

SENATE BILL REPORT

SB 6647

As of February 01, 2006

Title: An act relating to manufactured/mobile homes.

Brief Description: Resolving disputes involving manufactured/mobile homes.

Sponsors: Senator Fairley.

Brief History:

Committee Activity: Financial Institutions, Housing & Consumer Protection: 1/31/06.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & CONSUMER PROTECTION

Staff: Jennifer Arnold (786-7471)

Background: The Manufactured/Mobile Home Landlord-Tenant Act (MHLTA) governs the relationship between the manufactured/mobile homeowners, who rent the lot where their home is located, and the owners of such parks and communities.

The Office of Mobile Home Affairs exists within the Department of Community, Trade, and Economic Development (CTED) to provide ombudsman service and technical assistance to owners of manufactured housing communities and mobile home parks and the owners of homes located within those communities and parks.

Current law requires mediation that is voluntarily entered into by landlords and tenants to be conducted by an independent third party or settled through industry mediation procedures.

Manufactured/mobile home park owners and the homeowners have a unique relationship, in that it can be difficult and expensive to move or relocate a home after occupancy has started. Therefore, there are concerns that this relationship can lead to bargaining inequalities and that a complaint resolution process is necessary in order to give homeowners adequate remedies and foster fair and honest competition.

As a result of previous legislation, in December of 2005 CTED submitted recommendations to the legislature on: changes to the existing law for dispute resolution; changes that should be made to the department's ombudsman and investigative program; resources necessary to retain or improve the department's program; and the necessity for administrative enforcement of the MHLTA.

Summary of Substitute Bill: The Office of Mobile Home Affairs within CTED is renamed the Office of Manufactured Housing (OMH).

Voluntary Training Program. The OMH must develop a voluntary training program for landlords and park owners, which must include at a minimum: information on the laws and regulations relating to mobile homes and manufactured communities and information on

developing and improving basic communication and dispute resolution skills. It is optional, at the landlord or park owner's discretion, to attend these training courses.

Database Maintenance and Updates. CTED is required to continually maintain and update a database that includes, at a minimum: the number of complaints received, the nature and extent of the complaints received, and the outcome of the complaint investigation.

Mediation. It is provided that mediators used under the MHLTA must be either: (1) with a dispute resolution center or (2) a neutral third party, approved by CTED.

Application of the Program to Recreational Vehicles. Recreational vehicle is defined, for the purposes of OMH's Ombudsman Program, to include travel trailers, motor homes, truck campers, or camping trailers that are: (1) used primarily as a primary residence; and (2) located in a mobile home park or manufactured housing community.

Public Records Disclosure Exemption. All office records and files collected by the OMH, as part of the program created under this bill, that contain identifying or personal information about the complainant or respondent are exempt from public inspection and copying.

Substitute Bill Compared to Original Bill: The bill as referred to committee was not considered.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: None.

Testimony Against: None.

Testimony Other: There are concerns regarding the definition of recreational vehicle used in this bill. In regards to dispute resolution, there should be a requirement that the mediator be knowledgeable in the area of manufactured housing landlord-tenant law. A voluntary landlord training program, operated by CTED, is not necessary, as the Manufactured Housing Communities already run a training program. Columbia Legal Services supports the included definition of recreational vehicle, but this bill overall is not sufficient to address tenants' concerns; there needs to be consequences for park owners that do not follow the law. Enforcement provisions should be added.

Who Testified: OTHER: John Woodring, Manufactured Housing Communities of Washington; Ishbel Dickens, Columbia Legal Services.