

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5868

54th Legislature
1995 Regular Session

Passed by the Senate March 15, 1995
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 10, 1995
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5868** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5868

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Financial Institutions & Housing (originally sponsored by Senators Prentice, Fraser, Cantu, Winsley and Rasmussen; by request of Department of Community, Trade, and Economic Development)

Read first time 03/01/95.

1 AN ACT Relating to mobile home relocation assistance; amending RCW
2 59.21.010, 59.21.030, 59.21.040, 59.21.050, and 59.21.070; reenacting
3 and amending RCW 59.21.105 and 43.84.092; reenacting RCW 59.21.005;
4 adding new sections to chapter 59.21 RCW; creating a new section;
5 repealing RCW 59.21.020, 59.21.035, 59.21.080, 59.21.085, 59.21.095,
6 59.21.900, 59.21.901, 59.21.902, and 59.21.903; and declaring an
7 emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature recognizes that, in the
10 decision of *Guimont et al. v. Clarke*, 121 Wn.2d (1993), the Washington
11 supreme court held the mobile home relocation assistance program of
12 chapter 59.21 RCW invalid for its monetary burden on mobile home park-
13 owners. However, during the program's operation, substantial funds
14 were validly collected from mobile home owners and accumulated in the
15 mobile home park relocation fund, created under the program. The
16 legislature intends to utilize those funds for the purposes for which
17 they were collected. The legislature also recognizes that, for a
18 period of almost three years since this state's courts invalidated the
19 program, no such assistance was available. The most needy tenants may

1 have been forced to sell or abandon rather than relocate their homes in
2 the face of park closures. Because the purpose of the program was to
3 assist relocation, those persons should be compensated in a like manner
4 to those who could afford to pay for relocation without assistance. To
5 that end, the legislature has: (1) Repealed RCW 59.21.020, 59.21.035,
6 59.21.080, 59.21.085, 59.21.095, 59.21.900, 59.21.901, 59.21.902, and
7 59.21.903; (2) amended RCW 59.21.010, 59.21.030, 59.21.040, 59.21.050,
8 59.21.070, 59.21.100, 59.21.110, and 43.84.092; (3) reenacted without
9 amendment RCW 59.21.005 and 59.21.105; and (4) added new sections to
10 chapter 59.21 RCW.

11 **Sec. 2.** RCW 59.21.005 and 1991 c 327 s 8 are each reenacted to
12 read as follows:

13 The legislature recognizes that it is quite costly to move a mobile
14 home. Many mobile home tenants need financial assistance in order to
15 move their mobile homes from a mobile home park. The purpose of this
16 chapter is to provide a mechanism for assisting mobile home tenants to
17 relocate to suitable alternative sites when the mobile home park in
18 which they reside is closed or converted to another use.

19 **Sec. 3.** RCW 59.21.010 and 1991 c 327 s 10 are each amended to read
20 as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter.

23 (1) "Director" means the director of the department of community,
24 trade, and economic development.

25 (2) "Department" means the department of community, trade, and
26 economic development.

27 (3) "Fund" means the mobile home park relocation fund established
28 under RCW 59.21.050 (~~((consisting of park owner fee payments under RCW~~
29 ~~59.21.095 as well as park owner payments when there are insufficient~~
30 ~~moneys in its fund))).~~

31 (4) (~~("Low income" means at or below eighty percent of median~~
32 ~~household income as defined by the United States department of housing~~
33 ~~and urban development, for the county or standard metropolitan~~
34 ~~statistical area where the park is located.~~

35 ~~(5))~~ "Mobile home park" or "park" means real property that is
36 rented or held out for rent to others for the placement of two or more
37 mobile homes for the primary purpose of production of income, except

1 where the real property is rented or held out for rent for seasonal
2 recreational purpose only and is not intended for year-round occupancy.

3 ~~((6))~~ (5) "Landlord" or "park-owner" means the owner of the
4 mobile home park that is being closed at the time relocation assistance
5 is provided.

6 ~~((7))~~ (6) "Relocate" means to remove the mobile home from the
7 mobile home park being closed.

8 ~~((8))~~ (7) "Relocation assistance" means the monetary assistance
9 provided under RCW 59.21.020.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 59.21 RCW
11 to read as follows:

12 (1) If a mobile home park is closed or converted to another use
13 after June 30, 1991, and before January 1, 1996, each tenant therein
14 owning their mobile home at the time of closure or conversion is
15 entitled to relocation assistance from the fund as follows, upon
16 sufficient proof of eligibility.

17 (2) Persons who maintained ownership of and relocated their mobile
18 homes are entitled to their actual costs of relocation, up to a maximum
19 of six thousand five hundred dollars for a double-wide mobile home and
20 three thousand five hundred dollars for a single-wide mobile home.

21 (3) Persons who sold or abandoned their mobile homes without
22 incurring relocation expenses are entitled to a flat reimbursement of
23 three thousand five hundred dollars for a double-wide mobile home and
24 one thousand five hundred dollars for a single-wide mobile home.

25 (4) The department will accept applications for this assistance
26 from the effective date of this act until December 31, 1995. At the
27 end of that period, the department shall determine the validity of all
28 claims.

29 (5) Upon determination of the number and amount of valid claims,
30 the department shall disburse the funds in the mobile home park
31 relocation fund as follows: (a) If sufficient funds exist to pay all
32 the claims, the department shall pay each claim fully; and (b) if
33 sufficient funds do not exist, the department shall pay each claim on
34 a pro rata basis.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 59.21 RCW
36 to read as follows:

1 (1) If a mobile home park is closed or converted to another use
2 after December 31, 1995, eligible tenants shall be entitled to
3 assistance on a first-come, first-serve basis. Payments shall be made
4 upon the department's verification of eligibility, subject to the
5 availability of funds remaining after the distribution under section 4
6 of this act.

7 (2) Assistance for closures occurring after December 31, 1995, is
8 limited to persons who maintain ownership of and relocate their mobile
9 home.

10 (3) Except under subsection (4) of this section, assistance shall
11 be subject to the levels set forth in section 4(2) of this act.

12 (4) Any organization may apply to receive funds from the mobile
13 home park relocation fund, for use in combination with funds from
14 public or private sources, toward relocation of tenants eligible under
15 this section. Funds received from the mobile home park relocation fund
16 shall only be used for relocation assistance.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 59.21 RCW
18 to read as follows:

19 If financial assistance for relocation is obtained from sources
20 other than the mobile home park relocation fund established under this
21 chapter, then the relocation assistance provided to any person under
22 this chapter shall be reduced as necessary to ensure that no person
23 receives more than: (1) That person's actual cost of relocation; or
24 (2) the amounts provided under section 4(3) of this act, whichever
25 applies.

26 **Sec. 7.** RCW 59.21.030 and 1990 c 171 s 3 are each amended to read
27 as follows:

28 Notice required by RCW 59.20.080 before park closure or conversion
29 of the park, whether twelve months or longer, shall be given to the
30 director and all tenants in writing, and posted at all park entrances.
31 (~~Notice must also include the tenant's right to relocation assistance,~~
32 ~~if applicable.)) A copy of the closure notice must be provided with all
33 month-to-month rental agreements signed after the original closure
34 notice date. Notice to the director must include a good faith estimate
35 of the timetable for removal of the mobile homes and the reason for
36 closure. Notice must also be recorded in the office of the county
37 auditor for the county where the mobile home park is located. ((This~~

1 ~~section shall apply to all park closures even though notice may have~~
2 ~~been given prior to April 28, 1989.)~~)

3 **Sec. 8.** RCW 59.21.040 and 1989 c 201 s 4 are each amended to read
4 as follows:

5 A tenant is not entitled to relocation assistance under ((RCW
6 59.21.020)) this chapter if: (1) The tenant has given notice to the
7 landlord of his or her intent to vacate the park and terminate the
8 tenancy before any written notice of ((termination required by the
9 landlord under this chapter)) closure pursuant to RCW 59.20.080(1)(e)
10 has been given, or (2) ((a person purchases)) the tenant purchased a
11 mobile home already situated in the park or ((moves)) moved a mobile
12 home into the park after a written notice of closure ((or change of use
13 notice)) pursuant to RCW 59.20.090 has been given and the person
14 ((has)) received actual prior notice of the change or closure.
15 However, no tenant may be denied relocation assistance under subsection
16 (1) of this section if the tenant has remained on the premises and
17 continued paying rent for a period of as least six months after giving
18 notice of intent to vacate and before receiving formal notice of a
19 closure or change of use.

20 **Sec. 9.** RCW 59.21.050 and 1991 sp.s. c 13 s 74 are each amended to
21 read as follows:

22 (1) ~~((The mobile home park relocation fund is created in the~~
23 ~~custody of the state treasurer. All legislative appropriations for~~
24 ~~mobile home relocation assistance, receipts from fees collected under~~
25 ~~this chapter, and amounts required to be paid by park owners to low-~~
26 ~~income park tenants when there are insufficient moneys in the fund~~
27 ~~shall be deposited into the fund. Expenditures from the fund may be~~
28 ~~used only for relocation assistance under RCW 59.21.020, or transfer to~~
29 ~~the mobile home park purchase fund under subsection (2) of this~~
30 ~~section. Only the director of community development or the director's~~
31 ~~designee may authorize expenditures from the fund. All relocation~~
32 ~~payments to low income park tenants, including those due from the park-~~
33 ~~owner shall be made from the fund. The fund is subject to allotment~~
34 ~~procedures under chapter 43.88 RCW, but no appropriation is required~~
35 ~~for expenditures.~~

36 (2) ~~Unexpended and unencumbered moneys that remain in the fund at~~
37 ~~the end of the fiscal year do not revert to the state general fund but~~

1 remain in the fund, separately accounted for, as a contingency reserve,
2 or if the director determines at the end of any fiscal year beginning
3 after December 31, 1991, that the fund contains a surplus over the
4 projected amount needed for relocation during the upcoming year(s), any
5 surplus may be transferred to the mobile home park purchase fund
6 created by chapter 59.22 RCW. However, the director may cause any
7 uncommitted funds in the mobile home park purchase fund which were
8 transferred from the mobile home park relocation fund to be transferred
9 back to the mobile home park relocation fund if that fund cannot
10 otherwise meet its current obligations.

11 (3) A low income park tenant who is entitled to relocation
12 assistance under this chapter is entitled to payment only after
13 submitting an application which includes: (a) A copy of the notice
14 from the park owner that the tenancy is terminated due to closure of
15 the park; (b) a copy of the rental agreement currently in force; and
16 (c) a copy of the contract entered into for the purpose of relocating
17 the mobile home, which includes the date of relocation.

18 (4) The director may adopt rules for the administration of the
19 fund)) The existence of the mobile home park relocation fund in the
20 custody of the state treasurer is affirmed. Expenditures from the fund
21 may be used only for relocation assistance under sections 4 through 6
22 of this act. Only the director or the director's designee may
23 authorize expenditures from the fund. All relocation payments to
24 tenants shall be made from the fund. The fund is subject to allotment
25 procedures under chapter 43.88 RCW, but no appropriation is required
26 for expenditures.

27 (2) A park tenant is eligible for assistance under section 4 of
28 this act only after an application is submitted by that tenant or an
29 organization acting on the tenant's account under section 5(4) of this
30 act on a form approved by the director which shall include:

31 (a) For those persons who maintained ownership of and relocated
32 their homes: (i) A copy of the notice from the park-owner, or other
33 adequate proof, that the tenancy is terminated due to closure of the
34 park or its conversion to another use; (ii) a copy of the rental
35 agreement then in force, or other proof that the applicant was a tenant
36 at the time of notice of closure; (iii) a copy of the contract for
37 relocating the home which includes the date of relocation, or other
38 proof of actual relocation expenses incurred on a date certain; and
39 (iv) a statement of any other available assistance;

1 (b) For those persons who sold their homes and incurred no
2 relocation expenses: (i) A copy of the notice from the park-owner, or
3 other adequate proof, that the tenancy is terminated due to closure of
4 the park or its conversion to another use; (ii) a copy of the rental
5 agreement then in force, or other proof that the applicant was a tenant
6 at the time of notice of closure; and (iii) a copy of the record of
7 title transfer issued by the department of licensing when the tenant
8 sold the home rather than relocate it due to park closure or
9 conversion.

10 **Sec. 10.** RCW 59.21.070 and 1989 c 201 s 10 are each amended to
11 read as follows:

12 If the rental agreement includes a covenant by the landlord as
13 described in RCW 59.20.060(1)((+e))(g)(i), the covenant runs with the
14 land and is binding upon the purchasers, successors, and assigns of the
15 landlord.

16 **Sec. 11.** RCW 59.21.105 and 1991 c 327 s 16 are each reenacted and
17 amended to read as follows:

18 (1) The legislature finds that existing older mobile homes provide
19 affordable housing to many persons (~~of low income~~), and that
20 requiring these homes that are legally located in mobile home parks to
21 meet new fire, safety, and construction codes because they are
22 relocating due to the closure or conversion of the mobile home park,
23 compounds the economic burden facing these tenants.

24 (2) Mobile homes that are relocated due to either the closure or
25 conversion of a mobile home park, may not be required by any city or
26 county to comply with the requirements of any applicable fire, safety,
27 or construction code for the sole reason of its relocation. This
28 section shall only apply if the original occupancy classification of
29 the building is not changed as a result of the move.

30 (3) This section shall not apply to mobile homes that are
31 substantially remodeled or rehabilitated, nor to any work performed in
32 compliance with installation requirements. For the purpose of
33 determining whether a moved mobile home has been substantially
34 remodeled or rebuilt, any cost relating to preparation for relocation
35 or installation shall not be considered.

1 **Sec. 12.** RCW 43.84.092 and 1994 c 2 s 6 (Initiative Measure No.
2 601), 1993 sp.s. c 25 s 511, 1993 sp.s. c 8 s 1, 1993 c 500 s 6, 1993
3 c 492 s 473, 1993 c 445 s 4, 1993 c 329 s 2, and 1993 c 4 s 9 are each
4 reenacted and amended to read as follows:

5 (1) All earnings of investments of surplus balances in the state
6 treasury shall be deposited to the treasury income account, which
7 account is hereby established in the state treasury.

8 (2) The treasury income account shall be utilized to pay or receive
9 funds associated with federal programs as required by the federal cash
10 management improvement act of 1990. The treasury income account is
11 subject in all respects to chapter 43.88 RCW, but no appropriation is
12 required for refunds or allocations of interest earnings required by
13 the cash management improvement act. Refunds of interest to the
14 federal treasury required under the cash management improvement act
15 fall under RCW 43.88.180 and shall not require appropriation. The
16 office of financial management shall determine the amounts due to or
17 from the federal government pursuant to the cash management improvement
18 act. The office of financial management may direct transfers of funds
19 between accounts as deemed necessary to implement the provisions of the
20 cash management improvement act, and this subsection. Refunds or
21 allocations shall occur prior to the distributions of earnings set
22 forth in subsection (4) of this section.

23 (3) Except for the provisions of RCW 43.84.160, the treasury income
24 account may be utilized for the payment of purchased banking services
25 on behalf of treasury funds including, but not limited to, depository,
26 safekeeping, and disbursement functions for the state treasury and
27 affected state agencies. The treasury income account is subject in all
28 respects to chapter 43.88 RCW, but no appropriation is required for
29 payments to financial institutions. Payments shall occur prior to
30 distribution of earnings set forth in subsection (4) of this section.

31 (4) Monthly, the state treasurer shall distribute the earnings
32 credited to the treasury income account. The state treasurer shall
33 credit the general fund with all the earnings credited to the treasury
34 income account except:

35 (a) The following accounts and funds shall receive their
36 proportionate share of earnings based upon each account's and fund's
37 average daily balance for the period: The capitol building
38 construction account, the Cedar River channel construction and
39 operation account, the Central Washington University capital projects

1 account, the charitable, educational, penal and reformatory
2 institutions account, the common school construction fund, the county
3 criminal justice assistance account, the county sales and use tax
4 equalization account, the data processing building construction
5 account, the deferred compensation administrative account, the deferred
6 compensation principal account, the department of retirement systems
7 expense account, the Eastern Washington University capital projects
8 account, the education construction fund, the emergency reserve fund,
9 the federal forest revolving account, the health services account, the
10 public health services account, the health system capacity account, the
11 personal health services account, the industrial insurance premium
12 refund account, the judges' retirement account, the judicial retirement
13 administrative account, the judicial retirement principal account, the
14 local leasehold excise tax account, the local real estate excise tax
15 account, the local sales and use tax account, the medical aid account,
16 the mobile home park relocation fund, the municipal criminal justice
17 assistance account, the municipal sales and use tax equalization
18 account, the natural resources deposit account, the perpetual
19 surveillance and maintenance account, the public employees' retirement
20 system plan I account, the public employees' retirement system plan II
21 account, the Puyallup tribal settlement account, the resource
22 management cost account, the site closure account, the special wildlife
23 account, the state employees' insurance account, the state employees'
24 insurance reserve account, the state investment board expense account,
25 the state investment board commingled trust fund accounts, the
26 supplemental pension account, the teachers' retirement system plan I
27 account, the teachers' retirement system plan II account, the tuition
28 recovery trust fund, the University of Washington bond retirement fund,
29 the University of Washington building account, the volunteer fire
30 fighters' relief and pension principal account, the volunteer fire
31 fighters' relief and pension administrative account, the Washington
32 judicial retirement system account, the Washington law enforcement
33 officers' and fire fighters' system plan I retirement account, the
34 Washington law enforcement officers' and fire fighters' system plan II
35 retirement account, the Washington state patrol retirement account, the
36 Washington State University building account, the Washington State
37 University bond retirement fund, the water pollution control revolving
38 fund, and the Western Washington University capital projects account.
39 Earnings derived from investing balances of the agricultural permanent

1 fund, the normal school permanent fund, the permanent common school
2 fund, the scientific permanent fund, and the state university permanent
3 fund shall be allocated to their respective beneficiary accounts. All
4 earnings to be distributed under this subsection (4)(a) shall first be
5 reduced by the allocation to the state treasurer's service fund
6 pursuant to RCW 43.08.190.

7 (b) The following accounts and funds shall receive eighty percent
8 of their proportionate share of earnings based upon each account's or
9 fund's average daily balance for the period: The marine operating
10 fund, the motor vehicle fund, and the transportation fund.

11 (5) In conformance with Article II, section 37 of the state
12 Constitution, no treasury accounts or funds shall be allocated earnings
13 without the specific affirmative directive of this section.

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

16 (1) RCW 59.21.020 and 1991 c 327 s 11, 1990 c 171 s 2, & 1989 c 201
17 s 2;

18 (2) RCW 59.21.035 and 1990 c 171 s 4;

19 (3) RCW 59.21.080 and 1990 c 171 s 9 & 1989 c 201 s 11;

20 (4) RCW 59.21.085 and 1991 c 327 s 15;

21 (5) RCW 59.21.095 and 1991 c 327 s 9;

22 (6) RCW 59.21.900 and 1989 c 201 s 17;

23 (7) RCW 59.21.901 and 1991 c 327 s 17;

24 (8) RCW 59.21.902 and 1991 c 327 s 19; and

25 (9) RCW 59.21.903 and 1991 c 327 s 20.

26 NEW SECTION. **Sec. 14.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and shall take
33 effect immediately.

--- END ---