



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Community, Trade & Economic Development

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: February 7, 2003

(2) Purpose: Rules implement 2002 legislative changes to RCW 59.21 that establish allowable expenses for mobile home relocation reimbursement, change the criteria for eligibility, establish criteria for a home that is "not relocatable," and identify priority distribution for residents of parks closed due to "park owner fraud" or "health and safety concerns."

(3) Citation of existing rules affected by this order:

- Repealed:
- Amended:
- Suspended:

(4) Statutory authority for adoption: RCW 59.21, RCW 43.330.040
Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-24-008 on 11/22/02.

Describe any changes other than editing from proposed to adopted version: Section 040(2), the language "A detailed statement from a Washington state certified installer describing why the home cannot be relocated" was removed.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
- No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required

Name (Type or Print)

Sung Yang

Signature

Title

Deputy Director

Date

03/11/03

CODE REVISER USE ONLY

CODE REVISER OFFICE
STATE OF WASHINGTON

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WSR 03-07-036 PM

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>9</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 365-212-010 What definitions apply to this chapter? (1) **"Department"** means the department of community, trade and economic development.

(2) **"Office of manufactured housing"** means the same as the office of mobile home affairs as described in RCW 59.22.050.

NEW SECTION

WAC 365-212-020 How do I contact the office of manufactured housing? (1) You may write the office of manufactured housing at:

CTED/OCD
Office of Manufactured Housing
P.O. Box 48350
Olympia, WA 98504-8350

(2) You may call the automated services request line at:
1-800-964-0852 (within WA state)
1-360-725-2971 (Olympia area or outside WA state)

NEW SECTION

WAC 365-212-030 Who is eligible to receive relocation assistance? (1) Eligibility for relocation assistance is limited to low-income households. For purposes of this chapter, "low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the mobile or manufactured home is located at the time of closure.

(2) Persons who meet the low-income criteria are eligible for assistance if they:

- (a) Owned their home and lived in the park at the time the notice of closure or conversion to another use was issued; and
- (b) Maintained ownership of the home and either:
 - (i) Relocated their home; or
 - (ii) Disposed of a home that cannot be relocated; and
- (c) Submit a completed application as set out in WAC 365-212-040.

(3) Relocation assistance shall be paid on a first-come-first-served basis.

NEW SECTION

WAC 365-212-040 What constitutes a completed application? An application shall be considered complete when the applicant has submitted to the department an application on a form approved by the department together with:

(1) Income verification such as pay stubs, tax statements, documentation from a local, state or federal agency such as department of social and health services, employment security, Social Security, or any other documentation of income as determined by the department;

(2) A copy of the notice from the park owner, or other adequate proof, that the tenancy is terminated due to closure of the park or its conversion to another use;

(3) A copy of the rental agreement then in force or other proof that the applicant was a tenant at the time of notice of closure;

(4) A copy of the contract for relocating the home or other proof of actual relocation expenses. Documentation must include either the date of relocation or actual dates expenses were incurred;

(5) A statement of any other assistance received;

(6) For a home that cannot be relocated, applicants must provide:

(a) Adequate proof that the home cannot be relocated pursuant to WAC 365-212-070; and

(b) For applicants seeking reimbursement for a down payment on a new home, documentation of the purchase pursuant to WAC 365-212-080.

NEW SECTION

WAC 365-212-050 If I meet the requirements, how much assistance could I be eligible for? (1) Eligible applicants may be reimbursed for actual relocation expenses up to:

(a) Three thousand five hundred dollars for a single-wide; or

(b) Seven thousand dollars for a double-wide home.

(2) These maximum amounts apply to all expenses incurred to:

(a) Relocate the existing home; or

(b) Demolishing the existing home and, if applicable, pay a down payment toward another home pursuant to RCW 59.21.010(6).

NEW SECTION

WAC 365-212-060 **What expenses are allowable for reimbursement?** (1) The department is authorized to reimburse applicants for actual expenses, up to the maximum amounts, incurred in physically relocating their home. For homes that cannot be relocated, actual relocation expenses also include the costs for demolition of the existing home and the down payment toward the purchase of another home pursuant to RCW 59.21.010(6).

(2) Examples of reimbursable relocation expenses include, but are not limited to, the following:

(a) Breakdown of the home and preparation for transport. May include removing steps, decks, skirting, securing home for travel, etc.;

(b) Installation of the home at a new site. May include blocking, ERBS, plumbing, sewer connections, skirting, tie downs, utility/electrical connections, vapor barrier, site preparation, etc.;

(c) Transportation of the home to a new site or to a disposal facility, if not included in breakdown or installation costs;

(d) Awnings - relocation of existing awnings or purchase of new awnings if required by park;

(e) Hotel accommodations - if new site is not available or relocation to new site takes more than one day;

(f) Insurance - one time only for transporting home, etc., if not included in transportation fee;

(g) Mileage-personal vehicle to/from new site for set up;

(h) Nonrefundable fees - application fees, credit/screening fees;

(i) Permits - local and state;

(j) Porch/decking - when originally attached to home;

(k) Loan interest fees - when loan is for the sole purpose of relocating;

(l) Relocating internal items - such as household goods or furniture;

(m) Rental moving equipment - car, hauling equipment, trucks, etc.;

(n) Septic tanks on private land - installation and hook up;

(o) Siding replacement/repair - when damaged due to relocation;

(p) Stairs - if originally connected to home;

(q) Temporary storage for home - if new site is not available;

(r) Telephone - disconnection/reconnection costs only;

(s) Utility conversion/upgrade - when necessary in new park;

(t) Utility/electrical connections from street - when relocating onto private land; and

(u) Any other actual expenses determined by the department to

be reimbursable.

NEW SECTION

WAC 365-212-070 What documentation must I provide as adequate proof a home cannot be relocated? Applicants who dispose of their homes must provide:

- (1) The demolition certificate from the county; and
- (2) One of the following:
 - (a) A detailed receipt from the disposal site, landfill or other recipient of your demolished home; or
 - (b) Any other documentation determined by the department to constitute adequate proof.

NEW SECTION

WAC 365-212-080 What documentation must I provide to be reimbursed for a down payment on another home? Applicants must provide proof of down payment expenses that includes:

- (1) A copy of the purchase and sale agreement; and
- (2) One of the following forms of documentation:
 - (a) Canceled checks to the retailer or private party that detail the transaction;
 - (b) A copy of the department of licensing's title-transfer form for your home;
 - (c) A copy of the receipt for the purchase; or
 - (d) Any other proof of down payment as determined by the department.

NEW SECTION

WAC 365-212-090 What criteria is used to determine park-owner fraud? In order to demonstrate that a park was closed as the result of park-owner fraud, the applicant must provide a judgment or order of a court of law indicating a finding that the park was closed due to park-owner fraud.