
HOUSE BILL 2835

State of Washington

55th Legislature

1998 Regular Session

By Representatives Veloria, Cody, Conway, Butler and O'Brien

Read first time 01/21/98. Referred to Committee on Trade & Economic Development.

1 AN ACT Relating to mobile home parks; adding a new chapter to Title
2 18 RCW; prescribing penalties; and providing an effective date.

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

4 NEW SECTION. **Sec. 1.** Unless the context clearly requires
5 otherwise, the definitions in this section apply throughout this
6 chapter.

7 (1) "Advisory council" means the advisory council on mobile home
8 park manager training and certification created in section 8 of this
9 act.

10 (2) "Department" means the department of community, trade, and
11 economic development.

12 (3) "Director" means the director of the department of community,
13 trade, and economic development.

14 (4) "Mobile home park" has the same meaning as in RCW 59.20.030.

15 (5) "Mobile home park management" means those actions, functions,
16 or duties related to the operation, maintenance, or management of a
17 mobile home park.

1 (6) "Mobile home park manager" means a person who is certified
2 under this chapter to perform mobile home park management services and
3 includes owners of mobile home parks.

4 NEW SECTION. **Sec. 2.** A mobile home park shall not operate in this
5 state without first registering with the department to do business as
6 a mobile home park on a form approved by the department.

7 NEW SECTION. **Sec. 3.** The department has the power to enforce and
8 ensure compliance with the provisions of this chapter relating to the
9 registration of mobile home parks.

10 NEW SECTION. **Sec. 4.** If the department has reasonable cause to
11 believe that a violation of this chapter has occurred, the department
12 may institute enforcement proceedings in its own name against any
13 mobile home park owner as follows:

14 (1) The department may issue an order requiring the owner to cease
15 and desist from the unlawful practice and take such affirmative action
16 as in the judgment of the department will carry out the purposes of
17 this chapter;

18 (2) The department may bring an action in superior court for
19 declaratory relief or injunctive relief; or

20 (3) The department may impose a civil penalty against an owner for
21 any violation of this chapter that does not exceed one thousand dollars
22 per violation. If an owner fails to pay the civil penalty, the
23 department may issue an order directing that the owner cease and desist
24 from further operation of the mobile home park until such time as the
25 civil penalty is paid or pursue enforcement of the penalty in a court
26 of competent jurisdiction. Any action commenced by the department
27 shall be brought in the county in which the department has its
28 executive offices or in the county where the violation occurred. A
29 resident or tenant living in a mobile home park or renting a home in a
30 mobile home park may institute an action in the appropriate court
31 against a mobile home park owner to enforce this chapter. In any
32 action brought to enforce this chapter the prevailing party shall be
33 awarded his or her reasonable attorneys' fees and costs.

34 NEW SECTION. **Sec. 5.** (1) After January 1, 1999, all mobile home
35 parks shall be managed by a mobile home park manager.

1 (2) A person shall not manage or hold himself or herself out to the
2 public as being able to manage a mobile home park in this state until
3 a certificate of registration certifying him or her as a mobile home
4 park manager has been issued to him or her by the director in
5 accordance with this chapter.

6 (3) A corporation, partnership, trust, association, or other like
7 organization may own or operate a mobile home park or engage in the
8 business of mobile home park management without being certified if it
9 employs, retains, or contracts with certified natural persons who are
10 registered mobile home park managers in the direct provision of
11 management services. The corporation, partnership, trust, association,
12 or other organization shall also file with the department a statement
13 on a form approved by the department that it submits itself to the
14 rules of the department and this chapter.

15 (4) A mobile home park shall not operate in this state without
16 first registering with the department to do business as a mobile home
17 park, under sections 2 through 4 of this act, on a form approved by the
18 department.

19 NEW SECTION. **Sec. 6.** (1) The director shall not issue a
20 certificate of registration to any person to act as a mobile home park
21 manager until that person has:

22 (a) Executed a written application on a form prescribed by the
23 director, subscribed and sworn to by the applicant;

24 (b) Attended and completed a department-approved training course
25 for mobile home park managers;

26 (c) Passed an examination adopted or approved by the department
27 which demonstrates that the applicant has a fundamental knowledge of
28 the mobile home landlord-tenant act under chapter 59.20 RCW and
29 applicable federal and state laws relating to residential property
30 management; and

31 (d) Paid to the director a fee as prescribed in section 9 of this
32 act.

33 (2) Certificates of registration are effective on the date issued
34 by the department and must be renewed annually subject to the
35 requirements of this chapter.

36 (3) A certificate of registration may be renewed annually provided
37 the applicant provides evidence of continuing education as approved by
38 the department. This evidence must be submitted with an application to

1 renew certification. No less than six and no more than ten hours of
2 continuing education annually may be required by the department for
3 renewal of certification.

4 NEW SECTION. **Sec. 7.** (1) The department, in consultation with the
5 advisory council created in section 8 of this act, shall administer,
6 coordinate, and enforce this chapter, evaluate the qualifications of
7 applicants, supervise the examination of applicants, and be responsible
8 for the granting of certificates to qualified persons and for
9 withholding certificates from unqualified persons. It may issue
10 subpoenas, examine witnesses, and administer oaths, and shall
11 investigate persons engaging in practices that violate this chapter.

12 (2) The department shall conduct hearings and keep records and
13 minutes as necessary for an orderly dispatch of business.

14 (3) The department is authorized to adopt rules that are necessary
15 to implement, enforce, and interpret this chapter.

16 NEW SECTION. **Sec. 8.** (1) There is created an advisory council on
17 mobile home park manager training and certification. The council shall
18 consist of seven members as follows: Two members of the council shall
19 be residents of mobile home parks, two members shall be owners or
20 operators of mobile home parks, and three members shall be lay citizens
21 who do not reside in or own or operate a mobile home park. The
22 director shall appoint three members for terms of one year, two members
23 for terms of two years, and two members for terms of three years.
24 Thereafter, each member shall be appointed for a term of four years.
25 A vacancy shall be filled for the remainder of the unexpired term.

26 (2) The advisory council shall select a chair from its members for
27 a two-year term.

28 (3) Members of the council shall serve without compensation but are
29 entitled to receive reimbursement for travel expenses as provided in
30 RCW 43.03.050 and 43.03.060.

31 (4) The functions of the advisory council are to:

32 (a) Review, evaluate, and advise the department concerning
33 revisions and adoption of rules affecting certification of mobile home
34 park managers; and

35 (b) Develop, review, revise, and approve, in consultation with the
36 department, the program for certification of mobile home park managers.

1 (5) The advisory council shall meet at the call of its chair, at
2 the request of a majority of its membership, at the request of the
3 department, or at such times as are prescribed by its rules.

4 (6) The department shall provide adequate staff support to the
5 advisory council to assist it in fulfilling its duties.

6 NEW SECTION. Sec. 9. (1) The department shall charge fees for the
7 application, issuance, and renewal of certificates of registration.
8 The department shall set fees by rule.

9 (2) The fees shall cover the actual costs incurred by the
10 department in carrying out its certification and other related
11 responsibilities under this chapter.

12 NEW SECTION. Sec. 10. (1) The department has the power to enforce
13 and ensure compliance with this chapter and rules adopted under this
14 chapter relating to the certification of mobile home park managers. In
15 performing its duties, the department has the following powers and
16 duties:

17 (a) To make necessary public or private investigations within or
18 outside this state to determine whether any person has violated this
19 chapter or any rule or order adopted under this chapter, to aid in the
20 enforcement of this chapter, or to aid in the adoption of rules or
21 forms under this chapter;

22 (b) To require or permit any person to file a statement in writing,
23 under oath or otherwise, as the department determines, as to the facts
24 and circumstances concerning a matter to be investigated; and

25 (c) For the purpose of any investigation under this chapter, the
26 director or any officer or employee designated by the director, may
27 administer oaths or affirmations, subpoena witnesses and compel their
28 attendance, take evidence, and require the production of any matter
29 that is relevant to the investigation, including the existence,
30 description, nature, custody, condition, and location of any books,
31 documents, or other tangible things and the identity and location of
32 persons having knowledge of relevant facts or any other matter
33 reasonably calculated to lead to the discovery of material evidence.
34 Upon the failure by a person to obey a subpoena or to answer questions
35 propounded by the investigating officer and upon reasonable notice to
36 all persons affected thereby, the department may apply to the superior
37 court for an order compelling compliance.

1 (2) A certificate of registration may be suspended or revoked upon
2 a showing that the manager has:

3 (a) Violated any provision of this chapter;

4 (b) Violated any lawful order or rule rendered or adopted by the
5 department;

6 (c) Been convicted or pleaded nolo contendere to a felony in any
7 court in the United States;

8 (d) Obtained his or her certification or any other order, ruling,
9 or authorization by means of fraud, misrepresentation, or concealment
10 of material facts; or

11 (e) Committed acts of misconduct or negligence in the pursuit of
12 his or her profession.

13 NEW SECTION. **Sec. 11.** If the department has reasonable cause to
14 believe that a violation of this chapter or rule adopted under this
15 chapter has occurred, the department may institute enforcement
16 proceedings in its own name against any mobile home park manager as
17 follows:

18 (1) The department may permit a person whose conduct or actions may
19 be under investigation to waive formal proceedings and enter into a
20 consent proceeding whereby orders, rules, or letters of censure or
21 warning, whether formal or informal, may be entered against the person;

22 (2) The department may issue an order requiring the manager to
23 cease and desist from the unlawful practice and take such affirmative
24 action as in the judgment of the department will carry out the purposes
25 of this chapter;

26 (3) The department may bring an action in superior court for
27 declaratory relief or injunctive relief; or

28 (4) The department may impose a civil penalty against a manager for
29 any violation of this chapter or of a rule adopted under this chapter
30 that does not exceed one thousand dollars per violation. If a manager
31 fails to pay the civil penalty, the department may issue an order
32 directing that the manager cease and desist from further operation
33 until such time as the civil penalty is paid or pursue enforcement of
34 the penalty in a court of competent jurisdiction. Any action commenced
35 by the department shall be brought in the county in which the
36 department has its executive offices or in the county where the
37 violation occurred. A resident or tenant living in a mobile home park
38 or renting a home in a mobile home park may institute an action in the

1 appropriate court against a mobile home park manager to enforce this
2 chapter. In any action brought to enforce this chapter the prevailing
3 party shall be awarded his or her reasonable attorneys' fees and costs.

4 NEW SECTION. **Sec. 12.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act
9 constitute a new chapter in Title 18 RCW.

10 NEW SECTION. **Sec. 14.** This act takes effect July 1, 1998.

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