

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1393

Chapter 399, Laws of 2005

59th Legislature
2005 Regular Session

MOBILE HOMES--SAFETY STANDARDS--INSPECTIONS--NOTICE

EFFECTIVE DATE: 7/24/05

Passed by the House April 18, 2005
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 6, 2005
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 11, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1393** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 11, 2005 - 1:59 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1393

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Housing (originally sponsored by
Representatives Buri, Grant, Cox, B. Sullivan, Condotta, Dunshee and
Chase)

READ FIRST TIME 03/04/05.

1 AN ACT Relating to movement of mobile homes; and amending RCW
2 46.44.170, 43.22.340, 43.22.432, 46.12.290, and 59.21.021.

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

4 **Sec. 1.** RCW 46.44.170 and 2004 c 79 s 4 are each amended to read
5 as follows:

6 (1) Any person moving a mobile home as defined in RCW 46.04.302 or
7 a park model trailer as defined in RCW 46.04.622 upon public highways
8 of the state must obtain:

9 (a) A special permit from the department of transportation and
10 local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay
11 the proper fee as prescribed by RCW 46.44.0941 and 46.44.096; and

12 (b) For mobile homes constructed before June 15, 1976, and already
13 situated in the state: (i) A certification from the department of
14 labor and industries that the mobile home was inspected for fire
15 safety; or (ii) an affidavit in the form prescribed by the department
16 of community, trade, and economic development signed by the owner at
17 the county treasurer's office at the time of the application for the
18 movement permit stating that the mobile home is being moved by the
19 owner for his or her continued occupation or use; or (iii) a copy of

1 the certificate of ownership or title together with an affidavit signed
2 under penalty of perjury by the certified owner stating that the mobile
3 home is being transferred to a wrecking yard or similar facility for
4 disposal. In addition, the destroyed mobile home must be removed from
5 the assessment rolls of the county and any outstanding taxes on the
6 destroyed mobile home must be removed by the county treasurer.

7 (2) A special permit issued as provided in subsection (1) of this
8 section for the movement of any mobile home or a park model trailer
9 that is assessed for purposes of property taxes shall not be valid
10 until the county treasurer of the county in which the mobile home or
11 park model trailer is located shall endorse or attach his or her
12 certificate that all property taxes which are a lien or which are
13 delinquent, or both, upon the mobile home or park model trailer being
14 moved have been satisfied. Further, any mobile home or park model
15 trailer required to have a special movement permit under this section
16 shall display an easily recognizable decal. However, endorsement or
17 certification by the county treasurer and the display of the decal is
18 not required:

19 (a) When a mobile home or park model trailer is to enter the state
20 or is being moved from a manufacturer or distributor to a retail sales
21 outlet or directly to the purchaser's designated location or between
22 retail and sales outlets;

23 (b) When a signed affidavit of destruction is filed with the county
24 assessor and the mobile home or park model trailer is being moved to a
25 disposal site by a landlord as defined in RCW 59.20.030 after (i) the
26 mobile home or park model trailer has been abandoned as defined in RCW
27 59.20.030; or (ii) a final judgment for restitution of the premises
28 under RCW 59.18.410 has been executed in favor of the landlord with
29 regard to the mobile home or park model trailer. The mobile home or
30 park model trailer will be removed from the tax rolls and, upon
31 notification by the assessor, any outstanding taxes on the destroyed
32 mobile home or park model trailer will be removed by the county
33 treasurer; or

34 (c) When a signed affidavit of destruction is filed with the county
35 assessor by any mobile home or park model trailer owner or any property
36 owner with an abandoned mobile home or park model trailer, the same
37 shall be removed from the tax rolls and upon notification by the

1 assessor, any outstanding taxes on the destroyed mobile home or park
2 model trailer shall be removed by the county treasurer.

3 (3) If the landlord of a mobile home park takes ownership of a
4 mobile home or park model trailer with the intent to resell or rent the
5 same under RCW 59.20.030 after (a) the mobile home or park model
6 trailer has been abandoned as defined in RCW 59.20.030; or (b) a final
7 judgment for restitution of the premises under RCW 59.18.410 has been
8 executed in favor of the landlord with regard to the mobile home or
9 park model trailer, the outstanding taxes become the responsibility of
10 the landlord.

11 (4) It is the responsibility of the owner of the mobile home or
12 park model trailer subject to property taxes or the agent to obtain the
13 endorsement and decal from the county treasurer before a mobile home or
14 park model trailer is moved.

15 (5) This section does not prohibit the issuance of vehicle license
16 plates for a mobile home or park model trailer subject to property
17 taxes, but plates shall not be issued unless the mobile home or park
18 model trailer subject to property taxes for which plates are sought has
19 been listed for property tax purposes in the county in which it is
20 principally located and the appropriate fee for the license has been
21 paid.

22 (6) The department of transportation, the department of labor and
23 industries, and local authorities are authorized to adopt reasonable
24 rules for implementing the provisions of this section. The department
25 of transportation shall adopt rules specifying the design, reflective
26 characteristics, annual coloration, and for the uniform implementation
27 of the decal required by this section. By January 1, 2006, the
28 department of labor and industries shall also adopt procedures for
29 notifying destination local jurisdictions concerning the arrival of
30 mobile homes that failed safety inspections.

31 **Sec. 2.** RCW 43.22.340 and 2003 c 53 s 228 are each amended to read
32 as follows:

33 (1) The director shall adopt specific rules for conversion vending
34 units and medical units. The rules for conversion vending units and
35 medical units shall be established to protect the occupants from fire;
36 to address other life safety issues; and to ensure that the design and
37 construction are capable of supporting any concentrated load of five

1 hundred pounds or more. Also, the director shall adopt specific rules
2 concerning safety standards as necessary to implement subsection (3) of
3 this section by January 1, 2006.

4 (2) The director of labor and industries shall adopt rules
5 governing safety of body and frame design, and the installation of
6 plumbing, heating, and electrical equipment in mobile homes, commercial
7 coaches, recreational vehicles, and/or park trailers: PROVIDED, That
8 the director shall not prescribe or enforce rules governing the body
9 and frame design of recreational vehicles and park trailers until after
10 the American National Standards Institute shall have published
11 standards and specifications upon this subject. The rules shall be
12 reasonably consistent with recognized and accepted principles of safety
13 for body and frame design and plumbing, heating, and electrical
14 installations, in order to protect the health and safety of the people
15 of this state from dangers inherent in the use of substandard and
16 unsafe body and frame design, construction, plumbing, heating,
17 electrical, and other equipment and shall correlate with and, so far as
18 practicable, conform to the then current standards and specifications
19 of the American National Standards Institute standards A119.1 for
20 mobile homes and commercial coaches, A119.2 for recreational vehicles,
21 and A119.5 for park trailers.

22 (3) Except as provided in RCW 43.22.436, it shall be unlawful for
23 any person to lease, sell or offer for sale, within this state, any
24 mobile homes, commercial coaches, conversion vending units, medical
25 units, recreational vehicles, and/or park trailers manufactured after
26 January 1, 1968, containing plumbing, heating, electrical, or other
27 equipment, and after July 1, 1970, body and frame design or
28 construction, unless such equipment, design, or construction meets the
29 requirements of the rules provided for in this section.

30 (4) Any person violating this section is guilty of a misdemeanor.
31 Each day upon which a violation occurs shall constitute a separate
32 violation.

33 **Sec. 3.** RCW 43.22.432 and 2002 c 268 s 7 are each amended to read
34 as follows:

35 (1) The department may adopt all standards and regulations adopted
36 by the secretary under the national manufactured home construction and
37 safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)

1 for manufactured home construction and safety standards. If any
2 deletions or amendments to the federal standards or regulations are
3 thereafter made and notice thereof is given to the department, the
4 standards or regulations shall be considered automatically adopted by
5 the state under this chapter after the expiration of thirty days from
6 publication in the federal register of a final order describing the
7 deletions or amendments unless within that thirty day period the
8 department objects to the deletion or amendment. In case of objection,
9 the department shall proceed under the rule making procedure of chapter
10 34.05 RCW.

11 (2) The department shall adopt rules with respect to manufactured
12 homes that require the prior written approval of the department before
13 changes or alterations may be made to a manufactured home that differ
14 from the construction standards provided for in this section.

15 (3) For purposes of implementing this section, by January 1, 2006,
16 the department shall adopt requirements for manufactured homes built
17 before June 15, 1976.

18 (4) Except as provided in RCW 43.22.436, it is unlawful for any
19 person to lease, sell, or offer for sale, within this state, a
20 manufactured home unless the home meets the requirements of the rules
21 provided for in this section.

22 **Sec. 4.** RCW 46.12.290 and 1993 c 154 s 2 are each amended to read
23 as follows:

24 (1) The provisions of chapter 46.12 RCW insofar as they are not
25 inconsistent with the provisions of chapter 231, Laws of 1971 ex. sess.
26 or chapter 65.20 RCW apply to mobile or manufactured homes: PROVIDED,
27 That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to
28 mobile or manufactured homes.

29 (2) In order to transfer ownership of a mobile home, all registered
30 owners of record must sign the title certificate releasing their
31 ownership. If the mobile home was manufactured before June 15, 1976,
32 the registered owner must sign an affidavit in the form prescribed by
33 the department of licensing that notice was provided to the purchaser
34 of the mobile home that failure of the mobile home to meet federal
35 housing and urban development standards or failure of the mobile home
36 to meet a fire and safety inspection by the department of labor and

1 industries may result in denial by a local jurisdiction of a permit to
2 site the mobile home.

3 (3) The director of licensing shall have the power to adopt such
4 rules as necessary to implement the provisions of this chapter relating
5 to mobile homes.

6 **Sec. 5.** RCW 59.21.021 and 2002 c 257 s 2 are each amended to read
7 as follows:

8 (1) If a mobile home park is closed or converted to another use
9 after December 31, 1995, eligible tenants shall be entitled to
10 assistance on a first-come, first-serve basis. The department shall
11 give priority for distribution of relocation assistance to tenants
12 residing in parks that are closed as a result of park-owner fraud or as
13 a result of health and safety concerns as determined by the local board
14 of health. Payments shall be made upon the department's verification
15 of eligibility, subject to the availability of remaining funds.
16 Eligibility for relocation assistance funds is limited to low-income
17 households. As used in this section, "low-income household" means a
18 single person, family, or unrelated persons living together whose
19 adjusted income is less than eighty percent of the median family
20 income, adjusted for household size, for the county where the mobile or
21 manufactured home is located.

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

25 (3) Persons who removed and disposed of their mobile home or
26 maintained ownership of and relocated their mobile homes are entitled
27 to reimbursement of actual relocation expenses up to (~~seven~~) twelve
28 thousand dollars for a double-wide home and up to (~~three~~) seven
29 thousand five hundred dollars for a single-wide home.

30 (4) Any individual or organization may apply to receive funds from
31 the mobile home park relocation fund, for use in combination with funds
32 from public or private sources, toward relocation of tenants eligible
33 under this section. Funds received from the mobile home park
34 relocation fund shall only be used for relocation assistance expenses
35 or other mobile/manufactured home ownership expenses, that include down

1 payment assistance, if the owners are not planning to relocate their
2 mobile home as long as their original home is removed from the park.

Passed by the House April 18, 2005.

Passed by the Senate April 6, 2005.

Approved by the Governor May 11, 2005.

Filed in Office of Secretary of State May 11, 2005.