

HOUSE BILL REPORT

ESHB 1953

As Passed House:

March 14, 2001

Title: An act relating to alterations of mobile homes.

Brief Description: Modifying manufactured home provisions.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Kessler and Buck).

Brief History:

Committee Activity:

Commerce & Labor: 2/26/01, 2/27/01 [DPS].

Floor Activity:

Passed House: 3/14/01, 75-19.

Brief Summary of Engrossed Substitute Bill

- Transfers permitting and inspection authority over alterations of installed manufactured and mobile homes from the Department of Labor and Industries to local building officials under the state building code, except for certain electrical inspections conducted by the department.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Lisk and McMorris.

Minority Report: Do not pass. Signed by 3 members: Representatives Wood, Democratic Vice Chair; Hunt and Kenney.

Staff: Chris Cordes (786-7103).

Background:

The Department of Labor and Industries is responsible for adopting and enforcing rules governing the safety of body and frame design and the installation of plumbing, heating,

and electrical equipment in mobile homes (manufactured housing). The department's rules conform with rules adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974, a federal law that preempts inconsistent state laws regarding the manufacture of a mobile home. Leasing or selling a mobile home that does not comply with the department's rules is prohibited.

Plans and specifications for models or production prototypes of mobile homes must be submitted to the department for approval. Once the plans have been approved, changes or alterations may not be made to the body and frame design, construction, plumbing, heating, or electrical installations without the department's prior written approval.

By department rule, alterations that must have prior approval include replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, or fire safety, or the plumbing, mechanical, or electrical systems of the mobile home. Alterations do not include repairs to equipment with approved parts, or adjustment and maintenance of equipment, or modification of a fuel-burning appliance according to the listing agency's specifications.

The state building code consists of various uniform codes published by the International Conference of Building Officials that have been adopted by statute. These codes apply to the construction of buildings and structures and are enforced by counties and cities, either directly or through a contract with an inspection authority. The State Building Code Council maintains these codes by reviewing updated versions and amending the codes as deemed appropriate by the council.

The state electrical installation code governs the installation of wires and equipment that convey electric current in buildings or structures. The Department of Labor and Industries adopts rules implementing this code. It has permitting and inspection authority over projects involving the state electrical code, except in certain cities that have adopted and that enforce local electrical codes at least equal to the state standards.

Summary of Engrossed Substitute Bill:

Before December 1, 2001, the State Building Code Council must adopt, as part of the state building code, the National Manufactured Housing Construction and Safety Standards Act of 1974, including requirements for maintaining certification labels that must be affixed to manufactured homes under federal law. On the effective date of those rules, the Department of Labor and Industries' rules governing manufactured and mobile homes will no longer apply to alterations of installed manufactured and mobile homes. Instead, the state building code will apply to alterations of these homes, and permitting and inspection authority will transfer from the department to local building officials, except when electrical permitting and inspections are performed by the department under the state electrical installation code.

The prohibition against selling or leasing an installed manufactured or mobile home that has been altered without complying with applicable codes is limited. The prohibition applies only if the alteration of the home is a serious noncompliance with the codes and the use of the home constitutes a hazard to safety, health, or public welfare.

A manufactured home— is a single-family dwelling required to be built according to standards under the federal manufactured housing code. A mobile home— is a factory-built dwelling built before June 15, 1976, under other applicable codes. These homes are considered installed— if the installation meets state standards.

These changes apply to installed manufactured homes regardless of the installation date.

Appropriation: None.

Fiscal Note: Requested on February 27, 2001.

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

Testimony For: Owners of mobile homes frequently invest substantial amounts in remodeling the homes and are sometimes told that local permits are not required. But no one tells them that permits must be obtained from the Department of Labor and Industries, including the lenders who seem to ignore the concerns about alterations. This is an enormous problem as the homes cannot be legally sold unless the alterations are approved. No one has been able to do a good job of getting information out to the mobile home owners. The law should be changed to treat these homes, once permanently fixed on a site, in the same manner as "stick-built" homes. The federal standards are intended to deal with homes that are mobile,— not those permanently fixed. Under the current system, there can be duplication of inspections and inconsistency from jurisdiction to jurisdiction in conducting inspections. Department approval should not be required for homes that have already been altered before the purchaser bought the home. The bill would clear up the current confusion over which alterations are under the department's jurisdiction and which are under local building officials' jurisdiction. It would improve customer service since most homeowners assume that local building officials issue building permits for these alterations. The local building officials are willing to take on this responsibility and would apply the normal fee-for-service requirements that apply to stick-built homes.

Testimony Against: The original bill raises public safety concerns that would need to be addressed. The substitute bill might have unintended consequences to consumers because there would be no uniformity among the local jurisdictions and there would be multiple permits and fees. Pre-HUD homes don't have the current safety features of new homes and updating can be a concern. Park managers should take on the responsibility of informing homeowners about the need for department inspection. The department is

planning to make changes that will clarify which alterations need permitting and which do not require department approval. The bill is not clear about what code applies under what circumstances. The bill should also provide at least a year for adopting new rules regarding mobile homes and training local inspectors to do mobile home inspections. It may be necessary to have a more public process to make this change, with hearings around the state to identify the problem.

Testified: (In support, substitute bill) Representative Kessler, prime sponsor; Representative Buck, sponsor; Bryant Butterfield; Constance Grothkopp; George Sumner; Bob Mitchell, Washington Association of Realtors; Marguerite Glover, Sequim Association of Realtors; Willy O'Neil, Associated General Contractors; Mark Triplett, Washington Association of Building Officials; and Ray Munson.

(Concerns, substitute bill) Mike Ryherd and Joan Brennan, Washington Manufactured Housing Association.

(Opposed, original bill) Patrick Woods and Dan Sevcik, Department of Labor and Industries; Lois Gaddy, Chair of the Factory Assembled Structures Advisory Board; and Dan Sexton, Washington State Association of Plumbers and Steamfitters.