

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1502

Chapter 158, Laws of 2011

62nd Legislature
2011 Regular Session

MOBILE/MANUFACTURED HOMES--RELOCATION ASSISTANCE--INSTALLATION--
REGULATION

EFFECTIVE DATE: 07/22/11

Passed by the House April 13, 2011
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 30, 2011
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved April 22, 2011, 2:07 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1502** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 22, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1502

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Community Development & Housing (originally sponsored by Representatives Ormsby, Kenney, Smith, Moeller, Sells, Condotta, Ryu, Billig, and Roberts)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to manufactured housing and mobile homes; amending
2 RCW 59.22.010, 59.22.050, 43.22A.100, 46.17.150, 59.20.300, 59.22.020,
3 59.21.050, 35.63.161, 35A.63.146, and 36.70.493; reenacting and
4 amending RCW 43.15.020; creating a new section; and repealing RCW
5 59.22.070 and 59.22.090.

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

7 **Sec. 1.** RCW 59.22.010 and 1995 c 399 s 154 are each amended to
8 read as follows:

9 (1) The legislature finds:

10 (a) That manufactured housing and mobile home parks provide a
11 source of low-cost housing to the low income, elderly, poor and
12 infirmed, without which they could not afford private housing; but
13 rising costs of mobile home park development and operation, as well as
14 turnover in ownership, has resulted in mobile home park living becoming
15 unaffordable to the low income, elderly, poor and infirmed, resulting
16 in increased numbers of homeless persons, and persons who must look to
17 public housing and public programs, increasing the burden on the state
18 to meet the housing needs of its residents;

1 (b) That state government can play a vital role in addressing the
2 problems confronted by mobile home park residents by providing
3 assistance which makes it possible for mobile home park residents to
4 acquire the mobile home parks in which they reside and convert them to
5 resident ownership; and

6 (c) That to accomplish this purpose, information and technical
7 support shall be made available through the department subject to the
8 availability of amounts appropriated for this specific purpose.

9 (2) Therefore, it is the intent of the legislature, in order to
10 maintain low-cost housing in mobile home parks to benefit the low
11 income, elderly, poor and infirmed, to encourage and facilitate the
12 conversion of mobile home parks to resident ownership, to protect low-
13 income mobile home park residents from both physical and economic
14 displacement, to obtain a high level of private financing for mobile
15 home park conversions, and to help establish acceptance for resident-
16 owned mobile home parks in the private market.

17 **Sec. 2.** RCW 59.22.050 and 2008 c 116 s 6 are each amended to read
18 as follows:

19 (~~((1))~~) In order to provide general assistance to
20 (~~(manufactured/mobile home)~~) resident organizations, qualified tenant
21 organizations, (~~(manufactured/mobile home community or park owners, and~~
22 ~~landlords)~~) and tenants, the department shall establish an office of
23 (~~(manufactured — housing)~~) mobile/manufactured __ home __ relocation
24 assistance. This office (~~(will)~~) shall:

25 (1) Subject to the availability of amounts appropriated for this
26 specific purpose, provide, either directly or through contracted
27 services, technical assistance to qualified tenant organizations as
28 defined in RCW 59.20.030 and resident organizations or persons in the
29 process of forming a resident organization pursuant to this chapter
30 (~~(59.22 RCW)~~). The office will keep records of its activities in this
31 area.

32 (2) (~~(The office shall)~~) Administer the mobile home relocation
33 assistance program established in chapter 59.21 RCW, including
34 verifying the eligibility of tenants for relocation assistance.

35 **Sec. 3.** RCW 43.22A.100 and 1994 c 284 s 23 are each amended to
36 read as follows:

1 The manufactured home installation training account is created in
2 the state treasury. All receipts collected under this chapter and RCW
3 46.17.150 and any legislative appropriations for manufactured home
4 installation training shall be deposited into the account. Moneys in
5 the account may only be spent after appropriation. Expenditures from
6 the account may only be used for the purposes of this chapter.
7 Unexpended and unencumbered moneys that remain in the account at the
8 end of the fiscal year do not revert to the state general fund but
9 remain in the account, separately accounted for, as a contingency
10 reserve.

11 **Sec. 4.** RCW 46.17.150 and 2010 c 161 s 510 are each amended to
12 read as follows:

13 Before accepting an application for a transfer of certificate of
14 title for a new or used manufactured home as required in this title and
15 chapter 65.20 RCW, the department, county auditor or other agent, or
16 subagent appointed by the director shall require the applicant to pay
17 a fifteen dollar fee in addition to any other fees and taxes required
18 by law. The fifteen dollar fee must be forwarded to the state
19 treasurer, who shall deposit the fee in the manufactured ((~~housing~~))
20 home installation training account created in RCW ((~~59.22.070~~))
21 43.22A.100.

22 **Sec. 5.** RCW 59.20.300 and 2008 c 116 s 4 are each amended to read
23 as follows:

24 (1) A landlord must provide a written notice of sale of a
25 manufactured/mobile home community by certified mail or personal
26 delivery to:

27 (a) Each tenant of the manufactured/mobile home community;
28 (b) The officers of any known qualified tenant organization;
29 (c) The office of ((~~manufactured housing~~)) mobile/manufactured home
30 relocation assistance;

31 (d) The local government within whose jurisdiction all or part of
32 the manufactured/mobile home community exists;

33 (e) The housing authority within whose jurisdiction all or part of
34 the manufactured/mobile home community exists; and

35 (f) The Washington state housing finance commission.

36 (2) A notice of sale must include:

1 (a) A statement that the landlord intends to sell the
2 manufactured/mobile home community; and

3 (b) The contact information of the landlord or landlord's agent who
4 is responsible for communicating with the qualified tenant organization
5 or eligible organization regarding the sale of the property.

6 **Sec. 6.** RCW 59.22.020 and 2010 c 161 s 1150 are each amended to
7 read as follows:

8 The following definitions shall apply throughout this chapter
9 unless the context clearly requires otherwise:

10 (1) (~~("Account" means the manufactured housing account created~~
11 ~~under RCW 59.22.070.~~

12 ~~(2))~~) "Affordable" means that, where feasible, low-income residents
13 should not pay more than thirty percent of their monthly income for
14 housing costs.

15 ~~((3))~~) (2) "Conversion costs" includes the cost of acquiring the
16 mobile home park, the costs of planning and processing the conversion,
17 the costs of any needed repairs or rehabilitation, and any expenditures
18 required by a government agency or lender for the project.

19 ~~((4))~~) (3) "Department" means the department of commerce.

20 ~~((5) "Fee" means the mobile home title transfer fee imposed under~~
21 ~~RCW 46.17.150.~~

22 ~~(6))~~) (4) "Fund" or "park purchase account" means the mobile home
23 park purchase account created pursuant to RCW 59.22.030.

24 ~~((7))~~) (5) "Housing costs" means the total cost of owning,
25 occupying, and maintaining a mobile home and a lot or space in a mobile
26 home park.

27 ~~((8))~~) (6) "Individual interest in a mobile home park" means any
28 interest which is fee ownership or a lesser interest which entitles the
29 holder to occupy a lot or space in a mobile home park for a period of
30 not less than either fifteen years or the life of the holder.
31 Individual interests in a mobile home park include, but are not limited
32 to, the following:

33 (a) Ownership of a lot or space in a mobile home park or
34 subdivision;

35 (b) A membership or shares in a stock cooperative, or a limited
36 equity housing cooperative; or

1 (c) Membership in a nonprofit mutual benefit corporation which
2 owns, operates, or owns and operates the mobile home park.

3 ((+9+)) (7) "Landlord" shall have the same meaning as it does in
4 RCW 59.20.030.

5 ((+10+)) (8) "Low-income resident" means an individual or household
6 who resided in the mobile home park prior to application for a loan
7 pursuant to this chapter and with an annual income at or below eighty
8 percent of the median income for the county of standard metropolitan
9 statistical area of residence. Net worth shall be considered in the
10 calculation of income with the exception of the resident's
11 mobile/manufactured home which is used as their primary residence.

12 ((+11+)) (9) "Low-income spaces" means those spaces in a mobile
13 home park operated by a resident organization which are occupied by
14 low-income residents.

15 ((+12+)) (10) "Manufactured housing" means residences constructed
16 on one or more chassis for transportation, and which bear an insignia
17 issued by a state or federal regulatory agency indication compliance
18 with all applicable construction standards of the United States
19 department of housing and urban development.

20 ((+13+)) (11) "Mobile home" shall have the same meaning as it does
21 in RCW ((46.04.302)) 43.22.335.

22 ((+14+)) (12) "Mobile home lot" shall have the same meaning as it
23 does in RCW 59.20.030.

24 ((+15+)) (13) "Mobile home park" means a mobile home park, as
25 defined in RCW 59.20.030(10), or a manufactured home park subdivision
26 as defined by RCW 59.20.030(12) created by the conversion to resident
27 ownership of a mobile home park.

28 ((+16+)) (14) "Resident organization" means a group of mobile home
29 park residents who have formed a nonprofit corporation, cooperative
30 corporation, or other entity or organization for the purpose of
31 acquiring the mobile home park in which they reside and converting the
32 mobile home park to resident ownership. The membership of a resident
33 organization shall include at least two-thirds of the households
34 residing in the mobile home park at the time of application for
35 assistance from the department.

36 ((+17+)) (15) "Resident ownership" means, depending on the context,
37 either the ownership, by a resident organization, as defined in this
38 section, of an interest in a mobile home park which entitles the

1 resident organization to control the operations of the mobile home park
2 for a term of no less than fifteen years, or the ownership of
3 individual interests in a mobile home park, or both.

4 ~~((18))~~ (16) "Tenant" means a person who rents a mobile home lot
5 for a term of one month or longer and owns the mobile home on the lot.

6 **Sec. 7.** RCW 59.21.050 and 2010 c 161 s 1149 are each amended to
7 read as follows:

8 (1) The existence of the mobile home park relocation fund in the
9 custody of the state treasurer is affirmed. Expenditures from the fund
10 may be used only for relocation assistance awarded under this chapter.
11 Only the director or the director's designee may authorize expenditures
12 from the fund. All relocation payments to tenants shall be made from
13 the fund. The fund is subject to allotment procedures under chapter
14 43.88 RCW, but no appropriation is required for expenditures.

15 (2) A park tenant is eligible for assistance under this chapter
16 only after an application is submitted by that tenant or an
17 organization acting on the tenant's account under RCW 59.21.021(4) on
18 a form approved by the director which shall include:

19 (a) For those persons who maintained ownership of and relocated
20 their homes or removed their homes from the park: (i) A copy of the
21 notice from the park-owner, or other adequate proof, that the tenancy
22 is terminated due to closure of the park or its conversion to another
23 use; (ii) a copy of the rental agreement then in force, or other proof
24 that the applicant was a tenant at the time of notice of closure; (iii)
25 a copy of the contract for relocating the home which includes the date
26 of relocation, or other proof of actual relocation expenses incurred on
27 a date certain; and (iv) a statement of any other available assistance;

28 (b) For those persons who sold their homes and incurred no
29 relocation expenses: (i) A copy of the notice from the park-owner, or
30 other adequate proof, that the tenancy is terminated due to closure of
31 the park or its conversion to another use; (ii) a copy of the rental
32 agreement then in force, or other proof that the applicant was a tenant
33 at the time of notice of closure; and (iii) a copy of the record of
34 title transfer issued by the department of licensing when the tenant
35 sold the home rather than relocate it due to park closure or
36 conversion.

1 (3) The department may deduct a percentage amount of the fee
2 collected under RCW 46.17.155(~~(, not to exceed five percent of the fees~~
3 ~~received,)~~) for administration expenses incurred by the department.

4 NEW SECTION. **Sec. 8.** Any residual balance of funds remaining in
5 the manufactured housing account must be transferred to the
6 manufactured home installation training account created in RCW
7 43.22A.100. The treasurer shall make the transfer after being notified
8 by the office of financial management that it has completed the
9 financial statement for fiscal year 2011, and no later than December
10 31, 2011.

11 **Sec. 9.** RCW 35.63.161 and 2004 c 210 s 1 are each amended to read
12 as follows:

13 (1) After June 10, 2004, a city may designate a new manufactured
14 housing community as a nonconforming use, but may not order the removal
15 or phased elimination of an existing manufactured housing community
16 because of its status as a nonconforming use.

17 (2) A city may not prohibit the entry or require the removal of a
18 manufactured/mobile home, park model, or recreational vehicle
19 authorized in a manufactured housing community under chapter 59.20 RCW
20 on the basis of the community's status as a nonconforming use.

21 **Sec. 10.** RCW 35A.63.146 and 2004 c 210 s 2 are each amended to
22 read as follows:

23 (1) After June 10, 2004, a code city may designate a manufactured
24 housing community as a nonconforming use, but may not order the removal
25 or phased elimination of an existing manufactured housing community
26 because of its status as a nonconforming use.

27 (2) A code city may not prohibit the entry or require the removal
28 of a manufactured/mobile home, park model, or recreational vehicle
29 authorized in a manufactured housing community under chapter 59.20 RCW
30 on the basis of the community's status as a nonconforming use.

31 **Sec. 11.** RCW 36.70.493 and 2004 c 210 s 3 are each amended to read
32 as follows:

33 (1) After June 10, 2004, a county may designate a manufactured

1 housing community as a nonconforming use, but may not order the removal
2 or phased elimination of an existing manufactured housing community
3 because of its status as a nonconforming use.

4 (2) A county may not prohibit the entry or require the removal of
5 a manufactured/mobile home, park model, or recreational vehicle
6 authorized in a manufactured housing community under chapter 59.20 RCW
7 on the basis of the community's status as a nonconforming use.

8 **Sec. 12.** RCW 43.15.020 and 2010 1st sp.s. c 7 s 136 and 2010 c 271
9 s 704 are each reenacted and amended to read as follows:

10 The lieutenant governor serves as president of the senate and is
11 responsible for making appointments to, and serving on, the committees
12 and boards as set forth in this section.

13 (1) The lieutenant governor serves on the following boards and
14 committees:

- 15 (a) Capitol furnishings preservation committee, RCW 27.48.040;
- 16 (b) Washington higher education facilities authority, RCW
17 28B.07.030;
- 18 (c) Productivity board, also known as the employee involvement and
19 recognition board, RCW 41.60.015;
- 20 (d) State finance committee, RCW 43.33.010;
- 21 (e) State capitol committee, RCW 43.34.010;
- 22 (f) Washington health care facilities authority, RCW 70.37.030;
- 23 (g) State medal of merit nominating committee, RCW 1.40.020;
- 24 (h) Medal of valor committee, RCW 1.60.020; and
- 25 (i) Association of Washington generals, RCW 43.15.030.

26 (2) The lieutenant governor, and when serving as president of the
27 senate, appoints members to the following boards and committees:

- 28 (a) Civil legal aid oversight committee, RCW 2.53.010;
- 29 (b) Office of public defense advisory committee, RCW 2.70.030;
- 30 (c) Washington state gambling commission, RCW 9.46.040;
- 31 (d) Sentencing guidelines commission, RCW 9.94A.860;
- 32 (e) State building code council, RCW 19.27.070;
- 33 (f) Financial education public-private partnership, RCW
34 28A.300.450;
- 35 (g) Joint administrative rules review committee, RCW 34.05.610;
- 36 (h) Capital projects advisory review board, RCW 39.10.220;
- 37 (i) Select committee on pension policy, RCW 41.04.276;

- 1 (j) Legislative ethics board, RCW 42.52.310;
2 (k) Washington citizens' commission on salaries, RCW 43.03.305;
3 (l) Legislative oral history committee, RCW 44.04.325;
4 (m) State council on aging, RCW 43.20A.685;
5 (n) State investment board, RCW 43.33A.020;
6 (o) Capitol campus design advisory committee, RCW 43.34.080;
7 (p) Washington state arts commission, RCW 43.46.015;
8 (q) Information services board, RCW 43.105.032;
9 (r) Council for children and families, RCW 43.121.020;
10 (s) PNWER-Net working subgroup under chapter 43.147 RCW;
11 (t) Community economic revitalization board, RCW 43.160.030;
12 (u) Washington economic development finance authority, RCW
13 43.163.020;
14 (v) Life sciences discovery fund authority, RCW 43.350.020;
15 (w) Legislative children's oversight committee, RCW 44.04.220;
16 (x) Joint legislative audit and review committee, RCW 44.28.010;
17 (y) Joint committee on energy supply and energy conservation, RCW
18 44.39.015;
19 (z) Legislative evaluation and accountability program committee,
20 RCW 44.48.010;
21 (aa) Agency council on coordinated transportation, RCW 47.06B.020;
22 (bb) (~~(Manufactured housing task force, RCW 59.22.090;~~
23 ~~(cc))~~) Washington horse racing commission, RCW 67.16.014;
24 (~~(dd))~~ (cc) Correctional industries board of directors, RCW
25 72.09.080;
26 (~~(ee))~~ (dd) Joint committee on veterans' and military affairs,
27 RCW 73.04.150;
28 (~~(ff))~~ (ee) Joint legislative committee on water supply during
29 drought, RCW 90.86.020;
30 (~~(gg))~~ (ff) Statute law committee, RCW 1.08.001; and
31 (~~(hh))~~ (gg) Joint legislative oversight committee on trade
32 policy, RCW 44.55.020.

33 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
34 each repealed:

- 35 (1) RCW 59.22.070 (Manufactured housing account) and 2007 c 432 s
36 10, 1995 c 399 s 156, 1989 c 201 s 8, & 1988 c 280 s 5; and

1 (2) RCW 59.22.090 (Manufactured housing task force--Duties--
2 Membership) and 1998 c 245 s 105 & 1991 c 327 s 4.

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