

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2118

Chapter 432, Laws of 2007

(partial veto)

60th Legislature
2007 Regular Session

MOBILE AND MANUFACTURED HOME INSTALLATION--RESPONSIBILITIES

EFFECTIVE DATE: 07/22/07

Passed by the House April 17, 2007
Yeas 95 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2007
Yeas 42 Nays 3

BRAD OWEN

President of the Senate

Approved May 11, 2007, 11:01 a.m., with
the exception of section 14 which is
vetoed.

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
certify that the attached is
SUBSTITUTE HOUSE BILL 2118 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 11, 2007

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2118

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

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

READ FIRST TIME 2/28/07.

1 AN ACT Relating to transferring responsibilities related to mobile
2 and manufactured home installation from the department of community,
3 trade, and economic development to the department of labor and
4 industries; amending RCW 43.63A.460, 43.63A.465, 43.63B.010,
5 43.63B.150, 43.63B.170, 43.22.431, 43.22.495, 46.70.136, 59.22.050,
6 59.22.070, and 43.63B.070; adding a new chapter to Title 43 RCW;
7 creating a new section; recodifying RCW 43.63B.005, 43.63B.010,
8 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060,
9 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120,
10 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800,
11 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136;
12 providing a contingent expiration date; and declaring an emergency.

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

14 **Sec. 1.** RCW 43.63A.460 and 1993 c 280 s 76 are each amended to
15 read as follows:

16 Beginning on July 1, ~~((1991))~~ 2007, the department ~~((of community,~~
17 ~~trade, and economic development))~~ shall ~~((be responsible for~~
18 ~~performing))~~ perform all the consumer complaint and related functions
19 of the state administrative agency that are required for purposes of

1 complying with the regulations established by the federal department of
2 housing and urban development for manufactured housing, including the
3 preparation and submission of the state administrative plan.

4 The department (~~(of community, trade, and economic development)~~)
5 may enter into state or local interagency agreements to coordinate site
6 inspection activities with record monitoring and complaint handling.
7 The interagency agreement may also provide for the reimbursement for
8 cost of work that an agency performs. The department may include other
9 related areas in any interagency agreements which are necessary for the
10 efficient provision of services.

11 The department of (~~(labor and industries)~~) community, trade, and
12 economic development shall transfer all records, files, books, and
13 documents necessary for the department (~~(of community, trade, and~~
14 ~~economic development)~~) to assume these new functions.

15 The directors of community, trade, and economic development and
16 (~~(the department)~~) of labor and industries shall immediately take such
17 steps as are necessary to ensure that (~~(chapter 176, Laws of 1990)~~)
18 this act is implemented on (~~(June 7, 1990)~~) July 1, 2007.

19 **Sec. 2.** RCW 43.63A.465 and 1995 c 399 s 74 are each amended to
20 read as follows:

21 The director (~~(of the department of community, trade, and economic~~
22 ~~development)~~) shall enforce manufactured housing safety and
23 construction standards adopted by the secretary of housing and urban
24 development under the national manufactured housing construction and
25 safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-
26 5426). Furthermore, the director may make agreements with the United
27 States government, state agencies, or private inspection organizations
28 to implement the development and enforcement of applicable provisions
29 of this chapter and the national manufactured housing construction and
30 safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
31 regarding the state administrative agency program.

32 **Sec. 3.** RCW 43.63B.010 and 1998 c 124 s 6 are each amended to read
33 as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section apply throughout this chapter.

1 (1) "Authorized representative" means an employee of a state
2 agency, city, or county acting on behalf of the department.

3 (2) "Certified manufactured home installer" means a person who is
4 in the business of installing mobile or manufactured homes and who has
5 been issued a certificate by the department as provided in this
6 chapter.

7 (3) "Department" means the department of (~~community, trade, and~~
8 ~~economic development~~) labor and industries.

9 (4) "Director" means the director of (~~community, trade, and~~
10 ~~economic development~~) labor and industries.

11 (5) "Manufactured home" means a single-family dwelling built in
12 accordance with the department of housing and urban development
13 manufactured home construction and safety standards act, which is a
14 national, preemptive building code.

15 (6) "Mobile or manufactured home installation" means all on-site
16 work necessary for the installation of a manufactured home, including:

17 (a) Construction of the foundation system;

18 (b) Installation of the support piers and earthquake resistant
19 bracing system;

20 (c) Required connection to foundation system and support piers;

21 (d) Skirting;

22 (e) Connections to the on-site water and sewer systems that are
23 necessary for the normal operation of the home; and

24 (f) Extension of the pressure relief valve for the water heater.

25 (7) "Manufactured home standards" means the manufactured home
26 construction and safety standards as promulgated by the United States
27 department of housing and urban development (HUD).

28 (8) "Mobile home" means a factory-built dwelling built prior to
29 June 15, 1976, to standards other than the HUD code, and acceptable
30 under applicable state codes in effect at the time of construction or
31 introduction of the home into the state. Mobile homes have not been
32 built since introduction of the HUD manufactured home construction and
33 safety standards act.

34 (9) "Training course" means the education program administered by
35 the department, or the education course administered by an approved
36 educational provider, as a prerequisite to taking the examination for
37 certification.

1 (10) "Approved educational provider" means an organization approved
2 by the department to provide education and training of manufactured
3 home installers and local inspectors.

4 **Sec. 4.** RCW 43.63B.150 and 1994 c 284 s 29 are each amended to
5 read as follows:

6 ~~((All violations designated as an infraction shall be adjudicated
7 in accordance with the administrative procedure act, chapter 34.05
8 RCW-))~~ If a party desires to contest a notice of infraction and civil
9 penalty issued under this chapter, the party must file a notice of
10 appeal with the department within twenty days of the department mailing
11 the notice of civil penalty. An administrative law judge of the office
12 of administrative hearings shall hear and determine the appeal. Appeal
13 proceedings must be conducted under chapter 34.05 RCW. An appeal of
14 the administrative law judge's determination or order must be to the
15 superior court. The superior court's decision is subject only to
16 discretionary review under the rules of appellate procedure.

17 **Sec. 5.** RCW 43.63B.170 and 1994 c 284 s 31 are each amended to
18 read as follows:

19 (1) A person found to have committed an infraction under this
20 chapter shall be assessed a monetary penalty of one thousand dollars.

21 (2) The administrative law judge may waive, reduce, or suspend the
22 monetary penalty imposed for the infraction.

23 (3) Monetary penalties collected under this chapter shall be
24 ~~((remitted as provided in chapter 3.62 RCW))~~ deposited into the
25 manufactured home installation training account created in RCW
26 43.63B.080 (as recodified by this act) for the purposes specified in
27 this chapter.

28 **Sec. 6.** RCW 43.22.431 and 2001 c 335 s 3 are each amended to read
29 as follows:

30 The director of the department of labor and industries may enforce
31 manufactured home safety and construction standards adopted by the
32 secretary of housing and urban development under the national
33 manufactured home construction and safety standards act of 1974 (800
34 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may
35 make agreements with the United States government and private

1 inspection organizations to implement the development and enforcement
2 of applicable provisions of this chapter and the national manufactured
3 home construction and safety standards act of 1974 (800 Stat. 700; 42
4 U.S.C. Secs. 5401-5426). Any fees or contract moneys collected under
5 these agreements shall be deposited into the manufactured home
6 installation training account created in RCW 43.63B.080 (as recodified
7 by this act).

8 **Sec. 7.** RCW 43.22.495 and 1995 c 399 s 69 are each amended to read
9 as follows:

10 Beginning on July 1, (~~(1991)~~) 2007, the department (~~(of community,~~
11 ~~trade, and economic development)~~) of labor and industries shall (~~(be~~
12 ~~responsible for performing)~~) perform all the consumer complaint and
13 related functions of the state administrative agency that are required
14 for purposes of complying with the regulations established by the
15 federal department of housing and urban development for manufactured
16 housing, including the preparation and submission of the state
17 administrative plan.

18 The department (~~(of community, trade, and economic development)~~) of
19 labor and industries may enter into state or local interagency
20 agreements to coordinate site inspection activities with record
21 monitoring and complaint handling. The interagency agreement may also
22 provide for the reimbursement for cost of work that an agency performs.
23 The department may include other related areas in any interagency
24 agreements which are necessary for the efficient provision of services.

25 The directors of the department of community, trade, and economic
26 development and the department of labor and industries shall
27 immediately take such steps as are necessary to ensure that (~~(chapter~~
28 ~~176, Laws of 1990)~~) this act is implemented on (~~(June 7, 1990)~~) July 1,
29 2007.

30 **Sec. 8.** RCW 46.70.136 and 1994 c 284 s 12 are each amended to read
31 as follows:

32 The department may mediate disputes that arise regarding any
33 warranty required in chapter 46.70 RCW pertaining to the purchase or
34 installation of a manufactured home. The department may charge
35 reasonable fees for this service and shall deposit the moneys collected
36 in accordance with RCW 43.63B.080 (as recodified by this act).

1 **Sec. 9.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read
2 as follows:

3 (1) In order to provide general assistance to mobile home resident
4 organizations, park owners, and landlords and tenants, the department
5 shall establish an office of mobile home affairs (~~((which will serve as
6 the coordinating office within state government for matters relating to
7 mobile homes or manufactured housing))~~).

8 This office will provide an ombudsman service to mobile home park
9 owners and mobile home tenants with respect to problems and disputes
10 between park owners and park residents and to provide technical
11 assistance to resident organizations or persons in the process of
12 forming a resident organization pursuant to chapter 59.22 RCW. The
13 office will keep records of its activities in this area.

14 ~~((The office shall perform all the consumer complaint and
15 related functions of the state administrative agency that are required
16 for purposes of complying with the regulations established by the
17 federal department of housing and urban development for manufactured
18 housing, including the preparation and submission of the state
19 administrative plan.~~

20 ~~(3))~~) The office shall administer the mobile home relocation
21 assistance program established in chapter 59.21 RCW, including
22 verifying the eligibility of tenants for relocation assistance.

23 **Sec. 10.** RCW 59.22.070 and 1995 c 399 s 156 are each amended to
24 read as follows:

25 There is created in the custody of the state treasurer a special
26 account known as the (~~(mobile home affairs))~~ manufactured housing
27 account.

28 Disbursements from this special account shall be as follows:

29 (1) For the two-year period beginning July 1, 1988, forty thousand
30 dollars, or so much thereof as may be necessary for costs incurred in
31 registering landlords and collecting fees, and thereafter five thousand
32 dollars per year for that purpose.

33 (2) All remaining amounts shall be remitted to the department for
34 the purpose of implementing RCW 59.22.050 (~~(and 59.22.060)~~), except
35 those funds needed to implement the state administrative agency
36 function and manufactured home installation training and certification

1 program under chapter 43.-- RCW (as created in section 13 of this act),
2 as well as all appropriated and nonappropriated funds related to
3 department of labor and industries functions.

4 **Sec. 11.** RCW 43.63B.070 and 1994 c 284 s 22 are each amended to
5 read as follows:

6 (1) The department shall charge reasonable fees to cover the costs
7 to administer the certification program which shall include but not be
8 limited to the issuance, renewal, and reinstatement of all
9 certificates, training courses, and examinations required under this
10 chapter. All fees collected under this chapter shall be deposited in
11 the manufactured home installation training account created in RCW
12 43.63B.080 and used only for the purposes specified in this chapter.

13 The fees shall be limited to covering the direct cost of issuing
14 the certificates, administering the examinations, and administering and
15 enforcing this chapter. The costs shall include only essential travel,
16 per diem, and administrative support costs.

17 (2) For the purposes of implementing this act, until July 1, 2008,
18 the department may increase fees for the certification program in
19 excess of the fiscal growth factor under chapter 43.135 RCW.

20 NEW SECTION. **Sec. 12.** (1) All powers, duties, and functions of
21 the department of community, trade, and economic development pertaining
22 to mobile and manufactured home installation are transferred to the
23 department of labor and industries.

24 (2)(a) All reports, documents, surveys, books, records, files,
25 papers, or written material in the possession of the department of
26 community, trade, and economic development pertaining to the powers,
27 functions, and duties transferred shall be delivered to the custody of
28 the department of labor and industries. All cabinets, furniture,
29 office equipment, motor vehicles, and other tangible property employed
30 by the department of community, trade, and economic development in
31 carrying out the powers, functions, and duties transferred shall be
32 made available to the department of labor and industries. All funds,
33 credits, or other assets held in connection with the powers, functions,
34 and duties transferred shall be assigned to the department of labor and
35 industries.

1 (b) Any appropriations made to the department of community, trade,
2 and economic development for carrying out the powers, functions, and
3 duties transferred shall, on the effective date of this section, be
4 transferred and credited to the department of labor and industries.

5 (c) Whenever any question arises as to the transfer of any
6 personnel, funds, books, documents, records, papers, files, equipment,
7 or other tangible property used or held in the exercise of the powers
8 and the performance of the duties and functions transferred, the
9 director of financial management shall make a determination as to the
10 proper allocation and certify the same to the state agencies concerned.

11 (3) All employees of the department of community, trade, and
12 economic development engaged in performing the powers, functions, and
13 duties transferred are transferred to the jurisdiction of the
14 department of labor and industries. All employees classified under
15 chapter 41.06 RCW, the state civil service law, are assigned to the
16 department of labor and industries to perform their usual duties upon
17 the same terms as formerly, without any loss of rights, subject to any
18 action that may be appropriate thereafter in accordance with the laws
19 and rules governing state civil service.

20 (4) All rules and all pending business before the department of
21 community, trade, and economic development pertaining to the powers,
22 functions, and duties transferred shall be continued and acted upon by
23 the department of labor and industries. All existing contracts and
24 obligations shall remain in full force and shall be performed by the
25 department of labor and industries.

26 (5) The transfer of the powers, duties, functions, and personnel of
27 the department of community, trade, and economic development shall not
28 affect the validity of any act performed before the effective date of
29 this section.

30 (6) If apportionments of budgeted funds are required because of the
31 transfers directed by this section, the director of financial
32 management shall certify the apportionments to the agencies affected,
33 the state auditor, and the state treasurer. Each of these shall make
34 the appropriate transfer and adjustments in funds and appropriation
35 accounts and equipment records in accordance with the certification.

36 (7) Nothing contained in this section may be construed to alter any
37 existing collective bargaining unit or the provisions of any existing

1 collective bargaining agreement until the agreement has expired or
2 until the bargaining unit has been modified by action of the personnel
3 resources board as provided by law.

4 NEW SECTION. **Sec. 13.** The following sections are each recodified
5 as a new chapter in Title 43 RCW: RCW 43.63B.005, 43.63B.010,
6 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060,
7 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120,
8 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800,
9 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136.

10 ****NEW SECTION. Sec. 14. This act is necessary for the immediate***
11 ***preservation of the public peace, health, or safety, or support of the***
12 ***state government and its existing public institutions, and takes effect***
13 ***immediately.***

**Sec. 14 was vetoed. See message at end of chapter.*

14 NEW SECTION. **Sec. 15.** Section 2 of this act expires if the
15 contingency in RCW 43.63A.490 occurs.

Passed by the House April 17, 2007.
Passed by the Senate April 11, 2007.
Approved by the Governor May 11, 2007, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State May 11, 2007.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 14, Substitute House Bill 2118 entitled:

"AN ACT Relating to 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."

This bill, which requires the transfer of certain responsibilities related to manufactured housing, does not need an emergency clause. Removing the emergency clause moves back the transfer date of the affected programs from July 1 to July 22. While this may create some inconvenience for the agencies in not aligning the program with the biennial budget, it does not result in an interruption of the services being provided since the Department of Community Trade and Economic Development will continue to administer the program until the transfer is complete. We believe that the desire to avoid potential inconvenience should not be treated as a public emergency warranting an emergency clause.

For these reasons, I have vetoed Section 14 of Substitute House Bill 2118.

With the exception of Section 14, Substitute House Bill 2118 is approved."