

FINAL BILL REPORT

SHB 2118

PARTIAL VETO

C 432 L 07

Synopsis as Enacted

Brief Description: Transferring responsibilities related to mobile and manufactured home installation from the department of community, trade, and economic development to the department of labor and industries.

Sponsors: By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Conway, Wood and Ormsby).

House Committee on State Government & Tribal Affairs
Senate Committee on Consumer Protection & Housing

Background:

The Department of Community, Trade and Economic Development (DCTED) houses the Office of Mobile/Manufactured Housing (OMH). One function of the OMH is the Mobile and Manufactured Home Installation Certification Program (Certification Program), created by the Legislature in 1994. The Certification Program is a function of Washington's State Administrative Agency for its federal Housing and Urban Development (HUD) dollars used to enforce federal manufactured housing standards. The intent of the Certification Program is to ensure that all mobile and manufactured homes are installed by certified manufactured home installers in accordance with the state installation code in order to provide consumers with greater protections and make the warranty requirement easier to achieve.

Since 1995, Washington has required that certified installers supervise all mobile or manufactured home installations. The certified installer is responsible for reading, understanding, and following the manufacturer's installation instructions and for the performance of non-certified workers engaged in the installation of the home. There must be at least one certified installer on the installation site whenever installation work is being performed.

To receive a certificate of manufactured home installation, individuals must apply to the DCTED. This application must include documentation of six months experience under the direct supervision of a certified manufactured home installer. The Director (Director) of the DCTED reviews the information and makes a determination of whether the applicant is eligible for the training course and examination necessary for certification. The Director may allow other persons to take the training course and examination on manufactured home installation without certification.

The examination for the Certification Program evaluates whether the applicant:

- possesses general knowledge of the technical information and practical procedures that are necessary for mobile and manufactured home installation;
- is familiar with the federal and state codes and administrative rules pertaining to mobile and manufactured homes; and
- is familiar with the local government regulations as related to mobile and manufactured home installations.

The DCTED issues certificates of mobile and manufactured home installation to applicants who have taken the training course, passed the examination, paid the fees, and in all other respects meet the qualifications. The certificate bears the date of issuance and a certification identification number, and is renewable every three years upon application and completion of a continuing education program as determined by the DCTED. Every certificate requires renewal. If a person fails to renew a certificate by the renewal date, the person must retake the examination and pay the examination fee.

Individuals certified in mobile and manufactured home installation are authorized to engage in manufactured home installation throughout the state, without any other installer certification.

Certificates may be revoked upon the following grounds:

- the certificate was obtained through error or fraud;
- the holder of the certificate is judged to be incompetent as a result of multiple infractions of the state installation code; or
- the holder has violated statutory installation requirements or a rule adopted to implement those requirements.

Summary:

Responsibility for being the State Administrative Agency under HUD is transferred from the Department of Community, Trade, and Economic Development (DCTED) to the Department of Labor and Industries (L&I). All regulatory and other responsibilities, including any express authority, duties, and specific functions of and for mobile and manufactured home installation, are transferred from the DCTED to the L&I. This includes:

- all reports, surveys, books, records, files, and written materials that pertain to mobile and manufactured home installation;
- all furniture, office equipment, motor vehicles, and other tangible property pertaining to mobile and manufactured home installation;
- all funds, credits, and assets for mobile and manufactured homes;
- any relevant appropriations; and
- all employees engaged in performing the powers, duties, and functions related to mobile and manufactured home installation.

The L&I shall continue all rules and pending business pertaining to mobile and manufactured home installation and shall respect all existing contracts.

The Director of the Office of Financial Management (OFM) shall decide all questions with regard to the transfer of personnel, funds, books, documents, records, papers, files, equipment or other tangible property with respect to mobile and manufactured home installation from the

DCTED to the L&I; the Director of the OFM shall also determine all necessary budget apportionments.

Fees collected by the L&I from the federal government for enforcing the National Manufactured Housing Standards will be deposited into the Manufactured Home Installation Training Account.

Until July 1, 2008, the L&I is permitted to increase fees for the certification program in excess of fiscal growth in order to implement the act.

Votes on Final Passage:

House	93	3
Senate	42	3 (Senate amended)
House	95	2 (House concurred)

Effective: July 22, 2007

Partial Veto Summary: The Governor vetoed the emergency clause that the act would take effect immediately.