the age or dimensions of the manufactured/mobile
13 home. (~~This does not preclude~~)

14 (b) A county may not prohibit the siting of a manufactured/mobile
15 home on an existing lot based solely on lack of compliance with
16 existing separation and setback requirements that regulate the
17 distance between homes.

18 (c) A county is not precluded by (a) or (b) of this subsection
19 from restricting the location of a manufactured/mobile home in
20 manufactured/mobile home communities for any other reason including,
21 but not limited to, failure to comply with fire, safety, or other
22 local ordinances or state laws related to manufactured/mobile homes.

23 (3) A county may not adopt an ordinance that has the effect,
24 directly or indirectly, of preventing the entry or requiring the
25 removal of a recreational vehicle used as a primary residence in
26 manufactured/mobile home communities, as defined in RCW 59.20.030,
27 unless the recreational vehicle fails to comply with the fire,
28 safety, or other local ordinances or state laws related to
29 recreational vehicles.

30 (4) This section does not override any legally recorded covenants
31 or deed restrictions of record.

32 (5) This section does not affect the authority granted under
33 chapter 43.22 RCW.

34 **Sec. 17.** RCW 59.20.060 and 2019 c ... (ESHB 1582) s 3 are each
35 amended to read as follows:

36 (1) Any mobile home space tenancy regardless of the term, shall
37 be based upon a written rental agreement, signed by the parties,
38 which shall contain:

1 (a) The terms for the payment of rent, including time and place,
2 and any additional charges to be paid by the tenant. Additional
3 charges that occur less frequently than monthly shall be itemized in
4 a billing to the tenant;

5 (b) Reasonable rules for guest parking which shall be clearly
6 stated;

7 (c) The rules and regulations of the park;

8 (d) The name and address of the person who is the landlord, and
9 if such person does not reside in the state there shall also be
10 designated by name and address a person who resides in the county
11 where the mobile home park is located who is authorized to act as
12 agent for the purposes of service of notices and process. If no
13 designation is made of a person to act as agent, then the person to
14 whom rental payments are to be made shall be considered the agent;

15 (e) The name and address of any party who has a secured interest
16 in the mobile home, manufactured home, or park model;

17 (f) A forwarding address of the tenant or the name and address of
18 a person who would likely know the whereabouts of the tenant in the
19 event of an emergency or an abandonment of the mobile home,
20 manufactured home, or park model;

21 (g) (i) A covenant by the landlord that, except for acts or events
22 beyond the control of the landlord, the mobile home park will not be
23 converted to a land use that will prevent the space that is the
24 subject of the lease from continuing to be used for its intended use
25 for a period of three years after the beginning of the term of the
26 rental agreement;

27 (ii) A rental agreement may, in the alternative, contain a
28 statement that: "The park may be sold or otherwise transferred at any
29 time with the result that subsequent owners may close the mobile home
30 park, or that the landlord may close the park at any time after the
31 required closure notice as provided in RCW 59.20.080." The covenant
32 or statement required by this subsection must: (A) Appear in print
33 that is in bold face and is larger than the other text of the rental
34 agreement; (B) be set off by means of a box, blank space, or
35 comparable visual device; and (C) be located directly above the
36 tenant's signature on the rental agreement;

37 (h) A copy of a closure notice, as required in RCW 59.20.080, if
38 such notice is in effect;

39 (i) The terms and conditions under which any deposit or portion
40 thereof may be withheld by the landlord upon termination of the

1 rental agreement if any moneys are paid to the landlord by the tenant
2 as a deposit or as security for performance of the tenant's
3 obligations in a rental agreement;

4 (j) A listing of the utilities, services, and facilities which
5 will be available to the tenant during the tenancy and the nature of
6 the fees, if any, to be charged together with a statement that, in
7 the event any utilities are changed to be charged independent of the
8 rent during the term of the rental agreement, the landlord agrees to
9 decrease the amount of the rent charged proportionately;

10 (k) A written description, picture, plan, or map of the
11 boundaries of a mobile home space sufficient to inform the tenant of
12 the exact location of the tenant's space in relation to other
13 tenants' spaces;

14 (l) A written description, picture, plan, or map of the location
15 of the tenant's responsibility for utility hook-ups, consistent with
16 RCW 59.20.130(6);

17 (m) A statement of the current zoning of the land on which the
18 mobile home park is located;

19 (n) A statement of the expiration date of any conditional use,
20 temporary use, or other land use permit subject to a fixed expiration
21 date that is necessary for the continued use of the land as a mobile
22 home park; and

23 (o) A written statement containing accurate historical
24 information regarding the past five years' rental amount charged for
25 the lot or space.

26 (2) Any rental agreement executed between the landlord and tenant
27 shall not contain any provision:

28 (a) Which allows the landlord to charge a fee for guest parking
29 unless a violation of the rules for guest parking occurs: PROVIDED,
30 That a fee may be charged for guest parking which covers an extended
31 period of time as defined in the rental agreement;

32 (b) Which authorizes the towing or impounding of a vehicle except
33 upon notice to the owner thereof or the tenant whose guest is the
34 owner of the vehicle;

35 (c) Which allows the landlord to alter the due date for rent
36 payment or increase the rent: (i) During the term of the rental
37 agreement if the term is less than two years, or (ii) more frequently
38 than annually if the initial term is for two years or more: PROVIDED,
39 That a rental agreement may include an escalation clause for a pro
40 rata share of any increase in the mobile home park's real property

1 taxes or utility assessments or charges, over the base taxes or
2 utility assessments or charges of the year in which the rental
3 agreement took effect, if the clause also provides for a pro rata
4 reduction in rent or other charges in the event of a reduction in
5 real property taxes or utility assessments or charges, below the base
6 year: PROVIDED FURTHER, That a rental agreement for a term exceeding
7 two years may provide for annual increases in rent in specified
8 amounts or by a formula specified in such agreement. Any rent
9 increase authorized under this subsection (2)(c) that occurs within
10 the closure notice period pursuant to RCW 59.20.080(1)(e) may not be
11 more than one percentage point above the United States consumer price
12 index for all urban consumers, housing component, published by the
13 United States bureau of labor statistics in the periodical "Monthly
14 Labor Review and Handbook of Labor Statistics" as established
15 annually by the department of commerce;

16 (d) By which the tenant agrees to waive or forego rights or
17 remedies under this chapter;

18 (e) Allowing the landlord to charge an "entrance fee" or an "exit
19 fee." However, an entrance fee may be charged as part of a continuing
20 care contract as defined in RCW 70.38.025;

21 (f) Which allows the landlord to charge a fee for guests:
22 PROVIDED, That a landlord may establish rules charging for guests who
23 remain on the premises for more than fifteen days in any sixty-day
24 period;

25 (g) By which the tenant agrees to waive or forego homestead
26 rights provided by chapter 6.13 RCW. This subsection shall not
27 prohibit such waiver after a default in rent so long as such waiver
28 is in writing signed by the husband and wife or by an unmarried
29 claimant and in consideration of the landlord's agreement not to
30 terminate the tenancy for a period of time specified in the waiver if
31 the landlord would be otherwise entitled to terminate the tenancy
32 under this chapter; or

33 (h) By which, at the time the rental agreement is entered into,
34 the landlord and tenant agree to the selection of a particular
35 arbitrator.

36 (3) Any provision prohibited under this section that is included
37 in a rental agreement is unenforceable.

38 **Sec. 18.** RCW 59.20.--- and 2019 c ... (ESHB 1582) s 9 are each
39 amended to read as follows:

1 (1) A court may order an unlawful detainer action to be of
2 limited dissemination for one or more persons if: (a) The court finds
3 that the plaintiff's case was sufficiently without basis in fact or
4 law; (b) the tenancy was reinstated by the court; or (c) other good
5 cause exists for limiting dissemination of the unlawful detainer
6 action (~~in accordance with court rule GR 15~~).

7 (2) An order to limit dissemination of an unlawful detainer
8 action must be in writing.

9 (3) When an order for limited dissemination of an unlawful
10 detainer action has been entered with respect to a person, a tenant
11 screening service provider must not: (a) Disclose the existence of
12 that unlawful detainer action in a tenant screening report pertaining
13 to the person for whom dissemination has been limited, or (b) use the
14 unlawful detainer action as a factor in determining any score or
15 recommendation to be included in a tenant screening report pertaining
16 to the person for whom dissemination has been limited.

17 NEW SECTION. **Sec. 19.** Sections 17 and 18 of this act take
18 effect only if chapter ... (Engrossed Substitute House Bill No.
19 1582), Laws of 2019 is enacted by August 1, 2019.

20 NEW SECTION. **Sec. 20.** If specific funding for the purposes of
21 section 11 of this act, referencing section 11 of this act by bill or
22 chapter number and section number, is not provided by June 30, 2019,
23 in the omnibus appropriations act, section 11 of this act is null and
24 void.

25 NEW SECTION. **Sec. 21.** Section 10 of this act expires January 1,
26 2030.

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